

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 083-2017

To: Mayor Gabriel Groisman and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager

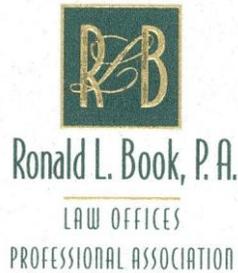
Date: April 28, 2017

Subject: **Legislative Session Week 7 Report - March 17-21, 2017**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 7 Report provided by Ron L. Book.

If you have any questions or need any additional information, please feel free to contact me.

JMG/AC



## 2017 Session Week 7 Report

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During week 7, an extremely unfortunate event occurred between members of the Florida Senate, which has been in the news, and which is unnecessary to restate here. It sent the entire Senate into a week of turmoil, and ended Friday with the resignation of a Senate member. This upheaval has had an influence on the legislative process as members were preoccupied with the situation. A gaming committee, scheduled for Thursday afternoon was cancelled, also in part by a court ruling on gaming that was released Thursday morning. Additionally, the Budget conference has not begun, and as of this writing, the House and Senate leadership have not agreed to allocations. Allocations are the overall amounts of funding for each segment of the budget, that must be agreed upon so that conference can begin. At this point, we expect that these allocations could be announced early next week, after which, the House and Senate leadership would set the conference schedule. To stay on schedule for an on time ending of the Legislative Session May 5<sup>th</sup>, budget conference must begin this week.

**Budget Project Update:** As of today, there has been no movement on individual budget projects, as the budget conference process has not yet begun. We have met with all Appropriations subcommittee chairmen to re-emphasize Bal Harbour's budget priorities, and will be doing another round of appropriations meetings again early next week.

- **Water Project: Sanitary Sewer System Improvements** Sponsored by Representative Geller and Senator Campbell. This budget request would partially fund the sanitary sewer improvements throughout the Village. Local Match: 97% Amount Requested: \$850,000

The Bal Harbour Village-Utility Master Plan is funded in the Senate budget at \$425,000, but is not funded in the House budget.

**Beach Renourishment/The Village Sand Bypass Project:** Our firm is in ongoing conversations with County staff regarding the status of the Sand Bypass project. The Miami-Dade County Mayor's staff is reviewing our request to update the master plan with his department, and we should have more information in the next few weeks.

**Beach Renourishment Funding/Coastal Management:** SB 1590 (Latvala) HB 1213 (Peters) The bill would allocate \$50 million a year, or 7.6%, whichever is less, from the state's Land Acquisition Trust Fund. The bill would require the Department of Environmental Protection to develop a new three-year plan for beach restoration projects, similar to the state's five-year transportation work plan. In this three-year plan, projects would be scored on their return on investment and economic impact. It also would refocus attention on sand management at inlets and seek a revision in a ranking system so the most serious erosion problems are prioritized.

SB 1590 passed the Appropriations committee with a vote of 16 – 0, and is now ready for the full Senate.

HB 1213 was not heard this week.

**Public Records/Attorney's Fees:** SB 80 (Steube) and HB 163 (Burgess) As reported, these companion bills grant discretion to a court to award attorney fees and costs relating to public records. CS/CS/SB 80 requires a court to award attorney fees and enforcement costs in actions to enforce public records laws if the court determines that an agency unlawfully refused access to a public record and the plaintiff provided written notice identifying the public records request to an agency records custodian at least 5 business days before filing the action.

The 5-day notice period excludes holidays and weekends. Advance written notice is not required if the agency does not prominently post contact information for its records custodian in the agency's primary administrative building in which public records are kept and on the agency's website, if the agency has a website.

However, if the court determines that a plaintiff requested records or filed the enforcement action based on an improper purpose, the court must award reasonable costs and attorney fees against the plaintiff. An improper purpose is one in which a person requests records mainly to harass an agency, cause a violation of the public records law, or for frivolous purpose.

The bill further specifies that monetary damages are not available in an action to enforce the public records laws.

SB 80 and HB 163 have passed the Senate 38 – 0, and the House 115 – 0, and will next be sent to the Governor for action.

**Vacation Rentals:** SB 188 (Steube) and HB 425 (LaRosa) We have worked to oppose the preemption of local governments in regulating vacation rentals in local communities. We have met with members of the Community Affairs committee to express our opposition, prior to the hearing. We also are meeting with the members of the Rule committee in the Senate. In the House, we have also held a series of meetings with the Commerce committee members regarding this bill. During the committee meeting, a late-filed, strike all amendment was filed by Senator Brandes, and passed. This amendment, now the full bill, reads as follows:

Section 1. Paragraph (b) of subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties. (7) PREEMPTION AUTHORITY.

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011, including when such law, ordinance, or regulation: 1. Is being amended to be less restrictive; or 2. Reduces local regulatory burdens on vacation rentals owned, in whole or in part, by a person who is currently serving on active duty or temporary duty in a branch of the United States Armed Services or owned by a disabled veteran with a service-connected evaluation of such disability of 30 percent or more, according to the United States Department of Veterans Affairs.

Section 2. This act shall take effect upon becoming a law.

Therefore, SB 188 allows for local regulations that were adopted on or before June 1, 2011, that prohibit

vacation rentals or regulate the duration or frequency of rental of vacation rentals, to continue to exist. These can be amended to be less restrictive and to provide relief from regulatory burdens on military personnel.

SB 188 as amended, passed Community Affairs committee this week, 5 – 3, and will be heard in the Rules committee on 4/25.

HB 425, still drafted as the earlier version, will be heard in the Commerce committee on 4/24. We are watching for similar amendments to this bill.

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