

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

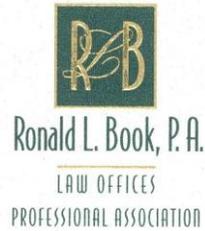
NO. 047-2018

To: Mayor Gabriel Groisman and Members of the Village Council
From: Jorge M. Gonzalez, Village Manager 
Date: March 9, 2018
Subject: **Legislative Session Week 8 Report - February 26 - March 2, 2018**

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 8 Report provided by Ron L. Book.

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

JMG/AC



2018 Session Week 8 Report

Enclosed is our 2018 Session, Week 8 Report. Please let us know if you have questions on issues included in this report, or on any other issue of concern. We will be happy to provide information to you.

BUDGET UPDATE:

As of last evening, the legislature did not complete budget negotiations and did not finalize the budget.

Procedurally, to comply with the required 72-hour waiting period prior to a vote, the completed budget would have had to be completed sometime Tuesday, 3/6, allowing for a budget vote on Friday, 3/9, (the scheduled end of the 2018 Regular Session).

Last night, the Speaker announced that since the budget was not completed, the best case scenario is that the Legislature would extend into Saturday, or more likely, extend or be called back into session on Monday. This means funding items are officially not finalized. We will continue to update you as this moves forward.

If you have any questions on the budget process, please call or email us and we are happy to provide any information you may need.

LEGISLATIVE ISSUES

Vacation Rentals: CS/SB 1400 by Senator Steube and HB 773 by Representative La Rosa

The Senate bill has not been heard in its last committee of reference, Appropriations, which is not likely to meet again. However unlikely, this could change.

Last week, the original version of HB 773, and two amendments, passed, 13 – 11 but the bill has not been heard since its last committee. It does still have a reference to the Commerce committee.

As last amended in the House Government Accountability committee, the bill authorizes local governments to regulate activities that arise when a property is used as a vacation rental, as long as such regulations apply uniformly to all residential properties. Also, the bill keeps the current preemption that local governments cannot prohibit vacation rentals or regulate the duration or frequency of vacation rentals, and keeps the current grandfathering provision which allows for any local government's regulation

of vacation rentals on or before June 1, 2011. Lastly, the bill states that the local government can change duration or frequency regulations, as long as the changes are less restrictive.

The bill addresses sexual predators staying at a vacation rental, requiring the operator of any public lodging establishment to ask at check in, if any guest of the public lodging establishment is a sexual predator, and then immediately inform all other guests staying there. Additionally, the bill addresses both sexual offenders and sexual predators, requiring the offenders to register at the sheriff's office in the county where the sexual offender is temporarily residing at the vacation rental, 48 hours prior to arriving at the vacation rental, regardless of the length of stay. Additionally, a vacation rental owner or operator, who rents a vacation rental to a sex offender, must notify property owners within 1,000 feet of the rented property, 24 hours prior to the sex offender's arrival. The state (Division within DBPR) may fine, suspend, or revoke the license of any vacation rental owner, when the rental is not in compliance with this provision.

Every Internet advertisement or on-line posting of a vacation rental must prominently display the complete physical street address of the vacation rental along with a link to a website created by the Department of Law Enforcement, to notify the public of any information regarding sexual predators.

This advertisement or posting must also prominently display a link to s. 943.0435, and state "Every sexual offender and sexual predator intending to stay at a location in Florida is required by Florida law to register in accordance with s. 509.606."

County and Municipal Public Officers and Employees: SB 1180 by Senator Steube and HB 815 by Representative Avila

Both the House and Senate bills have been amended to only apply to travel outside of the state and international travel. Both bills were amended to require county and municipal public officers to request authorization at a public meeting for travel out of state or internationally, prior to travel, (unless good cause can be shown as to why it could not be presented prior to travel). The amendment also requires each county, county constitutional officer, and municipality to adopt a uniform travel policy applicable to its officers and employees, and to include a separate line item in their budget for travel expenses.

SB 1180 as amended, passed Community Affairs, 7 – 0 on 2/20, and has one committee reference, Rules, remaining.

HB 815 will be heard on third reading in the House on 3/5.

Public Meetings and Records/ Imminent Litigation: SB 560 by Senator Steube and HB 439 by Representative Donalds

SB 560 expands the current public meeting exemption that allows a governmental entity and its attorney to meet privately to discuss pending litigation. Under this bill, the governmental entity and its attorney may also meet to discuss "imminent litigation." Litigation is defined to be imminent when the entity has received notice of a claim or demand by a party threatening litigation before a court of administrative agency.

For the meeting to be legal, the attorney must identify the name of the potential claimant or litigant at a public meeting, in addition to meeting other existing requirements. If the imminent litigation does not

begin, the transcript of the private meeting must be made part of the public record after a reasonable time or when the underlying statute of limitations expires.

SB 560 is available for the floor but has not moved since 1/25, and HB 439 has not passed its last committee of reference.

Public Records: This bill, SB 750 and HB 273, has been temporarily postponed in the Senate Judiciary committee in two separate committee hearings. It appears the committee votes are not in support. However, we are including this as a bill we continue to watch.

This bill would prohibit an agency, including state and local government entities, from responding to a public records request (to inspect or copy a public record) by filing a civil action against the individual or entity making the request. However, there is some difficulty in its interpretation in that it could apply to any litigation, and therefore the bill has stalled. It is unclear that this bill will have the votes to move forward, but we did want to include this in our report.

The House bill has passed the House, however, SB 750, has been temporarily postponed twice in Senate Judiciary and it is unclear about the future of this bill.

Beach Re-Nourishment: SB 174 by Senator Hukill, and HB 131 by Representative Peters

The bill passed the Senate Appropriations committee, 20 – 0. However, the bill was amended and the requirement of a \$50 million funding threshold from the Land Acquisition Trust Fund, was removed. The bill does revamp the way the state prioritizes beach and inlet-management projects. It includes a detailed scoring system that would be used in determining which projects should be priorities for funding.

SB 174 has passed all committees of reference, but has not been heard by the full Senate at this time. The House companion, HB 131 has not been heard to date.