

Herbello, Evelyn

From: Earle, Jeremy
Sent: Wednesday, May 1, 2019 7:34 PM
To: Herbello, Evelyn; Guillen, Jenorgen
Subject: FW: Legislative Update- 5.1.19

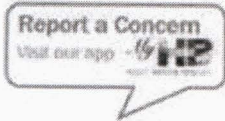
Good evening Mdms Guillen and Herbello,

As requested, please find the email below from the lobbyist.

Best,

Jeremy Earle, Ph.D., AICP, FRA-RA | Assistant City Manager/CRA Executive Director
City of Hallandale Beach | 400 South Federal Highway | Hallandale Beach, FL, 33009
Tel: 954-457-3070 | Fax: 954- 457-1454

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From: Stephanie Grutman <stephanie@ballardfl.com>
Sent: Wednesday, May 1, 2019 5:02 PM
To: Earle, Jeremy <jearle@hallandalebeachfl.gov>
Cc: Mat Forrest <mat@ballardfl.com>; Chavarria, Greg <GChavarria@hallandalebeachfl.gov>; Klopp, Keven <kklopp@hallandalebeachfl.gov>; hgutner.ballard@gmail.com
Subject: Legislative Update- 5.1.19

Hi Jeremy/Greg-

Below are some updates from session. I'm available if you have any questions. We will have a full report to you next week after the Session is complete.

Session Report as of 5.1.19 (Day 58)

We are rolling through Session and currently in our last week. Budget Conference ended last night and the final days of Session are coming to an end.

Below is a quick snapshot of some of the most relevant bills to the City of Hallandale Beach that we have been tracking. In the interest of space this is only a summary. We tracked many more bills and we also stay in contact with the legislative staff for the League of Cities for any emergencies. You can never have enough eyes and ears tracking legislation so please let me know if you have heard of any legislation that you would like more information regarding.

We remain in contact with your outstanding staff, but please feel free to contact us directly with any questions you have regarding these issues. In many cases your City's counsel will have a better understanding of how these issues specifically impact your city, but we are always available to provide information and guidance.

Important upcoming dates:

- Sine Die of Regular Session, Saturday May 4, 2019
- First Day of 2020 Regular Session Jan 7, 2020

Appropriations

2019 has been a competitive year for appropriation requests. Legislators filed approximately 1700 appropriation requests. In those totals were 2 projects for Hallandale Beach: Hallandale Beach Restoration and Mitigation of Chaves Lake and the Austin Hepburn Senior Mini-Center.

In the most recent version of the budget that was released the Austin Hepburn Senior Mini Center was funded for \$82,080 as in past years. We requested an increase to \$276,584, but they were unwilling to increase the funding at this time. The Chaves Lake project was not funded.

Legislative Tracking Report:

CRA's (Passed Senate and waiting for Final Vote in House- Likely to Pass this Session)

Community Redevelopment Agencies (CRA's) are always a controversial issue. This session we have two CRA bills which may affect the City. HB 0009 by Rep. LaMarca (R, Lighthouse Point) establishes ethics and appointment procedures for CRA board members, requires a two thirds majority vote before CRA creation among other things. SB 1054 introduced by Sen. Lee (R, Brandon) also prohibits a person from lobbying a community redevelopment agency until he or she has registered as a lobbyist with that agency. Both bills also you to spend the CRA money on events and parades.

The Senate bill passed the full Senate May 1, 2019 with a 36 -1 vote. It is waiting for the House to pick up the bill. We expect it to pass both chambers.

Mega Preemption Bills (Dead for this Session)

HB0003 by M. Grant (R, Port Charlotte) has generated a lot of heated debate regarding the powers given to municipalities, often comparing restriction of municipality power to restriction of state powers. This bill originally prohibited local governments from imposing any regulations on businesses or business entities after July 1, 2019. In its current form, HB 0003 preempts business licensing to the state. The bill only passed the House.

HB 1299 is a broad bill that includes preemptions for local governments to levy taxes on nicotine products, market nicotine products, regulate single use straws, sunscreen, generators, and to approve a district school board impact fee. The bill only passed the House.

Vacation Rentals (Dead for this Session)

The Vacation Rental debate continues this Session. While six vacation rental related bills have been filed, only two seem to have gained traction and impact cities. SB824 by Diaz (R, Hialeah Gardens) and HB987 by J. Grant (R, Tampa) are nearly identical bills which state the following:

509.032 Duties. -(7) PREEMPTION AUTHORITY.

(3.) A local law, ordinance, or regulation may regulate activities that arise when a residential property is used as a vacation rental, provided that such law, ordinance, or regulation applies uniformly to all residential properties without regard to whether the residential property is used as a vacation rental, as defined in s. 509.242, or a long-term rental subject to chapter 83, or whether a property owner chooses not to use his or her residential property as a vacation rental. However, a local law, ordinance, or regulation may not prohibit vacation rentals, impose occupancy limits, or regulate the duration or frequency of rental of vacation rentals.

A local law, ordinance, or regulation may not authorize or require the inspection or licensing of a vacation rental. A court shall determine whether a local law, ordinance, or regulation complies with this paragraph. If an action is brought pursuant to this paragraph, the local government that enacted the local law, ordinance, or regulation shall establish by clear and convincing evidence that such local law, ordinance, or regulation complies with this paragraph. ~~This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.~~

One of the biggest points of contention in HB 987 is the elimination of that 2011 grandfather clause. I would recommend checking with your counsel to see how that may impact your city. Further, the bill also requires an applicant for a vacation rental license to register a contact person with the Division of Hotels and Restaurants and make vacation rental license information, and the information of the contact person, available on its website.

HB 987 had four amendments adopted last week requiring liability insurance to be maintained by the property owner, and that if the property owner is aware that their renter is a registered sex offender, the owner must notify neighbors who are staying within 1000 feet of the offender as well as the local police department.

These bills are very similar to one we saw in 2017, HB773.

The Senate version has been referenced to one committee and has not been heard. It will die.

The House version passed all committees but was never passed by the full House.

Vegetable Gardens (Passed)

SB 82 introduced by Sen. Bradley (R, Orange Park) and HB 145 introduced by Rep. Fetterhoff (R, DeLand) and Rep. Sabatini (R, Clermont) eliminate the powers of municipal governments to govern what kinds of vegetables and gardens may be planted on a residential property.

Fertilizers (Dead)

With such a big emphasis on the environment this session, HB 157 by Rep. Thompson (D, Orlando) and co-sponsored by Rep. Eskamani (D, Orlando) and Rep. Mercado (D, Orlando) has been introduced in an effort to curb algal blooms resulting indirectly from nutrient runoff. The bill requires county & municipal governments to adopt & enforce Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, especially emphasizes the use of slow-release fertilizers. Neither the House bill nor its Senate companion, SB1716 by Sen. Bracy have been heard in any committees yet.

Plastic Bags (Dead for this Session)

Furthering on the issue of environment, there are four different bills providing varying levels of use of plastics and preemption provisions.

Starting with SB 502 by Sen. Rader (D, Boca Raton), bans any food service business or store from providing a customer with a plastic film carry out bag or single use plastic straws. This bill has not been heard in any committees.

SB 588 by Sen. Hutson (R, Palm Coast) and Sen. Bradley (R, Orange Park) allows food service businesses or stores to provide single use plastic straws only upon request.

HB 603 by Rep. Fine (R, Palm Bay), Sabatini (R, Clermont), Hill (R, Pensacola), McClure (R, Plant City), Perez (R, Miami), and Roach (R, North Fort Myer) states that a food service business or store may provide a single use plastic straw to customers upon request and provide a straw self-serve dispensary.

SB 694 introduced by Sen. J. Rodriguez (D, Miami) which allows municipalities to start a pilot program to regulate or ban plastic disposable bags. This bill has not been heard in any committees.

Impact Fees (Dead for this Session)

SB 350 by Sen. Hutson (R, Palm Coast) and Mayfield (R, Melbourne) relates to Impact Fees saying that "Beginning July 1, 2019, a local government may not charge an impact fee for the development or construction of 15 housing that is affordable, as defined in s. 420.9071."

This bill is in its second of three committees, Infrastructure and Security, but has not been put on the agenda. Its House companion, HB 1155 by Rep. Plasencia has been referred to its first committee, but not heard.

Permit Fees

SB 142 by Sen. Perry (R, Gainesville) and HB 127 by Rep. Williamson (R, Pace) relating to Permit Fees are similar bills that address the posting and changing of permit fees in a local government. Similar bills were heard last year, and never passed. These newer bills are slightly less specific, removing language requiring the local government to post a link to permit and inspection fee schedules, and removing a subsection requiring costs related to fire inspections. The bills both currently state:

(c) The governing body of a local government authorized under this section, s. 166.222, or s. 553.80 to issue fees shall post its permit and inspection fee schedules on its website.

The bills also require a local government, before making any adjustments to a fee schedule, to conduct and post a report that includes:

1. Direct and indirect costs incurred by the local government to implement the Florida Building Code, including costs related to:
 - a. The review of building plans
 - b. Building inspections
 - c. Building reinspections
 - d. Building permit processing
 - e. Building code enforcement
2. Number of building permits requested
3. Number of building permits issued
4. Number of building inspections and reinspections conducted
5. Number of personnel employed by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.
6. Salary and related employee benefit costs incurred by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.
7. Revenue derived from fees pursuant to paragraph (a)
8. Revenue derived from fines pursuant to paragraph (a)
9. When applicable, investment earnings derived from the local government's investment of revenue derived from fees and fines pursuant to s.112 533.80(7)
10. Balances carried forward by the local government pursuant to s. 553.80(7)
11. Balances refunded by the local government pursuant to s. 553.80(7)

The Senate bill was passed favorably on the Floor and substituted for the House bill 4/3/19 and is now in the House where an Enrolled Text has been filed.

Telecommunications Bill- (PASSED)

SB 1000 by Sen. Hutson (R, Palm Coast) and its companion, HB 693 by Representative Fischer (R, Jacksonville) just passed both Chambers officially today and is being prepared for the Governor's Office. The bill eliminates the ability of municipalities to charge fees to communications services providers who may be occupying public space like rights-of-way or public roads. It also restricts municipal regulation of communications service providers and implementation of permit fees.

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.— (3)

(c) A municipality or county that elected to impose permit fees on or before January 1, 2019, on providers of communications services pursuant to former paragraphs (c) or (j) of this subsection, Florida Statutes 2018, may continue to impose such fees. However, a municipality or county that did not impose permit fees as of January 1, 2019, may not impose such fees.

Both bills were heard favorably in their respective Committees 4/18/19 and their next stops are Calendar Placement for a 2nd Reading.

Firefighter Bill (Passed)

SB 426 by Sen. Flores (R, Miami) and many other co-Sponsors has been passed unanimously by the Senate and House and is waiting to be signed by the Governor. The bill provides compensation and benefits for firefighters who have been diagnosed with cancer and death benefits to a firefighter's beneficiary for firefighters who have passed away from cancer.

Stephanie Grutman Zauder

Ballard Partners | Fort Lauderdale Office

401 East Las Olas | Suite 1400 | Ft. Lauderdale, Florida 33301

954.817.8007 | Stephanie@BallardFl.com

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