



Legislation Text

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AGENDA ITEM REPORT

TITLE:

A RESOLUTION URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 17 AND SENATE BILL 1158, WHICH WOULD PREEMPT MUNICIPAL HOME RULE POWER.

BACKGROUND:

Home Rule is based on the time-tested premise that the government closest to the people is the authority best positioned to serve the needs of the community. The right of the people to use a grassroots approach to determine public needs and implement programs is an important democratic principle. Home Rule powers are conferred to local government by the Florida Constitution and Florida Statutes. Maintaining the integrity of Home Rule, both administrative and fiscal, allows local governments to develop and implement community-based solutions to community-based issues, which is an essential component of good government.

The City of Coconut Creek's 2017 State Legislative Agenda supports the preservation of Home Rule and opposes any legislation that seeks to diminish powers granted to local government. Two bills have been proposed for the 2017 Florida Legislative Session that would preempt the regulation of businesses to the State. House Bill 17 (HB 17) and Senate Bill 1158 (SB 1158) differ in how the preemptions are proposed; however, as they would both diminish municipal powers, the City of Coconut Creek opposes both.

DISCUSSION:

HB 17, sponsored by Representative Fine, provides that after July 1, 2017, a local government may not adopt or impose a new requirement (including any regulation, license, permit or fee) on a "business, profession or occupation" unless the requirement is "expressly authorized by general law." Additionally, HB 17 specifies that any existing requirement on a business, profession or occupation adopted without "general law authority" will be grandfathered until January 1, 2020, at which time they will automatically be repealed. Therefore, eventually no regulation may be imposed on a business, profession or occupation unless expressly authorized under general law and all existing ordinances enacted under Home Rule will be null and void. HB 17 received its first hearing in the House Careers and Competition Subcommittee this week. Many local elected officials spoke in opposition to the bill. Several business groups and conservative think tanks supported the bill. Much of the discussion on the bill focused on questions regarding exactly what would be preempted, and there are many concerns expressed about land use and zoning.

SB 1158, sponsored by Senator Passidomo, was filed this past week. It expressly preempts the

regulation of commerce, trade, and labor unless expressly authorized by special or general law. Under SB 1158, local governments would be expressly prohibited from banning the sale of a good or service, imposing a penalty on the sale of a good or service, setting a wage rate that differs from state or federal law, or adopting a rule, ordinance or regulation that adversely impacts or interferes with the regulation of commerce, trade, and labor outside of the local government boundaries. Examples of adverse impacts are those which adversely impact economic growth; adversely impact private sector job creation or employment; adversely impact private sector investment; adversely impact business competitiveness, including impeding the ability of persons doing business in the municipality or state to compete with persons doing business in other areas of the state or in other domestic markets; adversely impact productivity; or adversely impact innovation within the municipality or outside its territorial boundaries. Additionally, SB 1158 creates a process by which one local government can nullify another local government's regulation if it violates the requirements of the bill.

While different, the two bills are both very broad and would also likely impact local environmental and zoning regulations. For more information on both bills, and a history of Home Rule in the State of Florida, please see the attached Exhibit "1," which is a brief from the Florida League of Cities, opposing these two bills.

HB 17 just passed the House Careers and Competition Subcommittee (9-6) and is now in the House Commerce Committee. This will be HB 17's last Committee of reference before reaching the House floor for a final vote. SB 1158 is awaiting committee references.

RECOMMENDATION:

Staff recommends approval of this Resolution.

FISCAL IMPACT: N/A