



MEMORANDUM

AGENDA ITEM

C10 DATE 4/13/2021

To: Honorable Mayor and Members of the City Council
From: James L. Gillis Jr., City Manager *JLG*
Re: Resolution No. 2021-08 Urging All Members of the Florida Legislature to Oppose Unwarranted or Overly Broad Preemptions of Municipal Home Rule Powers
Date: March 31, 2021

Home Rule is essential to effective and responsive municipal governance in Florida and provides flexibility to make decisions at the local level, where decisions are made closest to the people they impact and can be tailored to fit local conditions, needs and concerns in order to better serve taxpayers. This power has enabled each city, town and village across the Sunshine State to consider, adopt, revise or remove its own laws without the need to seek legislative permission from the State and has further served as the foundation upon which every municipality builds its governmental structure.

The 2021 Legislative Session contains numerous bills that would impair Municipal Home Rule power. In March, the Florida League of Mayors adopted a resolution on preemption of Home Rule which urges all members of the Florida Legislature to oppose unwarranted or overly broad preemptions of municipal Home Rule powers. They indicated that these preemptions strip municipalities of their abilities to speak on behalf of their citizens and should any of these preemption bills become law, and not be overturned, the ability of Florida's municipalities to narrowly address local issues of public concern would be destroyed. The Florida League of Mayors requested other municipalities adopt similar Resolutions and send copies to the members of our legislative delegation.

This Resolution encourages our Legislatures to continue supporting Home Rule in Florida.

Title of Resolution No. 2021-08, First and Only Reading: A Resolution of the City Council of the City of South Daytona, Florida, urging all members of the Florida Legislature to oppose unwarranted or overly broad preemptions of municipal home rule powers; directing a copy of this Resolution be transmitted to members of the Florida Legislature, the Florida League of Cities, and any other interested parties.

RESOLUTION 2021-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE UNWARRANTED OR OVERLY BROAD PREEMPTIONS OF MUNICIPAL HOME RULE POWERS; DIRECTING A COPY OF THIS RESOLUTION BE TRANSMITTED TO MEMBERS OF THE FLORIDA LEGISLATURE, THE FLORIDA LEAGUE OF CITIES, AND ANY OTHER INTERESTED PARTIES.

WHEREAS, municipalities are voluntarily created and chartered by their citizens as the embodiment of local self-determination; and

WHEREAS, in 1968, Florida voters amended the state constitution to confer broad "Home Rule" powers to municipal government, under Article VIII, Section 2(b); and

WHEREAS, numerous bills being considered by the Florida Legislature contradict the will of the people of Florida, who expressed an unequivocal desire for broad Home Rule powers in their state constitution; and

WHEREAS, these bills undercut the intent of the citizens of every municipality in Florida, who voted to incorporate their community and exercise the broad Home Rule powers granted by the Florida Constitution to govern themselves and, thereby, effectively address the unique concerns of their communities; and

WHEREAS, these bills would impair municipal charter and ordinance provisions specifically adopted and approved by local communities to define their preferred form of self-government and safeguard issues of perennial importance to their communities; and

WHEREAS, a municipality's ability to timely act on local problems and opportunities will be limited by these bills to a state Legislature that holds session only once a year, and whose ability to address local problems will be contingent on the relative effectiveness of its representative in the state legislature; and

WHEREAS, under these bills, state legislators will find themselves spending increasing amounts of time arbitrating over local problems and legislating on local issues, and less time attending to pressing statewide needs; and

WHEREAS, along with the Florida League of Mayors and other municipalities throughout Florida, the City of South Daytona City Council believes opposing these bills is in the best interests of the residents and businesses of the municipalities in the State of Florida, and ultimately the state itself; and

WHEREAS, the City of South Daytona City Council would respectfully ask the state legislature to be mindful that regulations enacted by local governments have to be enforced by those same governments and, if excessive or burdensome, the peoples' local elected representatives are quickly made aware of those burdens and any unintended consequences; and

WHEREAS, should these bills become law, and not be overturned, the ability of Florida's municipalities to narrowly address local issues of public concern would be destroyed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of South Daytona, Florida opposes the State of Florida's overbroad attempt to repeal or restrict constitutional municipal home rule powers to protect the health, safety and welfare of citizens and urges all members of the Florida Legislature to oppose the adoption of unwarranted or overly broad preemptions.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to members of the Florida Legislature, the Florida League of Cities, and any other interested parties.

THIS RESOLUTION shall become effective immediately upon passage.

THIS RESOLUTION APPROVED ON FIRST AND ONLY READING this 13th day of April 2021 by the City Council of the City of South Daytona, Florida.

CITY OF SOUTH DAYTONA, FLORIDA

William C. Hall, Mayor

ATTEST:

James L. Gillis Jr, City Manager

APPROVED AS TO FORM AND LEGALITY:

Wade Vose, City Attorney