



2018

Legislative
Issue
Briefs



Local Self-Government

Priority Statement:

The Florida League of Cities seeks to strengthen and protect the fundamental concept of local self-government, and will **OPPOSE** legislative efforts to impede the constitutional right Floridians have enjoyed for nearly 50 years to govern themselves under municipal Home Rule powers. Additionally, the Florida League of Cities **OPPOSES** the Legislature's persistent intrusion into local finances, which are necessary to provide financial stability and essential services uniquely required by municipal residents and local businesses.

Background:

In Florida, local self-government is not a gift of the state Legislature...it is the expressed will of the people. It was added to the Florida Constitution nearly 50 years ago by a statewide vote of the electorate. Floridians voted to empower themselves with the right of local self-government, or Home Rule. As the only form of voluntary government, Florida's municipalities are the embodiment of this right.

A city is created by its citizens for a variety of reasons, including increased services, a desirable business or residential environment, and more voice in how their government is run. Florida law specifies the standards for the formation of a municipality. The multi-step process is not an easy one, and it should not be. The process takes commitment, tenacity and hard work of residents who volunteer their time for the cause. Local citizens take the first step by having a feasibility study to determine if the community should incorporate, and they develop a charter that specifies the form, functions and power of their proposed city government. These steps can take a year or more to complete.

Next, the proposal is presented to the Legislature for a review of whether it meets statutory requirements for incorporation. Following a successful review, the proposed charter is adopted by a special act of the Legislature. The final step must be taken by local citizens: approval of the incorporation and charter by voters in a local referendum.

Home Rule authorizes the governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services. At its core, Home Rule is demonstrated by the level of services provided within a municipality and, to a much lesser extent, by exercises of regulatory power.

Citizens in cities expect various municipal services: water, sewer, garbage collection, storm water systems, roads, sidewalks, fire protection, law enforcement, parks and recreation. Citizens also expect municipal officials to exercise regulatory powers when necessary to protect public health, safety and community standards specific to the municipality in which they choose to live. These expectations cannot be met if municipal officials do not have the authority to respond to local needs and preferences, or to address them in a timely manner.

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Municipalities are authorized by the Florida Constitution to levy ad valorem taxes, and are further authorized by statute to levy other forms of local taxation. In addition, municipalities are authorized under their constitutional Home Rule powers to impose special assessments and fees for municipal services. Municipal citizens pay local taxes, assessments and fees for the specific purpose of obtaining and enhancing municipal services and amenities. Citizens expect their elected city leaders to use these local revenue proceeds for local municipal purposes, and not for state purposes (that should be paid for with state taxes).

Home Rule is why no two cities are alike. City residents take pride in this diversity. Strong Home Rule powers ensure that government stays close to the people it serves. Intrusion on Home Rule from the state or federal government undermines the constitutional right of citizens to govern themselves. Intrusion from the state or federal government into local finances prohibits elected city leaders from meeting the expectations of their citizens that local revenues will be used as intended by the citizens.

Status:

CS/HB 17 (Fine) and **SB 1158** (Passidomo), introduced in the 2017 legislative session, would have effectively preempted to the state the authority of municipal governments to impose local requirements on businesses, professions, commerce and trade. While the bills differed in approach, their ultimate effect was the same. In short, the right of local citizens to govern themselves through the exercise of municipal Home Rule powers would have been severely restricted. The bills eviscerated principles of local self-government by transferring local decision-making to the state Legislature. CS/HB 17 passed the House Careers & Competition Subcommittee but ultimately died in the House Commerce Committee. SB 1158 died in the Senate Commerce and Tourism Committee.

In addition to CS/HB 17 and SB 1158, numerous proposals to restrict local self-government were introduced in the 2017 legislative session. Examples of 2017 proposals include, but are not limited to, the following issues: Building and Land Use; Small-Cell Wireless; Community Redevelopment Agencies; Vacation Rentals; Municipal Elections, Medical Marijuana; Concealed Weapons and Firearms; Firefighter Cancer Disability Presumption; Local Business Taxes; Fiscal Transparency; Ad Valorem Taxes; Stormwater and Wastewater Management; Traffic Infraction Detectors; and Drones. These proposals involved either preemptions of municipal powers or intrusion into municipal finances, and sometimes both.

The League anticipates that legislative efforts to divest citizens of their powers of local self-government and transfer control over local decisions to the state Legislature will continue in the 2018 legislative session.

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