



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:**

For the 2018 session there are presently multiple bills and preemptions that are of concern to the Florida League of Cities. Some of the more egregious preemption bills filed this session are as follows:

#### **Tree Trimming & Removal**

**SB 574** (Steube) and **HB 521** (Edwards) preempts local governments from regulating or restricting the harvesting or removal of trees on private property. The bill also prohibits local governments from imposing fees or from requiring replacement tree planting for the removal of trees. Lastly the bills prohibit local governments from prohibiting the burial of trees or vegetative debris on properties larger than 2.5 acres.

#### **Affordable Housing**

**HB 987** (Cortes) and **SB 1328** (Perry) is a preemption that prevents local governments from charging mobility or impact fees for the development or construction of affordable housing for a 5-year period beginning July 1, 2018.

#### **County and Municipal Officers and Employees**

**HB 815** (Avila) and **SB 1180** (Steube) has a two-part impact on local governments. Firstly, the bills impose travel restrictions for elected municipal officers and candidates for elected municipal office. Secondly, the bills would require that all municipal officers and candidates for elected municipal office file full public disclosure of financial interests (Form 6). **HB 815** requires that out of state travel by a municipal officer must be approved by the municipal governing body at a noticed public meeting, the bill was recently amended to exclude elected county constitution officers, and there was a \$120 cap for lodging costs that was removed. **SB 1180** still maintains the \$120 lodging caps

#### **Election Dates for Municipal Officers**

**SB 1262** (Hutson) and **HB 7037** (House Government Accountability Committee) preempts local governments' ability to determine the date of their own elections. It requires local elections to occur in either March or November.

#### **Vacation Rentals**

**SB 1400** (Stebue) preempts all regulation of vacation rentals to the state and nullifies any local regulations, including those adopted prior to June 1, 2011.

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**HB 773** (La Rosa) is a preemption that prohibits cities from establishing ordinances specific to short-term vacation rentals. Instead, the law would require that all residential properties be treated the same, regardless of whether the property is being used as a rental or not.

### **Economic Development**

**CS/HB 3** (Grant, M.) is a mandate that places arduous requirements on cities that act as their own economic development agency and third-party groups who contract with cities to handle economic development activities. The bill passed its final committee of reference and will be heard on the House Floor.

**SB 1714** (Perry) the senate counterpart to CS/HB 3, the bill creates new transparency and accountability provisions on economic development agencies and tourism-promotion agencies. The bill also places limitations on economic development agencies that could cripple the functionality of these agencies. If a city does not have an economic development agency, the bills requirements would apply to any municipal officer that serves in a similar function.

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