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HB 17 would concentrate immense power in Tallahassee and ban local communities from passing any regulations on “businesses, occupations and professions in the future.” The bill—backed by powerful lobbyists and startling in its scope—would effectively stop local officials from doing their jobs. Without state approval, cities and counties could not even create sanitation guidelines for horse-drawn carriages, subject street performers to decency rules, or regulate strip clubs.

“Why don’t they just abolish local government?” said Tampa Mayor Bob Buckhorn

“It’s a terrible idea,” said Wakulla County Commissioner Ralph Thomas (R). “Conservatives believe in smaller government but HB 17 would make government bigger, more complex and less responsive.”

The St. Augustine Record [derided the bill](#) as “overreaching,” saying it gives too much “additional power to the legislature.” To manage the “morass of problems” HB 17 would produce, “we’d certainly then need to empower and employ a new state ‘Department of Interlocal Spat Determinations.’”

This bill doesn’t stop regulation—it just shifts regulatory power from local towns and taxpayers to bureaucrats in Tallahassee, leaving a complex web of impossible-to-navigate regulatory questions that handcuff local communities, cost local taxpayers and burden local businesses.

Prior to the 1968 revision of the Florida Constitution, local governments had only those powers expressly granted them by law.¹ In 1968, the Florida Constitution was amended to authorize local home rule powers for both cities and charter counties.² The first Florida Supreme Court case discussing the 1968 amendment significantly narrowed the amendment’s application and suggested that, unless a city’s action was clearly reasonable, any dispute regarding the action should be resolved against the local government.³ On the heels of this decision, the legislature, in 1973, enacted the Municipal Home Rules Power Act (MHRPA), now codified in Ch. 166 of the Florida Statutes. The MHRPA guarantees that local governments retain governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services.

This power may not be curtailed except as otherwise provided by law.⁴ The MHRPA effectively foreclosed the preexisting presumption that local government action must be narrowly confined to only the immediate needs of the residents. The act further dictated that local governments should be allowed to act if not clearly directed otherwise by the state. Both the Florida Constitution and state statutes express a preference that, absent some necessity for a statewide enactment, local officials should deal with problems relating to the health and welfare of their citizens.

From: Patricia Christensen [mailto:pchristensen@flcities.com]
Sent: Monday, February 27, 2017 4:41 PM
To: List
Subject: HB 17 and SB 1158
Importance: High

Good Afternoon,

The Sponsoring Representative believes that this bill will have very little impact on most of your cities and towns, but will correct a few issues that are popping up where some cities have passed ordinances to supersede the state statues. Our analysis indicates that the Bill wording is to Vague and Broad.

Examples given were the same as we have already read about in the newspaper or online:

- Communities that won't allow the use of plastic bags or Styrofoam containers.
- Cities not working well with Uber.
- Cities who have required a higher minimum wage to be paid, higher than the state.
- It could also eliminate cities ability to collect an Occupational License fee.

He has agreed to hear us, and has asked us to submit any issue where there would be negative effects on your cities. Please ask your Legal or Planning Departments to give you any situations where HB 17 would negatively impact your city.

Also, I am sure you know that another Bill, SB 1158 was filed last week. It's as bad, and in some cases worse, as it can pit neighboring cities against each other.

Thanks, in advance for your assistance and feel free to contact me any time.

Patricia

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