

CITY OF MARGATE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA OPPOSING HOUSE BILL 267 WHICH SEEKS TO SIGNIFICANTLY ERODE HOME RULE POWERS AND IMPOSES UNREASONABLE TIME FRAMES FOR BUILDING PERMIT REVIEW; AUTHORIZING AND DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION TO THE APPROPRIATE PARTIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 24, 2023, Florida Representatives Esposito and Giallombardo filed House Bill 267 which seeks to expedite the process for issuing residential building permits before a final plat is recorded and provides that an applicant has a vested right in a preliminary plat once approved.; and

WHEREAS, further, House Bill 267 significantly and unreasonably reduces the time for building permit application review as follows:

Only allows a local government 5 business days after receipt of an application to advise the applicant what information, if any, is needed to deem the application complete;

Only allows a local government 10 business days (rather than 45 days) after receiving a completed application to advise an applicant if additional information is required to determine the sufficiency of the application;

Provides that a local government may not request additional information from an applicant for a building permit no more than 2 times, rather than 3 times;

Provides that before the second request for additional

information is made, the local government must offer the applicant an opportunity to meet with the local government in attempt to resolve the outstanding issues;

Provides that if an applicant believes a request for additional information is not authorized by law, the local government, at the applicant's written request, must process the application within 10 business days; and

WHEREAS, municipal home rule powers include all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions and render municipal services for the unique benefit of the people who live and work within a municipality; and

WHEREAS, Floridians' constitutional right to govern themselves locally, under municipal home rule powers and pursuant to their adopted municipal charters, is being increasingly eroded and limited by actions of the Florida Legislature; and

WHEREAS, under the Florida Constitution and Section 166.021, Florida Statutes, municipalities are given broad home rule powers; and

WHEREAS, as part of their home rule powers, municipalities should have zoning, permitting and regulatory control over all projects in their municipalities in order to protect their residents; and

WHEREAS, Margate has repeatedly fought to protect local government's home rule power against intrusions by the State; and

WHEREAS, as detailed below, House Bill 267 significantly erodes home rule power by impeding a local government's ability to have permitting and regulatory control over all projects in their municipalities, and will have drastic effects on local governments if passed; and

WHEREAS, by allowing for residential building permits to be issued before a final plat is approved, House Bill 267

erodes municipal home rule power as local governments would be forced to issue building permits before the site plan is approved, which would lead to an incomplete review by the local government, and is contrary to long-standing municipal practice, procedures, and planning principles; and

WHEREAS, by providing an applicant with a vested right in a preliminary plat, House Bill 267 will place local governments in the position of having to approve a preliminary plat without the benefit of reviewing the final plat, and will therefore erode municipal home rule powers; and

WHEREAS, by allowing a private provider to review preliminary plats, House Bill 267 erodes home rule power by not allowing local governments to follow their Development Committee Review process and procedures for site plans; and

WHEREAS, the timeframes detailed above for building permit review significantly and unreasonably reduce the time frame for local government review, which results in local governments not having the time for thorough review and accurate review, and may result in the local government needing to hire additional staff for review; and

WHEREAS, imposing these unreasonable timeframes erodes home rule power of local governments being able to establish their appropriate time frames for plan review, staffing, and internal processes for same; and

WHEREAS, the City Commission therefore believes it is in the best interest of the citizens of the community to oppose House Bill 267;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION
OF THE CITY OF MARGATE, FLORIDA:

SECTION 1. The foregoing "Whereas" clauses are hereby
ratified and confirmed as being true and correct and are
hereby made a part of this Resolution.

SECTION 2. The City Commission of the City of Margate
hereby strongly opposes House Bill 267.

SECTION 3. Authorizing and directing the City Clerk to
forward this Resolution to the Florida Legislature, the Broward
League of Cities, Governor Ron DeSantis, the media, and all
interested persons.

SECTION 4. This Resolution shall become effective upon
passage.

PASSED, ADOPTED AND APPROVED THIS _____ day of _____ 2023.

JENNIFER M. JOHNSON
CITY CLERK

MAYOR TOMMY RUZZANO

RECORD OF VOTE

Caggiano	_____
Simone	_____
Arserio	_____
Schwartz	_____
Ruzzano	_____