

CITY OF MARGATE, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, OPPOSING HOUSE BILL 519, RELATING TO PRIVATE PROPERTY RIGHTS PROTECTION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, State of Florida enacted the Bert J. Harris, Jr., Private Property Rights Protection Act (Harris Act) in 1995, which provides a specific process for landowners to seek relief when their property is unfairly affected by government action; and

WHEREAS, on January 15, 2020, Florida Representative James "J.W." Grant and the Civil Justice Subcommittee filed House Bill 519 - Private Property Rights Protection, seeking to amend the Harris Act by revising the notice of claim requirements for residential property owners; revising the procedures for determination of compensation; authorizing property owners to bring actions to declare prohibited exactions invalid; providing for resolution of disputes concerning comprehensive plan amendments under Florida Land Use & Environmental Dispute Resolution Act and requiring the Department of Transportation (DOT) to afford right of first refusal to the previous property owner before disposing of property; and

WHEREAS, this Bill requires that when any settlement is reached on a Harris claim that involves the issuance of a variance or exception to a regulation on a residential property by a governmental entity, that there, "...shall be a presumption, rebuttable only by clear and convincing evidence, that similarly situated residential parcels...are entitled to equivalent terms of settlement or a judicial determination of an inordinate burden."; and

WHEREAS, "similarly situated" is not defined in the bill, which will in essence make an exception to a rule, the new rule; and

WHEREAS, this Bill would allow a jury or a court to consider business damages, in addition to the loss of property, in the award

of compensation to the property owner; and

WHEREAS, this Bill removes the ability of a government entity to recover reasonable costs and attorney fees if the governmental entity prevails and the property owner did not accept a settlement offer; and

WHEREAS, the House of Representatives Staff Analysis states that, "The bill does not appear to have a fiscal impact on state government, but appears to have an indeterminate negative impact on local governments."; and

WHEREAS, the City Commission opposes House Bill 519; and

WHEREAS, the City Commission believes it is in the best interest of the City to approve this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Margate, Florida:

Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2: The City Commission opposes House Bill 519.

Section 3: The City Clerk is directed to distribute this Resolution to the Florida Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Broward County Legislative Delegation, the Florida League of Cities, the Florida Association of Counties, the Florida City County Management Association, the Board of County Commissioners for Broward County, the Broward County League of Cities, and each of the municipalities in Broward County.

Section 4: The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 5: This Resolution shall take effect upon its adoption.

PASSED, ADOPTED AND APPROVED THIS ____day of __2020.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

RECORD OF VOTE

Caggiano	_____
Simone	_____
Arserio	_____
Schwartz	_____
Ruzzano	_____