



Legislation Text

File #: ID 2017-150, **Version:** 1

TO: Mayor and City Commission

FROM: Samuel A. May, Interim City Manager

DATE: March 15, 2017

RESOLUTION - URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 17 AND SENATE BILL 1158 WHICH PREEMPTS LOCAL BUSINESS REGULATIONS AND PROHIBITS LOCAL GOVERNMENTS FROM IMPOSING OR ADOPTING ANY NEW REGULATIONS ON BUSINESSES UNLESS EXPRESSLY AUTHORIZED BY THE LEGISLATURE.

BACKGROUND: House Bill (HB) 17, filed by Representative Fine, and Senate Bill (SB) 1158, filed by Senator Passidomo, are designed to prohibit local governments from imposing or adopting any new regulations on businesses, professions and occupations unless expressly authorized by the legislature. The House and Senate bills differ on how the preemptions are imposed. HB 17 provides that after July 1, 2017, a local government may not adopt or impose a new requirement (including any regulation, license, permit or fee) on a “business, profession or occupation” unless the requirement is “expressly authorized by general law.” Additionally, HB 17 specifies that any existing requirement on a business, profession or occupation adopted without “general law authority” will be grandfathered until January 1, 2020 at which time they will automatically be repealed. Therefore, eventually no regulation may be imposed on a business, profession or occupation unless expressly authorized under general law and all existing ordinances enacted under home rule will be null and void.

Under SB 1158, local governments would be expressly prohibited from banning the sale of a good or service, imposing a penalty on the sale of good or service, setting a wage rate that differs from state or federal law, or adopting a rule, ordinance or regulation which adversely impacts or interferes with the regulation of commerce, trade, and labor outside of the local government boundaries.

HB 17 and SB 1158 are a statutory revocation of municipal home rule powers, as applied to businesses, professions and occupations.

RECOMMENDATION: Approve.

FISCAL IMPACT: None.

CONTACT PERSON: Adam Reichbach, Assistant to the City Manager
Benjamin J. Ziskal, Economic Development Director