

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, DIRECTING THE CITY'S ADMINISTRATION TO MAKE OPPOSITION OF HOUSE BILL 17 PART OF THE CITY'S LEGISLATIVE AGENDA AND URGING THE FLORIDA HOUSE OF REPRESENTATIVES AND SENATE NOT TO ADOPT HOUSE BILL 17 OR SIMILAR LEGISLATION.

WHEREAS, on January 31, 2017 Representative Randy Fine (R, Brevard County) introduced House Bill 17- Local Regulation Preemption; and

WHEREAS, the full title of House Bill 17 is "An act relating to local regulation preemption; providing definitions; prohibiting certain local governments from imposing or adopting certain regulations on businesses, professions, and occupations after a certain date; preempting the regulation of business, profession, and occupations to the state; providing exceptions to such preemption; providing an effective date" and

WHEREAS, the text of House Bill 17 purports to expressly preempt all regulation of businesses, professions and occupations to the state and supersede any local government regulation of the same passed after January 1, 2017 unless the regulation is expressly authorized by general law; and

WHEREAS, the protection of Home Rule powers is of utmost importance to the City of Coral Gables, and the City believes that House Bill 17 is unconstitutional and not good public policy; and

WHEREAS, adoption of House Bill 17 would be an unconstitutional attempt to statutorily revoke the municipal home rule powers protected in the Florida Constitution, specifically Article VIII, Section 2(b), which protects municipalities throughout Florida, including the City of Coral Gables; and

WHEREAS, adoption of House Bill 17 would also be an unconstitutional attempt to statutorily revoke the Miami-Dade Home Rule Amendment, as delineated in Article VIII, Section 11 of the Florida Constitution, which guarantees home rule in local affairs for Miami-Dade County, including the City of Coral Gables; and

WHEREAS, the aforementioned constitutional provisions establish the constitutional relationship between the State government and municipal governments, which cannot be repealed or undermined by a statute; and

WHEREAS, the City of Coral Gables directs that opposition to House Bill 17 as part of be made part of the City's legislative agenda; and

WHEREAS, the City of Coral Gables urges the House of Representatives not to adopt House Bill 17, or similar legislation, as it is unconstitutional and not good public policy; and

WHEREAS, the City urges the Florida Senate not to adopt any companion bill or similar legislation;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission directs that opposition to House Bill 17, or similar legislation in the House of Representatives or Senate be made part of the City’s legislative agenda.

SECTION 3. That the City urges the Florida House of Representatives and the Senate not to adopt House Bill 17, or companion legislation, as it is unconstitutional and not good public policy.

SECTION 4. That the Coral Gables City Attorney’s Office is directed to take appropriate action to protect the City’s constitutional home rule powers.

SECTION 5. That the City Clerk is directed to send a certified copy of this resolution to the Florida League of Cities, Miami-Dade County, and other neighboring municipalities.


SECTION 6. That this Resolution shall become effective upon the date of its passage and adoption herein.


PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF FEBRUARY, A.D., 2017.

(Moved: Keon / Seconded: Lago)
(Yeas: Lago, Quesada, Slesnick, Keon, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: I-1)

APPROVED:


JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY