

**CITY OF KEY COLONY BEACH, FLORIDA
CITY OF KEY COLONY BEACH BOARD OF COMMISSIONERS
RESOLUTION NO. 2021-04**

A RESOLUTION BY THE CITY OF KEY COLONY BEACH BOARD OF COMMISSIONERS URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT HOME RULE AUTHORITY FOR COUNTIES AND CITIES AND TO OPPOSE SB 426 AND HB 267 WHICH PREEMPT LOCAL GOVERNMENT HOME RULE ABILITY TO PRESERVE AND PROTECT LOCAL COMMUNITY VALUES AND INTERESTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1968 Florida voters amended the State constitution conferring broad Home Rule powers to counties and municipalities, authorizing local officials to pass local ordinances and exercise all powers not specifically prohibited by law; and

WHEREAS, home rule authority allows for local governments to legislate within their jurisdictions to reflect and protect the interests of their respective communities based on the philosophy that the government closest to the people best represents the people; and

WHEREAS, preemption by the State legislature weakens the home rule authority of local government and its ability to respond to local challenges and protect local interests; and

WHEREAS, in recent years, the Florida legislature has acted to preempt the home rule authority of local governments from legislating on policy areas ranging from vacation rentals, to polystyrene and single use plastic bags, to tree trimming; in the 2020 session the Florida legislature introduced 42 preemption bills; and

WHEREAS, a current example of the local government preemption of home rule authority is the proposed legislation SB 426 and HB 267 which broadly preempt local government regulation of commerce in sea ports, preempting the authority to regulate port activity to the State; and

WHEREAS, all 14 ports in Florida, including the Port of Key West are all controlled by local government entities – a city, county or local port authority, and local control and authority of the seaports in Florida has been in place since before 1845, and local control and authority of seaports is the most common structure of seaports nationally; and

WHEREAS, SB 426 and HB 267 were introduced after the passage of 3 local referenda by more than 60% percent of Key West voters that limit cruise ship traffic into the Port of Key West; and

WHEREAS, it is good practice and policy to allow local governments to enforce their existing and adopt, new rules and regulations that meet the demands of their constituents so as to protect the community investments and maintain the uniqueness of their own communities; and

WHEREAS preemption bills such as these adversely impact the authority of local governments to enforce existing and adopt effective rules and regulations while protecting the values of their communities; and

WHEREAS, the City of Key Colony Beach Board of Commissioners finds that the Florida legislature's effort to weaken home rule conflicts with the rights and ability of local government and local voters to protect their community and environment; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF KEY COLONY BEACH, FLORIDA:

Section 1. The City of Key Colony Beach Board of Commissioners urge the Florida legislature to support home rule authority of cities and counties, and to oppose SB 426 and HB 267 preemption bills

Section 2. Directs the Clerk of the City to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and members of the Monroe County State Legislative Delegation.

Section 3. This resolution shall become effective upon adoption.

PASSED AND ADOPTED by the Board of City Commissioners of Key Colony Beach, Florida, at a regular meeting held on the 25th day of March, 2021.

Mayor Ron Sutton	<u>YES</u>
Vice Mayor Patti Trefry	<u>YES</u>
Commissioner Kathryn McCullough	<u>YES</u>
Commissioner John Deneale	<u>YES</u>
Commissioner Tom Harding	<u>YES</u>

BOARD OF CITY COMMISSIONERS
OF KEY COLONY BEACH, FLORIDA

BY:



Mayor Ron Sutton

(SEAL)

ATTEST: REBECCA TODD, CLERK



CITY CLERK