



RESOLUTION NO. 2017-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA OPPOSING STATE LEGISLATION THAT REDUCE OR ELIMINATE THE RIGHT AND AUTHORITY OF THE CITY TO MANAGE THE AFFAIRS OF THE CITY THROUGH LOCAL LEGISLATION AND "HOME RULE"; AND IN SUPPORT OF AND APPRECIATION FOR "VISIT FLORIDA" AND "ENTERPRISE FLORIDA".

WHEREAS, local municipal government is closely cherished by our citizens; and

WHEREAS, local municipal government offers vital public services such as parks and recreation, water, sewer, electricity, streets and public rights-of-way, drainage and storm water management, and police and fire protection that are used and counted on by our citizens every day; and

WHEREAS, local municipal government is instrumental in improving the quality of life of its citizens; and

WHEREAS, it is imperative and critical that decisions and legislation regarding municipal services be left to the form of government closest to our citizens, local municipalities, a principle known as "Home Rule".

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Neptune Beach, Florida so states:

Section 1. Its opposition to the following state legislation (bills) that attempt to take away the right to manage the affairs of the City through "Home Rule":

A. Wireless

CS/SB 596 (Hutson) and HB 687 (La Rosa) preempt local government control of city-owned rights-of-way for installation of wireless antennas and equipment. Among their various other provisions, the bills bar local governments from prohibiting or regulating the installation of wireless facilities on or next to existing cellular phone towers and utility poles within municipally owned rights-of-way.

B. Local Regulation of Business

CS/HB 17 (Fine) and SB 1158 (Passidomo) expressly preempt local regulation of businesses to the state. The House bill and Senate bill differ in how the preemptions are imposed on local governments. CS/HB 17 provides that after July 1, 2017, a local government may not adopt any regulation, license, permit or fees on a “business, profession or occupation” unless the requirement is “expressly authorized by general law.” Additionally, CS/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without “general law authority” will be grandfathered until January 1, 2020, at which time they will automatically be repealed.

C. Community Redevelopment Agencies

SB 1770 (Lee) and CS/HB 13 (Raburn) outline a process by which Community Redevelopment Agencies (CRAs) will be terminated. Under CS/HB 13, CRAs may not initiate any new projects or issue any new debt on or after October 1, 2017. Under CS/HB 13, no new CRAs may be created after July 1, 2017. Both bills require existing CRAs to terminate on the expiration date provided in the CRA’s charter as of July 1, 2017, or on September 30, 2037, whichever is earlier. Additionally, the bills limit the use of tax increment financing funds.

D. Local Government Fiscal Responsibility

HB 7063 (House Ways and Means Committee) creates a new statutory maximum millage rate for local governments. A municipality is prohibited from levying a millage rate above its rolled-back rate, unless the government does not have any “excess unencumbered fund balances” of more than 10% in certain government-type funds.

E. Local Business Tax

SB 330 (Steube) and HB 487 (Renner) limit the amount of local business tax to \$25.00 for any taxpayer. The bills also prohibit cities and counties from levying the local business tax if the tax was not adopted prior to January 1, 2017. These bills will have a negative fiscal impact greater than \$156 million per year to local governments.

F. Sovereign Immunity

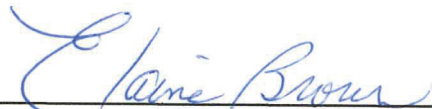
HB 1305 (Jenne) substantially amends the waiver of sovereign immunity for government entities, including municipalities. Under current law, the state has waived sovereign immunity in tort actions up to \$200,000 for individual actions and up to \$300,000 for all actions arising out of the same incidence or occurrence. The bill increases the waiver of sovereign immunity for municipalities up to \$1 million for individual actions and up to \$1.5 million for all actions arising out of the same incidence or occurrence. This is a five-fold increase on the current waiver of sovereign immunity for political subdivisions. However, of note, the bill retains the current waiver limits for the state and state agencies of \$200,000 and \$300,000, respectively.

G. Vacation Rentals

SB 188 (Steube) and HB 425 (La Rosa) would amend current law to prevent local governments from adopting regulations specific to vacation rentals based solely on their classification, use or occupancy.

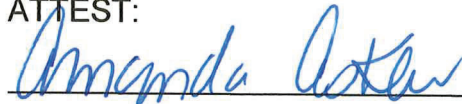
Section 2. Its support for the continued funding of "Visit Florida" and "Enterprise Florida" and the Governor's efforts to further advance the already significant contributions both "Visit Florida" and "Enterprise Florida" have made to state and local economies and job growth. These entities are instrumental for economic development by encouraging Florida's largest industry, tourism, and by recruiting new and expanding businesses that diversify and support our economy.

This Resolution adopted by the City Council of the City of Neptune Beach, Florida, at the Regular City Council meeting, held this 1st day of May, 2017.



Elaine Brown, Mayor

ATTEST:



Amanda Askew, Acting City Clerk

