

RESOLUTION NO. 2017- 34

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, ENCOURAGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HB17 AND SB1158 WHICH WOULD PREEMPT LOCAL GOVERNMENT HOME RULE AUTHORITY AND THREATEN THE EXISTENCE OF NUMEROUS AND WIDE RANGING REGULATIONS CURRENTLY IN EFFECT IN THE COUNTY UNLESS SUCH REGULATIONS ARE EXPRESSLY AUTHORIZED BY GENERAL LAW; AND AUTHORIZING TRANSMISSION OF THE RESOLUTION TO THE NASSAU COUNTY LEGISLATIVE DELEGATION, THE FLORIDA ASSOCIATION OF COUNTIES, AND OTHER INTERESTED PARTIES

WHEREAS, prior to 1968, Florida counties and municipalities could exercise only those powers specifically granted by the Florida Legislature; and

WHEREAS, due to the inability of counties and municipalities to act without specific legislative authorization, in 1967 alone, the Florida Legislature enacted 1,125 special or local laws; and

WHEREAS, in 1968, Florida voters amended the State constitution to confer upon charter counties broad "home rule" powers and further authorize the Legislature to grant such home rule powers to non-charter counties and municipalities as well; and

WHEREAS, HB 17, in enacted, would prohibit counties and municipalities from adopting or imposing new regulations on a business, profession, or occupation not expressly authorized by general law and require the repeal of existing regulation; and

WHEREAS, SB 1158, in enacted, would preempt the County's authority to adopt and enforce regulations relating to commerce, trade, or labor unless expressly authorized by law, and further prohibits any local regulation having an adverse impact on economic growth, business competitiveness, and productivity; and

WHEREAS, HB17 and SB 1158 are violative of the home rule concept, pursuant to which the County has creatively solved problems and addressed local issues and concerns unique to the County and its residents; and

WHEREAS, the enactment of HB 17 and/or SB 1158 would impact the validity and enforceability of numerous existing County regulations that are not expressly authorized by general law but rather have been enacted pursuant to the County's home rule authority, including but not limited to ordinances, comprehensive plan provisions, resolutions, and other regulations pertaining to: building height, density, lot occupancy, and other land development standards and restrictions, signage; the operation of adult entertainment establishments; the location of business selling alcoholic beverages; home businesses; the preparation and review of commercial site plans;

the location of gas stations and wireless communications facilities; grease management requirements for food establishments; utilities; special events; and live entertainment; and

WHEREAS, in the event the County is unable to regulate these and other matters of local importance, the burden and responsibility for addressing such issues would shift back to the Florida Legislature, a 160 member body that is constitutionally focused on matters of State-wide importance, which meets only once a year for 60 days, and is located outside the geographic limits of Nassau County, making it difficult for local citizens to effectively petition the Florida Legislature for change; and

WHEREAS, the Nassau County Board of County Commissioners strongly believes that opposing HB 17 and SB 1158 is in the best interest of County residents and businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. OPPOSITION OF HB 17 AND SB 1158. The Nassau County Board of County Commissioners ("Board") hereby expresses its opposition to HB 17 and SB 1158 and respectfully encourages all members of the Florida Legislature to oppose such bills.

SECTION 3. TRANSMISSION. The Board hereby directs the transmission of a certified copy of this Resolution to the Nassau County Legislative Delegation, the Florida Association of Counties, and any other interested parties, as County staff may determine.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA



DANIEL B. LEEPER,
Its: Chairman

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ATTEST AS TO CHARIMANS
SIGNATURE:



JOHN A. CRAWFORD,
Its: Ex-Officio Clerk

MES
03-15-17

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN