

RESOLUTION NO. 2021-063

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT LEGISLATION THAT ERODES LOCAL GOVERNMENT HOME RULE AUTHORITY; EXPRESSING SUPPORT FOR THE FLORIDA LEAGUE OF MAYORS' AND THE FLORIDA LEAGUE OF CITIES' EFFORTS TO PROTECT LOCAL GOVERNMENT HOME RULE AUTHORITY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has in recent years increasingly implemented legislation that restricts municipal and county home rule authority by preempting and prohibiting local governments from implementing regulations on a variety of matters; and

WHEREAS, a recent example includes the preemption of local government authority to regulate vacation rentals; House Bill 219, short-term rental regulations, thereby destroying the peace and tranquility of residential neighborhoods, which are incompatible and inconsistent under most local land use regulations, among too many other areas; and

WHEREAS, current examples of proposed Florida legislation infringing on local government home rule include: (1) Senate Bill 284, relating to the preemption of municipal zoning and development regulations; (2) House Bill 487, relating to Growth Management; (3); House Bill 403, relating to home-based businesses; and (4) House Bill 401, relating mostly to the Florida building code but prohibiting local government from regulating the design for single- or two-family residential dwellings; and

WHEREAS, the Mayor and City Counsel of the City of Hialeah find that the Florida Legislature's efforts to erode local government closest to the people and their home rule authority conflicts with the right and ability of local governments to protect and improve their local communities, each with a unique footprint and needs; and

WHEREAS, the deterioration of home rule authority is contrary to the principle of subsidiarity, which emphasizes the importance of having the government closest to the people provide government services and regulations because of local government responsiveness to the will of the needs of the people in their local community, as social and political issues should be dealt with at the most local level consistent with the resolution of local needs and at the ballot box, and not with central authority performing tasks, which should be performed at a more local level, leaving the larger issues for more central state or national regulation affecting broader needs; and

WHEREAS, the City desires to express its support of the efforts by the Florida League of Cities and the Florida League of Mayors to combat the erosion of local government home rule authority in Florida, and respectfully urges the Florida Legislature to reject legislation that

people at the local level the right and ability to govern themselves given their unique footprint and needs, and not by a larger more central one size fits all government where in particular, the intrusion on local communities overrides the communities pressing desires to address their unique local needs.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

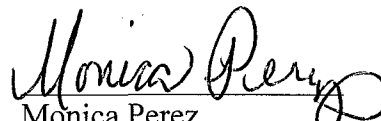
Section 1. Recitals. The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Mayor and City Council of the City of Hialeah urge the Florida Legislature to support the Florida League of Cities and Mayors in their quest to preserve local home rule, and hereby urge the Florida Legislature to reject legislation that erodes local government home rule authority, and overrule existing authority, such as that cited in this Resolution, and return to the government closet to the people the right to govern, as circumscribed by meaningful elections at the local level.


Section 3. Transmittal. The City Clerk shall transmit a copy of this Resolution to the Florida Senate President Wilton Simpson, the Speaker of the Florida House of Representatives Chris Sprowls, State Representative Joseph Gellert State Senator Jason Pizzo, the Miami-Dade County Legislative Delegation, the Florida League of Cities and Mayors, the Miami-Dade County League of Cities, and all such other persons as is necessary and proper.


Section 4: This resolution shall become effective when approved by majority of the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 25 day of May, 2021.

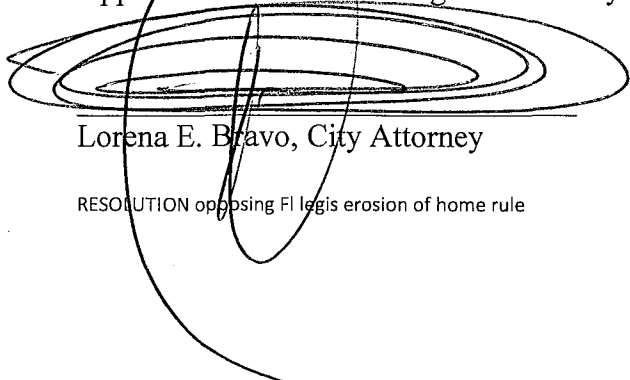

Monica Perez
Council Vice President

Attest: Approved on this 7 day of June, 2021.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Resolution was adopted by 4-0-3 vote with Councilmembers, Garcia-Roves, Hernandez, Perez and Zogby voting "Yes" and with Council President Tundidor, and Council Member De la Rosa absent and Council Member Cue-Fuente recording her vote as "Yes" via Zoom.