

POLICY BACKGROUND:

LOCAL GOVERNMENT

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Topics covered in this backgrounder:

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The Law

[Title XI of the Florida Statutes](#) contains the laws governing county government organization and intergovernmental relations. [Chapter 125](#) sets out the powers and duties of county governing boards.

[Title XII](#) covers municipalities.

The Constitution

[Article VIII](#) of the Florida Constitution deals with local government, with Section 1 covering counties and Section 2 municipalities. The constitution specifically gives Florida cities home rule powers, meaning the city may enact what laws it deems necessary as long as they don't conflict with state or federal law.

Local Government Issues

Local governments are constantly concerned about pre-emption issues or being able to determine their own local laws. This is particularly of interest to cities where the popular political consensus on given issues may be different from the majority consensus in the rest of the state. But it's the case with most local governments that they often prefer to make their own governing decisions based on local culture and circumstances rather than having to abide by a one-size-fits-all state statute.

Big city officials will point out that they have to tackle problems different from one-stoplight towns, poor communities and affluent communities often have different priorities, and coastal communities have different needs than inland ones. As the [Florida League of Cities puts it](#), "with 412 cities ranging in size from Westlake (pop. 5) to Jacksonville (pop. 891,207), one size does not fit all." According to the Florida League of Cities, more than 140 bills have been filed in the Legislature since 2017 [attempting to pre-empt certain issues from city control](#), from the regulation of home-based businesses

([HB 537 of 2020](#)) to sunscreen ([SB 172 of 2020](#)).

Local officials also have to regularly fight “unfunded mandates,” or requirements by state laws that they do something without the money to pay to do it.

One specific [recent pre-emption issue](#) has been short-term rental laws. Cities have been able to put some regulations in place for short-term vacation rentals since 2014, but they can’t prohibit them under a 2011 state law unless they had previous bans grandfathered in.

Other top issues concerning Florida cities regularly include protection of the water supply, which requires a regional or statewide approach because that supply doesn’t respect local boundaries, and transportation funding issues for the same reason. Transportation often involves roads, rails and other infrastructure that serve multiple local communities.

Recent Legislation: 2020

[SB 172](#), pre-empting the regulation of the [sale of sunscreen](#) to the state, passed both chambers and was [signed into law](#) in the summer by Gov. Ron DeSantis. [The bill was a response](#) to a plan by the city of Key West to ban the sale of sunscreens that contain oxybenzone and octinoxate because of local fears the chemicals could damage coral reefs.

Legislation ([HB 537](#), [SB 778](#)) seeking to pre-empt the state regulation of home-based businesses was opposed by the Florida League of Cities and the Florida Association of Counties. Neither version made it to a floor vote.

Legislation ([HB 305](#), [SB 1126](#)) pre-empting local governments from being able to regulate against certain conditions of employment. Opponents [said the bills could prevent local communities from passing anti-discrimination ordinances](#). The proposal failed.

[HJR 477](#) to [allow local voters to decide whether to require a two-thirds majority](#) for any

municipality or subsidiary form of government to raise taxes. The measure died in committee.

[HB 647](#) pre-empted to the state permitting authority for RV and mobile home parks. The bill failed to pass.

A bill ([HB 1039](#)) that allows rideshare drivers to have advertising on their cars passed the Legislature and was signed into law by Gov. Ron DeSantis. The measure passed easily in both chambers. It [spells out certain requirements](#) for what such advertising can and can't include. The Florida Association of Counties opposed the bill because it [pre-empts local governments](#) from being able to regulate the companies.

Additional Resources

[Florida Association of Counties](#)

[Florida League of Cities](#)

[U.S. Conference of Mayors](#)

Recent News

["Leon County tees up 2021 legislative priorities,"](#) 11-2-2020, Tallahassee Democrat

["Proposed constitutional amendment would make state pre-emptions harder to pass,"](#) 1-13-2020, Florida Politics

["Florida state lawmakers are increasingly blocking local governments,"](#) 1-7-2020, News Service of Florida

["Bill again filed to require 'supermajority' to raise local taxes,"](#) 8-28-2019, Florida Politics

["Expect more conflict between cities and states,"](#) 1-25-2017, Stateline.

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