



January 19, 2017

On Friday, January 26, the CRC Local Government Committee will consider two proposals that would directly impact municipalities. It is very important that municipal officials contact members of the [CRC Local Government Committee](#) and express **OPPOSITION to PROPOSAL 95** and **SUPPORT for PROPOSAL 61!**

### **Proposal 95 - Preempting the Regulation of Commerce, Trade, and Labor** **(Oppose)**

**Proposal 95** (Tom Lee) would create an extremely broad and vague preemption of local government ability to regulate commerce, trade or labor. If broadly interpreted, Proposal 95 may prohibit a city regulation of an activity taking place within the city, even if the city established a reasonable nexus between the activity and its citizens' health, safety and welfare. From zoning to environmental protections, many local government regulations of business could be directly preempted by this. The FLC is strongly opposed to this proposal. Please contact members of the Local Government Committee and urge them to **Oppose Proposal 95**.

**Proposal 95 states:** A county, municipality, or special district may only regulate commerce, trade, or labor occurring exclusively within the respective entity's own boundaries in a manner not prohibited by law. A regulation enacted by a county, municipality, or special district may not intrude upon or impede commerce, trade, or labor across the respective entity's boundaries.

#### **Talking Points:**

**IT'S BROAD AND VAGUE.** Due to its ambiguity, Proposal 95 (P95) is likely rife with unintended consequences. If broadly interpreted, it would cast companies into regulatory gray areas and leave local governments uncertain of their roles and responsibilities. Ultimately, business certainty and public welfare would both become casualties of this ill-conceived proposal.

**IT'S IMMENSELY IMPRACTICAL.** P95 would not only exempt large companies with offices in 2 or more local jurisdictions (for example a city and the neighboring unincorporated area), or companies providing some manner of service or product in 2 or more local jurisdictions, from local laws, it could even prevent cities from regulating businesses within their boundaries. Many local businesses serve customers well beyond their home-city's jurisdiction. For example, a local pizza joint may deliver to nearby communities, a local florist may send flowers out of town and countless local retailers ship to far-flung destinations thanks to online sales. P95 would potentially bar cities from regulating such businesses in any manner.

**THAT'S NOT FAIR TO SMALL BUSINESSES.** Ultimately, P95 creates a two-track system of regulation for like businesses within the same local jurisdiction: one for businesses that are regulated by local governments and one for businesses that are not. That creates more confusion and less certainty—ultimately, it may distort a company's business decisions in a way that's unhealthy for the economy and inconsistent with the free market and a level playing field.

**THE CONTRACTOR CONUNDRUM.** With P95, contractors from other communities need not play by the same rules as their local competitors. If a contractor is based in a different town, neither their home-city nor the city in which they operate would be able to regulate their activities. That's a potential danger to the health, safety and welfare of Floridians.

**LOCALISM.** Decisions made at local levels of government are more likely to be consensus decisions, given the shared values within most communities. When problems arise within communities, local leaders are typically well-suited to mediating the concerns of those affected by their decisions. In essence, they are accountable. P95 contorts a practical regulatory system into one that confusingly shifts jurisdiction or leaves some businesses in a regulatory gray area. That's bad for businesses, bad for cities and bad for citizens.

## **Proposal 61 - A Transparent Preemption Process (Support)**

**Proposal 61** (Chris Smith) would create a transparent process for the legislature to preempt the Home Rule authority of municipalities. An amendment will be offered to Proposal 61 that would simply limit this proposal to require the Legislature to enact each preemption of Home Rule authority as a stand-alone bill, rather than tacked on to "must-pass" legislation during the final hours of the legislative session, without the benefit of a full debate in broad daylight. Please contact members of the Local Government Committee and urge them to **Support Proposal 61**.

### **Talking Points:**

**STRENGTHENS LOCAL DECISION-MAKING.** Proposal 61 is based on a simple idea: Local decisions should be made by local communities, not distant government. In a state as big and diverse as Florida, each city, town and village should be governed by residents who are elected by the citizenry.

**EMPOWERS PEOPLE BY LIMITING GOVERNMENT.** Proposal 61 says the state must justify passing policies that concentrate power in Tallahassee at the expense of local cities and taxpayers. This is a sensible, balanced check against the aggressive expansion of state powers.

**PROMOTES COMMONSENSE POLICYMAKING.** Proposal 61 says that any policy to restrict the rights of local communities should be considered on its own merits, as a standalone bill, and not be tacked on to "must-pass" legislation during the final hours of the legislative session, without the benefit of a full debate in broad daylight.

## **CRC Local Government Committee Members**

**Oppose Proposal 95**

**Support Proposal 61**

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