

**PROPOSED RESOLUTION NO. 2021-R-54**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA OPPOSING SENATE BILL 280 ENTITLED “LOCAL ORDINANCES” OR SIMILAR LEGISLATION THAT WOULD EFFECTIVELY PREEMPT AND RESTRICT LOCAL GOVERNMENTS FROM ENFORCING ADOPTED ORDINANCES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE GOVERNOR, SENATE PRESIDENT, THE SPEAKER OF THE FLORIDA HOUSE, TO THE CHAIR AND MEMBERS OF THE BROWARD COUNTY LEGISLATIVE DELEGATION, AND TO THE BOARD OF DIRECTORS OF THE BROWARD COUNTY LEAGUE OF CITIES AND THE FLORIDA LEAGUE OF CITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 166.021, Florida Statutes, and Section 2(b), Article VIII of the Florida Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, SB 280 imposes new substantive requirements on municipalities for adopting and enforcing ordinances amounting to a substantial unfunded mandate; and

**WHEREAS**, SB 280 requires a governing body of a municipality to prepare a business impact statement before the adoption of a proposed ordinance; and

**WHEREAS**, the business impact statement must include the public purpose of the ordinance, a statement of the reasonable connection between the public purpose and the expected effects of the ordinance, the estimated direct and indirect economic effects of the ordinance on businesses within and outside the municipality, an estimate

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of the number of businesses likely to be affected by the ordinance, and analysis of the extent to which the ordinance is likely to deter or encourage the formation of new businesses within the municipality, an analysis of the extent to which the ordinance will impede the ability of businesses within the municipality to compete with other businesses in Florida or other domestic markets, the scientific basis for the ordinance, and alternatives considered by the municipality that would reduce the impact of the ordinance on businesses; and

**WHEREAS**, SB 280 requires a municipality to suspend enforcement of an ordinance that is the subject of a civil action, including any appeals, challenging the ordinance's validity on grounds that it is preempted by state law, is arbitrary or unreasonable, or is otherwise prohibited by law if the action was filed within twenty (20) days of the ordinance's effective date, where suspension of the ordinance is requested in the complaint, and the municipality was served with a copy of the complaint; and

**WHEREAS**, SB 280 authorizes an unspecified award of attorney fees and costs to a prevailing plaintiff in a civil action commenced after October 1, 2022, in which the adopted or enforcement of an ordinance is alleged to be arbitrary or unreasonable, or is impliedly preempted or is in conflict with state law; and

**WHEREAS**, the City Commission finds that SB 280 is an encroachment on the City's authority under Section 166.021, Florida Statutes, to exercise its powers for municipal purposes; and

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**WHEREAS**, the City Commission finds that SB 280 imposes unreasonable and burdensome requirements on local governments with a punitive attorneys' fee consequence, un-capped litigation damages, and the potential for suspension of the enforcement of validity of adopted laws of the City; and

**WHEREAS**, SB 280's adoption poses serious public health, safety, and welfare concerns in creating a mechanism to impede the enforcement of adopted ordinances; and

**WHEREAS**, the City Commission finds that opposing SB 280 entitled "Local Ordinances" or similar legislation is in the best interests of the citizens and residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as true and correct and by this reference incorporated herein.

**SECTION 2.** The City Commission hereby opposes SB 280 entitled "Local Ordinances" or similar legislation.

**SECTION 3.** The City Clerk is hereby directed to transmit a copy of this resolution to the Governor, Senate President, the Speaker of the Florida House, the Chair and members of the Broward County Legislative Delegation, the Broward County League of Cities, and to the Florida League of Cities.

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**SECTION 5.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**SECTION 7.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

BY: \_\_\_\_\_  
MAYOR FRANK C. ORTIS

\_\_\_\_\_  
MARLENE GRAHAM  
CITY CLERK

ORTIS \_\_\_\_\_

APPROVED AS TO FORM:

SIPLE \_\_\_\_\_

SCHWARTZ \_\_\_\_\_

\_\_\_\_\_  
OFFICE OF THE  
CITY ATTORNEY

GOOD \_\_\_\_\_

CASTILLO \_\_\_\_\_