

RESOLUTION NO. 21-04-90

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, OPPOSING SENATE BILL 856 AND HOUSE BILL 839, PREEMPTING THE REGULATION OF ENERGY INFRASTRUCTURE TO THE STATE; URGING FLORIDA GOVERNOR RON DESANTIS TO VETO THE BILL; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY COMMISSIONER MELISSA P. DUNN)

WHEREAS, January 27, 2021, Florida Senator Travis Hutson filed Senate Bill 856, seeking to preempt local regulation of energy infrastructure; and

WHEREAS, on February 9, 2021, Florida Representative Tom Fabricio, filed a similar bill, House Bill 839, also seeking to preempt the regulation of energy infrastructure; and

WHEREAS, under the Florida Constitution and Section 166.021, Florida Statutes, municipalities are given broad home rule powers; and

WHEREAS, as part of their home rule powers, municipalities should have the ability to regulate energy infrastructure in their jurisdiction; and

WHEREAS, the new law, if passed, would define "energy infrastructure" broadly to mean: "infrastructure used to support the production, import, storage, and distribution of natural gas; petroleum; petroleum products; electricity; biomass; renewable fuels; hydrogen; or solar, wind, or geothermal energy"; and

WHEREAS, the term "energy infrastructure" may be interpreted to apply to regulations of gasoline stations, and if so, it would impact the City's code provisions relating to gasoline stations operations and locations; and

WHEREAS, municipalities should continue to have the power to decide what is consistent with the needs of their own communities; and

WHEREAS, if Senate Bill 856 and House Bill 839 passed, it would violate the home rule powers of municipalities; and

WHEREAS, the City Commission advocates for the protection of home rule powers and opposes Senate Bill 856 and House Bill 839; and

WHEREAS, Senate Bill 856 was laid on the table and House Bill 839 was ordered enrolled today on April 26, 2021; and

WHEREAS, the City of Lauderhill wishes to urge Governor Ron DeSantis to veto CS/CS/HB 839; and

WHEREAS, the City Commission believes it is in the best interest of the City to approve this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

SECTION 2. The City Commission opposes Senate Bill 856 and House Bill 839. Further having heard that the Bill CS/CS/HB 839 was ordered enrolled today despite opposition, the City urges Governor Ron DeSantis to veto the bill.

SECTION 3. That it hereby directs the City Clerk to transmit an executed copy of this Resolution to Governor Ron DeSantis, the Florida Legislature, Broward League of Cities, the media, and all interested persons.

SECTION 4. That this Resolution shall be in full force and effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2021.

PASSED AND ADOPTED on first reading this _____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____
SECOND _____

M. DUNN _____
D. GRANT _____
L. MARTIN _____
S. MARTIN _____
K. THURSTON _____

Approved as to Form

W. Earl Hall
City Attorney