

RESOLUTION NO. 77-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OPPOSING SENATE BILL 620 IN THE 2022 FLORIDA LEGISLATIVE SESSION, URGING GOVERNOR RON DESANTIS TO VETO SENATE BILL 620 WHICH, IF ENACTED, WOULD ALLOW BUSINESS DAMAGES TO BE ASSESSED AGAINST COUNTIES AND MUNICIPALITIES IN CERTAIN CIRCUMSTANCES; DIRECTING THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO GOVERNOR RON DESANTIS, THE FLORIDA LEAGUE OF CITIES, AND THE PALM BEACH COUNTY LEAGUE OF CITIES, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Senate Bill 620, also known as the Local Business Protection Act, authorizes certain businesses to claim damages against counties and municipalities if the county or municipality enacts or amends certain ordinances or charter provisions; 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 enact and amend ordinances that are in the best interest of their communities without a threat of business damages being assessed; and

WHEREAS, municipalities should continue to have the power to decide what is consistent with the needs of their own communities without having their ability to effectively legislate hindered; and

WHEREAS, Senate Bill 620, if passed, would violate the home rule powers of municipalities and expose municipalities to potentially large damage awards; and

WHEREAS, the City Commission continues to advocate for the protection of home rule powers and opposes Senate Bill 620; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The forgoing recitals are hereby incorporated herein by this reference and are approved.

Section 2. The City Commission of the City of Delray Beach, Florida, opposes Senate Bill 620, the Local Business Protection Act, and urges Governor Ron Desantis to veto Senate Bill 620 and any other

similar legislation or amendment that would provide for business damages for the enactment or amendment of ordinances or charter provisions.

Section 3. The City Commission directs the City Clerk to transmit copies of this Resolution to the City's state lobbyists, Governor Ron Desantis, the Florida League of Cities, the Palm Beach County League of Cities, and any other interest parties.

Section 4. If any clause, section, or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby, but shall remain in full force and effect.

Section 5. All resolutions or parts of resolutions in conflict therewith, be and the same are hereby rescinded to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney