



The History of Home Rule in Florida

- ▼ **WHAT IS HOME RULE?** Local decision-making. Self-government. Citizen-centered solutions.
- ▼ **WHY IS HOME RULE IMPORTANT?** The most precious power a city in Florida has is its Home Rule. The ability to establish its form of government through its charter and to then enact ordinances, codes, plans and resolutions without prior state approval is a tremendous authority. To be able to enforce them “at home” and to make necessary changes as a city grows is a great reflection of the trust that we have in our city leaders.
- ▼ **WHAT EXISTED BEFORE HOME RULE?** During the 18th century, cities derived their powers from their state constitutions. These local governments relied upon their respective state legislatures for all powers. This state power was upheld in an 1860’s court case, called “Dillon’s Rule,” which held for most states through the end of the 1800s.
- ▼ **WHY WAS DILLON’S RULE A PROBLEM?** Cities could wait three to five years to secure permission for a municipal service that today we take for granted. Imagine if we had to wait for the Florida House, Senate and governor to act so our city leaders could do their work. Imagine waiting for years to have your request answered. An example was the issue of traffic control signs. If a city wished to erect signs related to traffic control (horses, wagons and the newly created automobiles), the city first had to obtain state permission through a special act, or general law of local application. Cities and counties might seek this permission jointly, or cities might seek it by population category (“all cities over 10,000 in population shall...”), but they still had to petition their legislators for these bills during each legislative session. It was not uncommon in Florida for more than 2,000 special acts to be filed in a legislative session during this era.
- ▼ **WHAT REPLACED DILLON’S RULE?** In the early 1900s, states began to adopt “Home Rule” provisions in which cities and counties were allowed to enact ordinances at the local level without state “blessing” – or without the enactment of special acts, general laws of local application or similar measures.
- ▼ **WHAT BROUGHT HOME RULE TO FLORIDA?** Home Rule language was proposed in the 1968 constitutional revision and was adopted by the citizens. After several legal challenges, the Legislature adopted the Home Rule Powers Act in 1973, which ended challenges related to city and county powers.



- ▼ **DO MUNICIPALITIES HAVE HOME RULE POWER FOR EVERYTHING?** No, these powers do not extend to fiscal Home Rule. The state has all taxing authority. Of course, city laws cannot conflict with state or federal laws. In the metropolitan Miami-Dade County government and in certain chartered county governments, some municipal ordinances and processes are subject to county review. However, for most of Florida's 412 municipalities, Home Rule powers ensure that the cities are effectively and efficiently providing for the wishes of their citizens.
- ▼ **IS HOME RULE THREATENED IN FLORIDA?** Yes! Beginning in the 1980s through the early 2000s, the state legislature passed mandates, dictating that cities do specific things without providing the means to fulfill these requirements. Sometimes, the legislature would pass preemptions, which are one-size-fits-all policy directives that circumvent local decision-making. Each of these preemptions took its toll on local decisions. In the 2016 through 2018 legislative sessions, Florida cities witnessed the most deliberate attacks upon Home Rule in state history. Legislation was introduced and passed to unravel local decision-making. For example, in the 2017 legislative session, a law passed preempting cities on small cell antennas, which meant antenna-topped poles can be placed in neighborhoods where cell towers have been banned for a long time. In 2018, several bills that disregarded Home Rule were introduced, but with the help of citizens, no preemptions passed. However, current and future members of the Legislature don't share our commitment to Home Rule.
- ▼ **HOW CAN I GET INVOLVED IN THE BATTLE TO PROTECT AND PROMOTE HOME RULE?** Make your voice heard. Pledge your support to protect local self-government. Share this message on social media. Get in touch with your state legislators and tell them "we live local, so **we** should decide local." The Florida League of Cities has resources available for you to use to learn more and get engaged. Find them at FLCities.com/WeLiveLocal.

