

Orlando city commissioner, now Florida League of Cities President, to lead fight against preemption

By Ryan Gillespie | November 25, 2020

Orlando City Commissioner Tony Ortiz is gearing up for the March legislative session, when he'll lead a coalition of Florida cities in lobbying the state to allow greater decision-making authority for local governments.

Ortiz was elected in August as the president of the Florida League of Cities, the statewide lobbying group of Florida municipalities that opposes statewide restrictions on what a city can and cannot regulate, as well as unfunded mandates from Tallahassee.

Ortiz, a Republican first elected to the city council in 2008, said he's launching an initiative with the League of Cities to spark awareness of government actions, as well as bringing back a tracker tool that allows voters to monitor how their legislators are voting on issues.

"When those legislators see the masses of people calling and getting involved, they'll know it's no longer about who is more influential. I want to see so many people involved that the power of government is back in the municipalities," he said. "Once we see that, I'll be very happy."

In past sessions, the League has bristled at statewide preemptions that kept cities from having a say in the placement of 5G nodes, from requiring permits to cut down trees, and from banning certain sunscreens. That last preemption came after the city of Key West in 2019 banned the sale of sunscreens containing oxybenzone and octinoxate, which could damage coral reefs.

It also opposes so-called unfunded mandates — when state officials make new rules but don't allocate money for local governments to implement them.

The League, comprised of 411 cities, towns and villages, believes that local needs are unique in different parts of the state, and decisions made locally best reflect a city's values, Ortiz said.

This month, Ortiz and the League's board of directors OKed its legislative priorities for the coming year.

Among its goals: The group will push for what it calls "sales tax fairness" which would apply sales tax to all online purchases. Currently, sales tax in Florida is only applied to businesses that have a physical location within the state.

Orlando City Commissioner Robert Stuart, who chairs the League's finances, taxation and personnel policy committee, said the existing structure harms Florida's small businesses, who charge the tax, while consumers can buy from companies based elsewhere and not pay it.

Its agenda also includes supporting laws that ease the annexation of land into cities and preventing state lawmakers from raiding the Sadowski State and Local Housing Trust Fund, which is meant to support affordable housing projects, to pay for other priorities.

"That funding gets ripped apart every year if any other need arises," Ortiz said.

The League is also gearing up for another fight over preemption of short-term rental regulations. Currently, under Florida law, cities can set local rules for operating services like AirBnB or VRBO but, in past years, legislators have pushed bills that would prevent them from doing so.

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For example, in Orlando, a short-term rental unit must be registered with the city and be on residential property. Also, the city requires the rental to be fewer than half of the bedrooms in the home and be the owner's primary residence, where they live.

In Miami Beach, the city has banned rentals for shorter than six months in single-family homes and apartments.

"The rules that you have for vacation rentals in Fort Lauderdale can't be the same as Gainesville," said Stuart. "The Florida League of Cities has been successful and winning the issue of home rule with short-term vacations, but we haven't won all the battles."

Ortiz said he hopes the League's initiatives help keep Floridians involved in state politics, and more aware of the policies their state representatives are supporting.

"We've been able to stop a bunch of preemptions in the past, but a lot of legislators get to Tallahassee and forget they're elected to represent the people back home," Ortiz said. "So now we're going to make our communities aware of how those representatives they elected are voting in Tallahassee to keep them check."

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