

**Council**

Anne Gerwig, Mayor  
John T. McGovern, Vice Mayor  
Michael Drahos, Councilman  
Michael J. Napoleone, Councilman  
Tanya Siskind, Councilwoman

**Manager**  
Paul Schofield

**Village Attorney**  
Laurie Cohen

January 2, 2018

Richard Radcliffe, Executive Director  
Palm Beach County League of Cities  
Governmental Center  
301 N. Olive Avenue  
West Palm Beach, FL 33401  
[rradcliffe@pbcgov.org](mailto:rradcliffe@pbcgov.org)

RE: Preemptive Talking Points

Dear Mr. Radcliffe:

As requested by Mayor Gerwig, set forth below are several issues of importance to Wellington and other local governments that have been preempted by the Florida Legislature.

**Paint colors** – Recent legislation (codified at Chapter 2017-149) prohibits local governments from requiring a resident to obtain a permit prior to painting a house. For communities such as the Village with approved color palettes, this prohibits the municipality from ensuring residents are using one of the approved colors when painting their residence. This is important in maintaining diverse yet attractive communities and neighborhoods that complement each other. With this prohibition in place, if a resident paints their house with an unapproved color, the Village's remedy is either enforce the palette through a code-enforcement proceeding, which could result in the homeowner being forced to expend the time and resources to repaint their house, or to totally abandon the color palette which undermines years of careful planning and neighborhood unity.

**BMPs** – As currently enacted, local governments are prohibited from enforcing any Best Management Practices in relation to agricultural run-off and water quality that differ from those enacted by the Department of Agriculture and Consumer Services. In a state as large and environmentally varied as Florida, a one-size fits all BMP program puts many municipalities at a disadvantage, particularly those communities near environmentally sensitive areas such as the Everglades. For example, throughout the late 1990s and early 2000s, Wellington expended in the range of \$40 million and entered into agreements with the EPA that required certain water quality limits to ensure that outflows into the Everglades were sufficiently clean. Without the ability to create our own BMPs, Wellington could face future liability regarding water quality due to the phosphorous-laden runoff associated with equine activities, which are an economic driver in our community.

**Vacation Rentals** – The current prohibition on regulating vacation rentals, except for certain grandfathered communities, has created a situation in which local governments are blamed for residential communities being

turned into commercial areas due to the influx of vacation rentals. Traffic, parking, and other community standards are being degraded due to high volume short-term rentals that were never envisioned for single-family neighborhoods. Furthermore, it is municipalities that are faced with a barrage of community complaints, and that are left with imperfect solutions to address them, due to state preemption. Removing local control from local activities has created myriad issues that local governments are prohibited from addressing, which only hurts residents and creates an appearance of unresponsive local government.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,



Laurie Cohen  
Village Attorney