

By Commissioner Anthony

1                                   A proposal to revise  
2           ARTICLE VII, s. 18, Fla. Const.; providing that  
3           local governments are not bound by certain  
4           state legislative mandates.

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6 It is proposed by the Florida Constitution Revision Commission  
7 that:

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9           Section 1. Section 18 of Article VII of the Florida  
10 Constitution is revised by amending that section to read:

11                                   ARTICLE VII

12                                   FINANCE AND TAXATION

13           SECTION 18. Laws requiring counties or municipalities  
14 to spend funds or limiting their ability to raise revenue or  
15 receive state tax revenue.--

16           (a) No county or municipality shall be bound by any  
17 general law addressing a subject that is primarily local in  
18 nature or primarily a matter of local concern. No county or  
19 municipality shall be bound by any general law requiring such  
20 county or municipality to spend funds or to take an action  
21 requiring the expenditure of funds unless the legislature has  
22 determined that such law fulfills a compelling an important  
23 state interest and unless: sufficient funds have been  
24 appropriated that have been estimated at the time of enactment  
25 to be sufficient to fund such expenditure; the legislature  
26 authorizes or has authorized a county or municipality to enact  
27 a funding source not available for such county or municipality  
28 on the effective date of such general law February 1, 1989,  
29 that can be used to generate sufficient ~~the amount of~~ funds  
30 ~~estimated to be sufficient~~ to fund such expenditure by a  
31 simple majority vote of the governing body of such county or

1 municipality; the law requiring such expenditure is approved  
2 by two-thirds of the membership in each house of the  
3 legislature; the expenditure is required to comply with a law  
4 that applies to all persons similarly situated, including the  
5 state and local governments; or the law is either required to  
6 comply with a federal requirement or required for eligibility  
7 for a federal entitlement, which federal requirement  
8 specifically contemplates actions by counties or  
9 municipalities for compliance.

10 (b) Except upon approval of each house of the  
11 legislature by two-thirds of the membership, the legislature  
12 may not enact, amend, or repeal any general law if the  
13 ~~anticipated~~ effect of doing so would be to reduce the  
14 authority that municipalities or counties have to raise  
15 revenues ~~in the aggregate~~, as such authority exists on the  
16 effective date of any such general law ~~February 1, 1989~~.

17 (c) Except upon approval of each house of the  
18 legislature by two-thirds of the membership, the legislature  
19 may not enact, amend, or repeal any general law if the  
20 ~~anticipated~~ effect of doing so would be to reduce the  
21 percentage of a state tax shared with counties and  
22 municipalities as such percentage exists on the effective date  
23 of any such general law ~~an aggregate on February 1, 1989~~. The  
24 provisions of this subsection shall not apply to enhancements  
25 enacted ~~after February 1, 1989, to state tax sources, or~~  
26 during a fiscal emergency declared in a written joint  
27 proclamation issued by the president of the senate and the  
28 speaker of the house of representatives, or where the  
29 legislature provides additional state-shared revenues which  
30 are ~~anticipated to be~~ sufficient to replace the ~~anticipated~~  
31 ~~aggregate~~ loss of state-shared revenues resulting from the

1 reduction of the percentage of the state tax shared with  
2 counties and municipalities, which source of replacement  
3 revenues shall be subject to the same requirements for repeal  
4 or modification as provided herein for a state-shared tax  
5 source existing on February 1, 1989.

6 (d) Except upon approval of each house of the  
7 legislature by two-thirds of the membership, the legislature  
8 may not enact any general law that provides an exemption from  
9 or limitation on any tax authorized by general law to be  
10 levied by counties or municipalities. Any such general law in  
11 effect on the effective date of this amendment, except general  
12 laws governing the distribution of taxes shared between  
13 counties and municipalities, is void.

14 (e)~~(d)~~ Laws adopted to require funding of pension  
15 benefits existing on the effective date of this section,  
16 criminal laws, election laws, the general appropriations act,  
17 special appropriations acts, laws reauthorizing but not  
18 expanding then-existing statutory authority, laws having an  
19 insignificant fiscal impact on an individual municipality or  
20 county, and laws creating, modifying, or repealing noncriminal  
21 infractions, are exempt from the requirements of this section.

22 (f)~~(e)~~ The legislature may enact laws to assist in the  
23 implementation and enforcement of this section.