

By Commissioner Langley

1                                   A proposal to revise  
2       ARTICLE VII, s. 18, Fla. Const.; providing that  
3       a county or municipality is not bound by any  
4       agency action or administrative rule that  
5       requires the expenditure of funds, reduces  
6       revenue raising authority, or reduces the  
7       percentage of shared state taxes.

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9   It is proposed by the Florida Constitution Revision Commission  
10 that:

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

14                                   ARTICLE VII

15                                   FINANCE AND TAXATION

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

19       (a)   No county or municipality shall be bound by any  
20 general law requiring such county or municipality to spend  
21 funds or to take an action requiring the expenditure of funds  
22 unless the legislature has determined that such law fulfills  
23 an important state interest and unless:   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 February 1, 1989, that can be used to generate the amount  
29 of funds estimated to be sufficient to fund such expenditure  
30 by a simple majority vote of the governing body of such county  
31 or municipality; the law requiring such expenditure is

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

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

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

1 revenues shall be subject to the same requirements for repeal  
2 or modification as provided herein for a state-shared tax  
3 source existing on February 1, 1989.

4 (d) A county or municipality is not bound by any agency  
5 action or administrative rule that:

6 (1) Requires a county or municipality to spend funds or  
7 to take an action requiring the expenditure of funds;

8 (2) Reduces the authority of a county or municipality  
9 to raise revenues; or

10 (3) Reduces the percentage of a state tax shared with a  
11 county or municipality.

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

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