

By Commissioner Langley

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

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

ARTICLE VII

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.--

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.

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