By Commissioner Smith

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1   A proposal to amend

2   Section 2 of Article VIII of the State Constitution to

3   provide that any law enacted by the Legislature that

4   restricts the home rule powers granted to

5   municipalities must meet certain criteria.

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7 Be It Proposed by the Constitution Revision Commission of

8 Florida:

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10   Section 2 of Article VII of the State Constitution is

11 amended to read:

12   ARTICLE VII

13   LOCAL GOVERNMENT

14   SECTION 2. Municipalities.—

15   (a) ESTABLISHMENT. Municipalities may be established or

16 abolished and their charters amended pursuant to general or

17 special law. When any municipality is abolished, provision shall

18 be made for the protection of its creditors.

19   (b) POWERS. Municipalities shall have governmental,

20 corporate and proprietary powers to enable them to conduct

21 municipal government, perform municipal functions and render

22 municipal services, and may exercise any power for municipal

23 purposes except as otherwise provided by law. <u>A law enacted by</u>

24 <u>the legislature which restricts power granted to a municipality</u>

25 <u>under this subsection must:</u>

26   <u>(1) Pass by a two-thirds vote of each house of the</u>

27 <u>legislature;</u>

28   <u>(2) State with specificity the statewide necessity</u>

29 <u>justifying the restriction;</u>

30   <u>(3) Be no broader than necessary to accomplish the</u>

31 <u>statewide necessity expressed;</u>

32   <u>(4) Contain only one restriction of a power granted herein;</u>

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33   (5) Relate to one subject; and

34   (6) Be considered by at least one committee of each house,

35 each of which must publicly notice the legislation for at least

36 forty-eight hours before its consideration.

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38 Each municipal legislative body shall be elective. This

39 subsection is self-executing.

40   (c) ANNEXATION. Municipal annexation of unincorporated

41 territory, merger of municipalities, and exercise of extra-

42 territorial powers by municipalities shall be as provided by

43 general or special law.