

By Commissioner Solari

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1 A proposal to amend
 2 Section 18 of Article VII of the State Constitution to
 3 revise and specify certain conditions required to be
 4 met before the Legislature may enact a law requiring a
 5 county or a municipality to spend funds, reducing the
 6 authority of a county or a municipality to raise
 7 revenue, or reducing the amount of state tax revenue
 8 that may be received by a county or a municipality.
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10 Be It Proposed by the Constitution Revision Commission of
 11 Florida:

12
 13 Section 18 of Article VII of the State Constitution is
 14 amended to read:

15 ARTICLE VII

16 FINANCE AND TAXATION

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

20 (a) No county or municipality shall be bound by any general
 21 law that includes an unfunded state mandate, unless such law is
 22 enacted in accordance with the requirements in paragraph (1).

23 For purposes of this section, an unfunded state mandate is a law
 24 which requires a ~~requiring such~~ county or municipality to spend
 25 funds or to take an action requiring the expenditure of funds;
 26 to accept the transfer of a responsibility or function performed
 27 by the state; or to accept an increase in a responsibility or
 28 function performed by the state. An unfunded state mandate does
 29 not include a law for which funds are appropriated by the
 30 legislature at the time of enactment and annually thereafter to
 31 fund county or municipal expenditures that are required by law
 32 or a law that is required in order to comply with a federal

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33 requirement or to be eligible for a federal entitlement, which
34 requirement specifically contemplates actions by counties or
35 municipalities for compliance.

36 (1) The legislature may not enact a law constituting an
37 unfunded state mandate unless the law contains only a single
38 subject; is enacted only after a public hearing has been held,
39 with at least twenty-four hours' notice before the hearing that
40 legislation containing an unfunded state mandate will be
41 considered; is accompanied by a fiscal analysis prepared by the
42 legislature and made available at the time of the public
43 hearing; and, in addition to complying with all other
44 requirements for the enactment of laws, is passed by a three-
45 fourths vote of the membership of each house of the legislature.

46 (2) A law containing an unfunded state mandate shall be
47 repealed on October 1 in the eighth year after its enactment,
48 unless reenacted by the legislature in accordance with the
49 requirements in paragraph (1) unless the legislature has
50 determined that such law fulfills an important state interest
51 and unless: funds have been appropriated that have been
52 estimated at the time of enactment to be sufficient to fund such
53 expenditure; the legislature authorizes or has authorized a
54 county or municipality to enact a funding source not available
55 for such county or municipality on February 1, 1989, that can be
56 used to generate the amount of funds estimated to be sufficient
57 to fund such expenditure by a simple majority vote of the
58 governing body of such county or municipality; the law requiring
59 such expenditure is approved by two-thirds of the membership in
60 each house of the legislature; the expenditure is required to
61 comply with a law that applies to all persons similarly

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62 ~~situated, including the state and local governments; or the law~~
63 ~~is either required to comply with a federal requirement or~~
64 ~~required for eligibility for a federal entitlement, which~~
65 ~~federal requirement specifically contemplates actions by~~
66 ~~counties or municipalities for compliance.~~

67 (b) ~~Except upon approval of each house of the legislature~~
68 ~~by two-thirds of the membership,~~ The legislature may not enact,
69 amend, or repeal any general law if the anticipated effect of
70 doing so would be to reduce the then-existing authority that
71 municipalities or counties have to raise revenues in the
72 aggregate, unless the law contains only a single subject; is
73 enacted only after a public hearing has been held, with at least
74 twenty-four hours' notice before the hearing that legislation
75 containing an unfunded state mandate will be considered; is
76 accompanied by a fiscal analysis prepared by the legislature and
77 made available at the time of the public hearing; and, in
78 addition to complying with all other requirements for the
79 enactment of laws, is passed by a three-fourths vote of the
80 membership of each house of the legislature ~~as such authority~~
81 ~~exists on February 1, 1989.~~

82 (c) ~~Except upon approval of each house of the legislature~~
83 ~~by two-thirds of the membership,~~ The legislature may not enact,
84 amend, or repeal any general law if the anticipated effect of
85 doing so would be to reduce the percentage of a state tax in the
86 aggregate shared with counties or ~~and~~ municipalities ~~as an~~
87 ~~aggregate on February 1, 1989.~~ The provisions of This subsection
88 does shall not apply to enhancements to a state tax source
89 enacted after January 1, 2019 ~~February 1, 1989,~~ to state tax
90 ~~sources,~~ or during a fiscal emergency declared in a written

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91 joint proclamation issued by the president of the senate and the
92 speaker of the house of representatives, or where the
93 legislature provides additional state-shared revenues which are
94 anticipated to be sufficient to replace the anticipated
95 aggregate loss of state-shared revenues resulting from the
96 reduction of the percentage of the state tax shared with
97 counties or ~~and~~ municipalities, which source of replacement
98 revenues shall be subject to the same requirements for repeal or
99 modification as provided herein for the replaced ~~a~~ state-shared
100 tax source ~~existing on February 1, 1989~~.

101 (d) Laws adopted to require funding of a state-administered
102 retirement system or plan ~~pension benefits~~ existing on January
103 8, 2019 ~~the effective date of this section~~, criminal laws, and
104 ~~election laws, the general appropriations act, special~~
105 ~~appropriations acts, laws reauthorizing but not expanding then-~~
106 ~~existing statutory authority,~~ laws having insignificant fiscal
107 impact, ~~and laws creating, modifying, or repealing noncriminal~~
108 ~~infractions,~~ are exempt from the requirements of this section.

109 (e) The legislature may enact laws to assist in the
110 implementation and enforcement of this section.