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

It is proposed by the Florida Constitution Revision Commission
that:

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

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

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

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

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

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

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

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

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

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