

MEMORANDUM

TO: Mayor and Council Members
FROM: Debbie Renner, CMC, City Clerk
DATE: October 14, 2008
SUBJECT: Resolution of Support

STRATEGIC PLAN TRACKING NO:

PURPOSE

To adopt Resolution No. 504-08, supporting the Florida League of Cities' efforts to oppose unfunded mandates imposed by the Florida Legislature.

BACKGROUND

At the September 23rd meeting, you were provided with copies of several resolutions adopted by the Florida League of Cities at the Annual Conference. In response to your direction at that meeting, Resolution No. 504-08 has been prepared for your consideration. This resolution supports the Florida League of Cities' efforts in opposition to the imposition of unfunded mandates imposed by the Florida Legislature. The resolution contemplates sponsorship of an initiative petition by the League of Cities to amend Article VII, Section 18 (a) the Florida Constitution to eliminate the clause that allows for unfunded mandates by a two-thirds majority.

RESOLUTION NO. 504-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, RELATING TO UNFUNDED STATE MANDATES, SUPPORTING THE FLORIDA LEAGUE OF CITIES' EFFORTS TO UTILIZE ANY MEANS NECESSARY TO REQUIRE THE FLORIDA LEGISLATURE TO ELIMINATE UNFUNDED STATE MANDATES ON LOCAL GOVERNMENTS TO INCLUDE CONSIDERING SPONSORSHIP OF AN INITIATIVE PETITION TO AMEND ARTICLE VII, SECTION 18 (a) OF THE FLORIDA CONSTITUTION TO ELIMINATE THE CLAUSE THAT ALLOWS FOR UNFUNDED MANDATES BY A TWO-THIRDS MAJORITY, AND TO POTENTIALLY AMEND OTHER CLAUSES OF SAID SUBSECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the Florida Legislature regularly adopts legislation that imposes mandates upon local governments without providing for funding or adequate funding sources for implementation of such mandates; and

WHEREAS in 1989, the state's municipalities, in conjunction with the Florida League of Cities, were in the process of circulating an initiative petition that would place a prohibition or restriction against unfunded mandates on the Constitutional ballot; and

WHEREAS, the state Legislature, in order to head off the initiative petition, placed its own unfunded mandate restriction on the ballot (commonly referred to as Amendment 3) and, upon passage, such amendment became Article VII, Section 18 of the Florida Constitution; and

WHEREAS, that provision still allows for unfunded mandates if adopted by a two-thirds vote of the membership of both Houses of the Florida Legislature and contains numerous exceptions to the restrictions contained in the provision; and

WHEREAS, the two-thirds voting requirement has proved to be a loophole in that the Legislature routinely adopts unfunded mandates by a greater than two-thirds majority of both Houses; and

WHEREAS, since the adoption of Amendment 3 in 1990, there have been hundreds of unfunded mandates imposed by the Legislature on local governments at costs of hundreds of millions of dollars.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That the Florida Legislature be encouraged to restrict or eliminate its policies of adopting legislation or practices imposing unfunded mandates upon the municipalities of the State of Florida.

SECTION 2. That the Florida League of Cities consider initiating the process to begin processing the documentation and petitions necessary for an initiative petition drive to amend Article VII, Section 18 of the Florida Constitution to eliminate the clause which allows unfunded mandates from the Legislature upon a two-thirds vote of the membership of each House and to amend such other provisions of said section as will restrict or eliminate all unfunded state mandates.

SECTION 3. That a copy of this resolution be provided to the Florida League of Cities.

ROLL CALL VOTE AS FOLLOWS:

Jim Mahoney	_____	Donald C. Sherrill	_____
Donald Sandford	_____	Tom Abraham	_____
Tom Laputka	_____	Jeff Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ADOPTED THIS _____ DAY OF _____, 2008.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney