



## **CRC Proposals with Municipal Impact**

The Florida Constitution Revision Commission (CRC) meets once every 20 years. Proposals that successfully pass through the commission will go directly to voters' ballots in November 2018. This list provides summaries of CRC proposals that have the potential to impact municipal governments, and include where the proposals currently are in the process.

### **Priority**

#### **Home Rule Preemption Process (Support – Priority)**

**CS/P 61** (Chris Smith) creates a transparent process for the Legislature to preempt municipal home rule authority. As amended, the proposal requires any future legislative preemption of municipal home rule powers to be considered only as a stand-alone bill. CS/Proposal 61 was found favorable by the Local Government Committee. It's next committee stop is the Legislative Committee. (Cruz)

#### **Strengthening the State Mandates Process (Support – Priority)**

**P 92** (Bob Solari) would have created a more stringent process for the Legislature to pass an unfunded mandate onto cities and counties. The proposal required the Legislature to hold a public hearing and a legislative fiscal analysis on any proposed unfunded mandate. It required a three-fourths vote of the House and Senate to pass an unfunded mandate, and the unfunded state mandate would have expired after eight years, unless reenacted by the Legislature. Proposal 92 failed to receive favorable consideration from the Finance and Taxation Committee. (Cruz)

#### **Preempting the Regulation of Commerce, Trade, and Labor (Oppose – Priority)**

**P 95** (Tom Lee) creates a new constitutional provision to broadly preempt the local government regulation of commerce, trade or labor. The proposal provides that local governments may only regulate commerce, trade or labor occurring exclusively within the respective entity's own boundaries in a manner not prohibited by law. Also, a regulation enacted by a county, municipality or special district may not intrude upon or impede commerce, trade or labor across the respective entity's boundaries. If broadly interpreted, Proposal 95 may prohibit a city regulation of an activity taking place within the city, even if the city established a reasonable nexus between the activity and its citizens' health, safety and welfare. The proposal was temporarily postponed in the Local Government Committee and could be heard at a later date. (Cruz)

### **Finance and Tax**

### **Reauthorizing Tax Exemptions (Support)**

**P 63** (Daryl Rouson) provided a constitutional ad valorem tax exemption be adopted after January 8, 2019, or the expansion of an existing constitutional tax exemption would be subject to repeal after eight years unless readopted by the electors of the state in a subsequent election. Such a tax exemption would have included a provision requiring the chief elections officer of the state to place a measure on the ballot, at the general election prior to the scheduled repeal date, as to whether the electors wished to retain the tax exemption or let it stand repealed. The proposal would have included specific language included in the ballot measure. If rejected, the tax exemption would have been repealed on January 1 immediately following the general election. Proposal 63 failed to receive favorable consideration from the Finance and Taxation Committee. (Hughes)

### **Prohibition on Special District Ad Valorem Taxation (Oppose)**

**P 69** (Chris Sprowls) would have prohibited special districts, except ones created for water management purposes, from levying ad valorem taxes after January 7, 2029, or 10 years after the date of voter approval for such authority. A special district referendum to obtain initial authority to levy ad valorem taxes or to renew an existing authority needed to include in the ballot proposal the public purpose for which the authority to levy ad valorem taxes was sought, the number of years, which may not exceed 10 years, for which the authority would be in effect, and the millage limit. The ballot proposal would be held on the general election prior to the expiration date of said authority to levy ad valorem taxes, and there was no limit to the number of times the authority could be renewed. The proposal prohibited special districts from pledging the ad valorem revenues to repay debt incurred after January 7, 2019, for more than 10 years or the expiration of the district's ad valorem authority. If debt secured by ad valorem revenues was incurred prior to January 7, 2029, and matured later than January 7, 2017, the district's authority to levy ad valorem would expire on the final maturity date. Proposal 69 was withdrawn from further consideration. (Hughes)

### **Voting Requirements for New Taxes (Watch)**

**P 72** (Fred Karlinksy) provides no state tax or fee may be imposed, authorized or raised by the Legislature, or authorized by the Legislature to be raised, except through legislation approved by two-thirds of the membership of each house of the Legislature. The proposal requires that any proposed state tax or fee imposition, authorization or increase must be contained in a separate bill that contains no other subject. The proposal also specifies that the proposed amendment does not authorize the imposition of any state tax or fee otherwise prohibited by the state constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board or special district. Proposal 72 passed the Finance and Taxation Committee and is awaiting a final vote by the CRC. (Hughes)

### **Finance & Taxation Shell Proposal (Watch)**

**P 84** (Fred Karlinsky) is a shell proposal to make technical changes, repeal outdated or obsolete provisions, and modernize the language of Article VII. Proposal 84 has been referred to the Finance and Taxation Committee. (Hughes)

#### **Bonding & Investment Shell Proposal (Watch)**

**P 87** (Chris Smith) is a shell proposal to make technical changes, repeal outdated or obsolete provisions, and modernize the language of Article VII. Proposal 87 has been referred to the Bonding and Investments Committee. (Hughes)

#### **Ad Valorem Taxation of Nonprofit Organizations (Watch)**

**P 100** (Frank Kruppenbacher) would have provided a nonprofit organization or a corporation that compensates an individual employee over \$300,000 annually would not be eligible for any exemption from ad valorem taxation. Proposal 100 was withdrawn from further consideration. (Hughes)

### **Personnel**

#### **Death Benefits of First Responders and Military (Watch)**

**P 49** (Emery Gainey) establishes death benefits to the survivors of specified first responders and military members. Under this proposal, a death benefit shall be paid by the employing agency when a specific first responder, including a firefighter, a paramedic, an emergency medical technician or a law enforcement officer, while engaged in the performance of his or her official duties, is accidentally killed, receives accidental bodily injury that results in the loss of the individual's life, is unlawfully and intentionally killed, dies as a result of such unlawful and intentional act, or is killed during active duty. The proposal does not specify or define "death benefit." The proposal requires payments be paid to a designated beneficiary or, if no such designation has been made, to the surviving children and spouse, surviving parents or the first responder's estate. Payments made pursuant to this proposal are in addition to any workers' compensation or pension benefits. The proposal establishes a similar benefit for active duty members of the U.S. armed forces and the Florida National Guard. Proposal 49 passed both committees of reference, General Provisions and Finance and Taxation, and is now ready for action by the full CRC. (Hughes)

#### **Death Benefits of First Responders, Military and Public School Employees (Watch)**

**P 57** (Frank Kuppenbacher) would have established rights to certain death benefits to the survivors of specified first responders, military members and public-school employees. Under this proposal, a death benefit would have been paid from state general revenue when a specified first responder, while engaged in the performance of his or her official duties, is accidentally killed, receives accidental bodily injury which results in the loss of the individual's life, is unlawfully and intentionally killed, or dies as a result of such unlawful and intentional act. The proposal did not specify or define "death

benefit.” The proposal required that benefits be paid to a designated beneficiary or, if no such designation has been made, to the surviving children and spouse, surviving parents or the first responder’s estate. Payment that would have been made, pursuant to this proposal, are in addition to any workers’ compensation or pension benefits. The proposal would have established a similar benefit for active duty members of the U.S. armed forces and the Florida National Guard, or a public-school employee. Proposal 57 was withdrawn from further consideration.

## **Ethics**

### **Lobbying Restrictions for State & Local Officials (Watch)**

**CS/P 39** (Don Gaetz) establishes prohibitions on lobbying by state and local officials following a term of office and establishes restrictions on lobbying by state and local officials during a term of office.

The proposed amendment prohibits county officers, school board members, school superintendents, elected municipal officers and elected officers of specified special districts from paid lobbying: (1) before the officers’ former agency or governing body for a period of six years following vacating office; and (2) before any federal agency, the Legislature, state government agency (except judicial tribunals) or any political subdivision of the state during the term of office. The proposal would not prohibit any public officer or employee from representing his or her agency before any other governmental entity in the normal course of duties.

The proposed amendment also expands existing lobbying restrictions on legislators, statewide elected officers, executive agency heads and members of the judicial branch to include the six-year restriction.

CS/Proposal 39 was found favorable by the Ethics and Election Committee. It will be next considered by the General Provisions Committee. (O’Hara)

### **Ethics in Government (Watch)**

**P 52** (Rich Newsome) would have prohibited elected public officers, candidates for elected public office and their immediate family members from self-dealing and participating in certain financial transactions with the officer’s or candidate’s campaign or political organizations for which the officer or candidate had solicited contributions. In addition, the proposal prohibited such individuals from engaging in financial or commercial transactions with a public entity, including the state and its political subdivisions, unless the transaction was fully disclosed 10 days before any offer or acceptance by the public entity and no condition of confidentiality is imposed. The proposal would have authorized further implementation by general law, including definitions, exceptions, further restrictions and penalties. Proposal 52 has been withdrawn from further consideration. (O’Hara)

### **Ethics in Government (Watch)**

**P 98** (Frank Kruppenbacher) prohibits members of the Legislature from voting on or attempting to influence any business of the state or its political subdivisions that will directly inure to the benefit of the legislator or to the legislator's immediate family. Proposal 98 has been referred to the Ethics and Elections Committee but was temporarily postponed and will be considered at a later meeting. This is the second time it has been postponed. (O'Hara)

### **Environment**

#### **Right to Clean and Healthful Environment (Watch)**

**P 23** (Jacqui Thurlow-Lippisch) would have provided every person has a right to a clean and healthful environment, including clean air and water, control of pollution, and conservation and restoration of natural, scenic, historic and aesthetic values of the environment as provided by law. The proposal would have provided for enforcement of said right against any party, public or private, subject to reasonable limitations as provided by law. The proposal expanded the existing provisions in Section 7, Article II, which establish general state policy to protect natural resources and scenic beauty. The proposal appeared to grant legal authority to individuals to enforce rights to environmental protection, restoration and conservation. The scope of these rights would have depended on how this proposal was implemented through general law. Proposal 23 failed to receive the favorable support of the Judicial Committee. (O'Hara)

#### **Florida Forever Funding (Watch)**

**P 46** (Jacqui Thurlow-Lippisch) specifies that no less than one-third of revenues from the state's Land Acquisition Trust Fund must be deposited into the Florida Forever Trust Fund. The proposal further revises existing provisions to limit uses of any remaining funds in the Land Acquisition Trust Fund. The funds would be limited to land acquisition (the word "improvement" is stricken) and for "natural" resources purposes. These changes appear to address the arguments about whether Amendment 1 monies can be used for water resources projects (called "pumps and pipes" by detractors) and other improvements to land that would provide environmental benefit. Proposal 46 was temporarily postponed for the third time in the Legislative Committee. (O'Hara)

#### **Oil Drilling in Coastal Waters (Support)**

**P 91** (Jacqui Thurlow-Lippisch) prohibits oil drilling for exploration and extraction in coastal waters between the mean high tide line and the outermost boundaries of the state's territorial seas. Proposal 91 is self-executing (does not require legislative implementation). Proposal 91 passed the General Provisions Committee and will now be referenced to the Declaration of Rights Committee. (O'Hara)

### **General Government**

### **Right to Pursue an Honest Trade (Watch)**

**P 18** (Erika Donalds) established the inalienable right of all persons to pursue an honest trade, vocation, occupation or career. Of possible concern to cities, the proposal stated that a government entity may not infringe on this right, unless it could demonstrate that there was actual evidence that such infringement is necessary to advance an important governmental interest and that least restrictive alternatives had been considered. Proposal 18 was found unfavorable by the Declaration of Rights Committee. (Cruz)

### **Deregulation of Electric Utilities (Oppose)**

**P 51** (Rich Newsome) would have created certain rights available to electricity customers, including the right to choose their electric providers, selecting from multiple providers in a competitive market, or by providing electricity for themselves or in association with others. Proposal 51 failed to receive the favorable support of the General Provisions Committee. (O'Hara)

### **Public Finance of Campaigns (Watch)**

**P 56** (Frank Kruppenbacher) would have removed the existing requirement that a method of public financing for campaigns for statewide office be established by law, and specifically prohibited the expenditure of any public funds on campaigns for state or local elections. Proposal 56 was found unfavorable in the Ethics and Elections Committee. (O'Hara)

### **Voting and Elections (Watch)**

**CS/P 62** (Bill Schifino) allows a qualified elector who is registered with no party affiliation to vote in a primary election of a political party. The proposal specifies that a qualified elector who is registered with a political party designation may vote only in a primary election of that political party. CS/Proposal 62 was found favorable in the Ethics and Elections Committee. It has been referenced to the General Provisions Committee. (O'Hara)

### **Naming of Public Facilities (Watch)**

**P 37** (John Stemberger) prohibits the naming of public buildings, programs or other facilities after municipal, county or state elected officials, unless the elected state or local official has vacated the public office. The proposal also requires that any law or ordinance naming a building, facility, tract of land or program after a former elected official may not contain provisions on any other subject. Proposal 37 passed favorably in the Local Government Committee and is ready to be heard by the full CRC. (Cook)

### **Vaping in Indoor Workplaces (Support)**

**P 65** (Lisa Carlton) establishes a general prohibition on the use of vapor-generating electronic devices in enclosed indoor workplaces. The proposal clarifies that local governments can adopt more restrictive regulations on the use of vapor-generating electronic devices if they so choose. Proposal 65 was heard in the General Provisions

Committee and passed favorably. Proposal 65 is now awaiting a vote by the full CRC.  
(Cook)

### **Local Government Shell Proposal (Watch)**

**P 77** (Erika Donalds) is a shell proposal to make technical changes, repeal outdated or obsolete provisions, and modernize the language of Article VIII. Proposal 77 has been referred to the Local Government Committee. (Cruz)

### **OPI: Other Proposals of Interest**

#### **E-Verify (Watch)**

**P 29** (Rich Newsome) establishes requirements on specified employers to verify the employment eligibility of new employees using the Employment Authorization Program or any successor program administered by the federal government and to provide for enforcement by the Department of Business and Professional Regulation. Under the proposal, an “employer” is an individual or organization that has a license issued by a state agency to operate a business in the state. Proposal 29 was heard in the General Provisions Committee and passed favorably. It is ready to be heard by the full CRC.  
(Hughes)