




Charlotte County Government

"To exceed expectations in the delivery of public services."

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MEMORANDUM

Date: January 24, 2018
To: CRC Local Government Committee Members
From: Ken Doherty, Chairman 
Subject: CRC Proposal 95

I respectfully request that you oppose CRC Proposal 95 relating to local government regulation of commerce, trade or labor that will be considered Friday by the Local Government Committee. Proposal 95 would create a constitutional prohibition against any county, municipality, or special district's regulation of any type of commerce, trade, or labor, unless such regulation operated exclusively within the respective entity's own boundaries in a manner not prohibited by law. Additionally, Proposal 95 would prohibit any regulation enacted by a county, municipality, or special district from intruding upon, or impeding, commerce, trade, or labor across the respective entity's boundaries. The language contained in Proposal 95 is incredibly broad and the Proposal provides no definition for the terms "commerce", "trade", or "labor". This could lead to numerous legal challenges brought against not only local government ordinances and regulations, but also against legislation enacted by the Legislature.

While Proposal 95 would operate as a sweeping constitutional preemption of local government regulation, specific areas of local concern which will be affected by Proposal 95 include zoning, animal control, tree protection, traffic flows and many others. Proposal 95 inhibits the nimbleness of local government to swiftly address community-wide problems. For instance, Charlotte County was able to address the grave public health problem of pill mills several years in advance of a statewide solution. That approach would likely have failed if this constitutional amendment was in place.

Finally, Proposal 95 is bad for our local communities and businesses. Local employers should not be forced to navigate the state legislative process for minor matters easily addressed at the local level. This is particularly problematic for small businesses, which may lack the resources to pursue matters legislatively. Local governments are the most accessible venue to resolve business concerns because they are closest to the people and most familiar with their communities. Tallahassee is not equipped to address every problem in every community. If adopted, the broadness of this amendment would lead to many, many years of litigation.

For the above reasons, Charlotte County on behalf of our 172,720 residents, requests that you vote No on Proposal 95 at Friday's, Local Government Committee Meeting.

BOARD OF COUNTY COMMISSIONERS

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Mike Moore, District 2
Kathryn Starkey, District 3
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Transmitted via E-Mail

Dear Constitution Revision Commission Committee Members:

I write to you today on behalf of Pasco County, Florida with regards to Constitution Revision Commission Proposal 95, sponsored by Commissioner Tom Lee and scheduled to go before you this Friday, January 26th at 9:00 AM. We urge you to support Home-Rule and respectfully request you oppose Proposal 95. The language of the proposal is so broad that it is unclear what problem it is intending to remedy. It has long been said that the best government is the one closest to the people. Proposal 95 disregards this premise in Florida, and we believe local issues and matters that affect our citizens are best handled locally.

Since 1968 the Florida Constitution has guaranteed that local government "may exercise power for municipal purposes." However, it is our understanding this proposal would affect fundamental local decision-making in commerce, trade or labor. Presumably affecting local decision-making in zoning, animal control, tree protection and traffic flows. Home-Rule powers for a municipality is key to Florida democracy. The ability to establish a form of government, and to be able to pass ordinances, codes, plans and resolutions without prior state approval is a tremendous authority coupled with dignity and honor. To further be able to enforce them "at home" and make necessary changes as the county grows is a great reflection of the trust that citizens have in their respective county leaders. The problems experienced by a population of 50,000 are not the same faced by a jurisdiction of 500,000. Under the current framework of local government, in order to adopt an ordinance having the regulatory effect that is being prohibited in Proposal 95, at least one public hearing would need to be held within the locality to gather the input of the citizens it will affect; in some cases, as many as three public hearings are held.

BOARD OF COUNTY COMMISSIONERS

☐ 352.521.4111 | Historic Pasco County Courthouse | 37918 Meridian Avenue | Dade City, FL 33525
☐ 727.847.2411 | West Pasco Government Center | 8731 Citizens Drive | New Port Richey, FL 34654

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Supporting Proposal 95 would disenfranchise our citizens. Further enabling the state to dictate how a municipality will conduct its own affairs, requiring local government to engage in the state legislative process for minor issues that could easily be addressed at the local level. This one size all approach was abandoned in the 1968 revisions to the Florida Constitution, for good reason, as every local authorization to do anything from hiring an animal control officer, to maintaining a wastewater collection system had to be blessed in Tallahassee. Therefore, we strongly urge you to oppose this change in our state's constitution and we ask for your continued assistance in ensuring that this proposal does not become law.

Again, thank you for your continued efforts to ensure proposed amendments to the Florida Constitution benefit the citizens of Florida and do not dismantle the framework of government that has worked well for Floridians for the last 50 years. We appeal to you to vote against Proposal 95 and to support efforts that ensure local governments are effectively and efficiently providing for the wishes of our citizens and neighbors.

Sincerely,



Mike Wells, Chairman

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF TAYLOR COUNTY, FLORIDA OPPOSING PROPOSAL 95 AND SUPPORTING ALL LEGISLATIVE EFFORTS TO PROTECT AND STRENGTHEN THE RIGHTS OF FLORIDA CITIZENS TO GOVERN THEMSELVES UNDER MUNICIPAL HOME RULE POWERS CONFERRED UPON THEM BY THE FLORIDA CONSTITUTION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Constitution of the State of Florida empowers its citizens with the right of local self-government through "Home Rule"; and

WHEREAS, "Home Rule" is the form of voluntary self-government closest to it's citizens; and

WHEREAS, Florida's counties are constitutionally embodied with the right of "Home Rule"; and

WHEREAS, constitutional "Home Rule" authority enables all governmental, corporate and proprietary powers necessary to conduct local government, perform needed functions and render services; and

WHEREAS, strong "Home Rule" powers ensure that government remains accountable to and in keeping with the concerns of its citizenry, and

WHEREAS, intrusion upon "Home Rule" authority by the state or federal government undermines the fundamental constitutional right of citizens to govern themselves, and

WHEREAS, Proposal 95 will limit the power of a county, municipality, or special district to regulate commerce, trade, or labor unless the regulation applies exclusively within the respective entity's own boundaries in a manner not prohibited by law, and to specify that such regulation may not intrude or impede commerce, trade, or labor across the respective entities boundaries, and

WHEREAS, Proposal 95 would eliminate home rule and fundamental decision making would fall to State politicians, and

WHEREAS, strong "Home Rule" powers ensure that government remains accountable to and in keeping with the concerns of its citizenry, and

WHEREAS, intrusion upon "Home Rule" authority by the state or federal government undermines the fundamental constitutional rights of citizens to govern themselves.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Taylor County, Florida that the Board hereby opposes Proposal 95 and supports all legislative efforts to protect and strengthen the rights of Florida citizens to govern themselves under municipal "Home Rule" powers conferred upon them by the Florida Constitution.

PASSED AND ADOPTED in regular session this 25th of January, 2018.

BOARD OF COUNTY COMMISSIONERS
TAYLOR COUNTY, FLORIDA

BY: 
PAM FEAGLE, Chairperson

ATTEST: 
ANNIE MAE MURPHY, Clerk