



## MEMORANDUM

Agenda Item 15(B)5

---

TO: Honorable Chairman Dennis C. Moss, and  
Members, Board of County Commissioners

DATE: January 22, 2009

FROM: Honorable Harvey Ruvin, Clerk  
Circuit and County Courts

SUBJECT: Resolution No. 08R-11-263  
City of Lauderhill

Kay M. Sullivan, Director  
Clerk of the Board Division

---

Attached for your information is a copy of Resolution No. 08R-11-263 of the City Commission of the City of Lauderhill relating to unfunded state mandates, utilizing any means necessary to require the Florida Legislature to eliminate unfunded state mandates on local governments, 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; providing for an effective date (requested by Vice Mayor, M. Margaret Bates.)

KMS:fed  
Attachments



CLERK OF THE BOARD

2008 DEC 19 PM 4:03

CLERK OF THE COUNTY COURTS  
DADE COUNTY FLA.  
FL

December 15, 2008

Dear Sir/Madam:

Enclosed, for your information, please find Resolution No. 08R-11-263, passed and adopted on November 24, 2008, by the Commission of the City of Lauderhill, Florida.

If you have any questions, please do not hesitate to call.

Regards,

Andrea M. Anderson  
City Clerk

enc.

RESOLUTION NO. 08R-11-263

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL RELATING TO UNFUNDED STATE MANDATES, UTILIZING ANY MEANS NECESSARY TO REQUIRE THE FLORIDA LEGISLATURE TO ELIMINATE UNFUNDED STATE MANDATES ON LOCAL GOVERNMENTS, 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; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY VICE MAYOR, M. MARGARET BATES)

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, 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 two-thirds vote of the membership of both Houses of the Florida Legislature and contains numerous exceptions to the restrictions contained in the provisions; 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 Commission of the City of Lauderhill, 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 Governor, the President of the Florida Senate, the Speaker of the Florida House, the Florida League of Cities, the Miami-Dade League of Cities, the Palm Beach League of Cities, and all municipalities within Broward County.

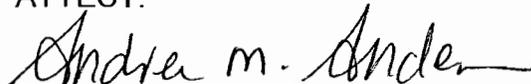
SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

DATED this 24th day of November, 2008.

PASSED AND ADOPTED on first reading this 24th day of November, 2008.

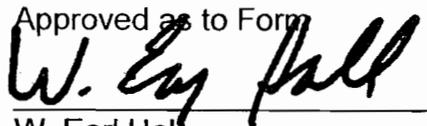
  
\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

MOTION	<u>Bates</u>
SECOND	<u>Holness</u>

M. BATES	<u>Yes</u>
H. BENSON	<u>Yes</u>
H. BERGER	<u>Yes</u>
D. HOLNESS	<u>Yes</u>
R. KAPLAN	<u>Yes</u>

Approved as to Form  
  
\_\_\_\_\_  
W. Earl Hall  
City Attorney