

MEMORANDUM

Agenda Item No. 11(A)(3)


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

DATE: December 15, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature not to pass
"TABOR" legislation that
would propose to embed in the
Florida Constitution revenue
caps on local governments

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(3)
12-15-09

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE NOT
TO PASS "TABOR" LEGISLATION THAT WOULD PROPOSE
TO EMBED IN THE FLORIDA CONSTITUTION REVENUE
CAPS ON LOCAL GOVERNMENTS

WHEREAS, in the last few years, the Florida Legislature and the Florida Taxation & Budget Reform Commission have considered legislation that would embed in the Florida Constitution rigid caps on the growth of revenues of school districts, counties and cities, referred to as the Taxpayer Bill of Rights (TABOR) initiative; and

WHEREAS, TABOR would limit the growth in property tax revenues for such governments based on the percentage change in the consumer price index and population growth or in the case of school districts, changes in school enrollment; and

WHEREAS, TABOR would prohibit local governments from imposing any new taxes, fees, assessments or charges for services without first obtaining a supermajority (two-thirds) vote of the public; and

WHEREAS, TABOR in Florida is modeled after legislation passed in Colorado in 1992 that proved to be devastating in many areas, including public education and public health, and insufficient to fund the ongoing costs of Colorado government; and

WHEREAS, by creating a permanent revenue shortage, Colorado TABOR pitted advocates for state programs and services against each other for survival each year and virtually ruled out any new initiatives to address unmet or emerging needs; and

WHEREAS, as a result of TABOR, Colorado declined from 23rd to 48th in the nation in the percentage of pregnant women receiving adequate access to prenatal care, Colorado fell from 24th to 50th in the nation in the share of children receiving their full vaccinations, and the share of low-income children lacking health insurance doubled in Colorado so that it now ranks last among the 50 states on this measure; and

WHEREAS, as a result of TABOR, Colorado's K-12 education funding dropping from 35th to 49th in the nation, college and university funding as a share of personal income fell from 35th to 48th in the nation; and

WHEREAS, these declines in public services were so drastic that in November, 2005, the people of Colorado voted to suspend TABOR for five years; and

WHEREAS, despite the experience with TABOR in Colorado, the Florida Legislature considered similar legislation during the 2009 regular session; and

WHEREAS, House Joint Resolution 1263 (HJR 1263) and Senate Joint Resolution 1906 (SJR 1906) would have placed on the 2010 statewide ballot an amendment that would embed TABOR in the Florida Constitution, but these proposals did not pass during the 2009 session; and

WHEREAS, the Florida Taxation & Budget Reform Commission also considered a similar proposal during its meetings in 2007 and 2008, Constitutional Proposal 45, and decided against placing a TABOR on the statewide ballot; and

WHEREAS, while HJR 1263, SJR 1906 or CP 45 did not pass, TABOR legislation is likely to be filed for consideration during the 2010 session; and

WHEREAS, TABOR would severely limit the options of locally elected officials in making responsible budgetary decisions; and

WHEREAS, while TABOR was a not a good idea during good economic times, TABOR would prove to be devastating during difficult economic times, such as the current economic downturn; and

WHEREAS, this County's recent experience grappling with a difficult revenue and budget situation well illustrates that local governments need more flexibility and options to address their revenue and budget situations, not less,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature not to pass TABOR legislation that would propose to embed in the Florida Constitution rigid revenue caps on cities, counties and school districts.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate against the legislation set forth in Section 1 above, and authorizes and directs that the Office of Intergovernmental Affairs amend the 2010 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------|---------------------------------|
| | Dennis C. Moss, Chairman |
| | Jose "Pepe" Diaz, Vice-Chairman |
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty