

CITY OF MARGATE, FLORIDA

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, OPPOSING EFFORTS BY THE FLORIDA LEGISLATURE TO IMPEDE THE CONSTITUTIONAL RIGHT OF FLORIDA'S CITIZENS TO GOVERN THEMSELVES UNDER MUNICIPAL HOME RULE POWERS; OPPOSING THE LEGISLATURE'S PERSISTENT INTRUSION INTO LOCAL FINANCES THROUGH UNFUNDED STATE MANDATES ON CITIES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, as provided for in Article VIII, Section 2(b) of the Florida Constitution and in Section 166.021, Florida Statutes, Floridians have the right to govern themselves under Municipal Home Rule Powers ("Home Rule"); and

WHEREAS, Floridians have benefited from Home Rule for nearly 50 years; and

WHEREAS, municipalities are Florida's only form of voluntary government; and

WHEREAS, Home Rule include all governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions and render municipal services for the unique benefit of the people who live and work within a municipality; and

WHEREAS, Floridians vote to incorporate and be governed under a municipal form of government for a variety of reasons, including increased services, a unique business and residential environment and greater voice in how their government is run; and

WHEREAS, Floridians' constitutional right to govern themselves locally under Home Rule and pursuant to their adopted municipal charters and codes of ordinances, is being increasingly eroded by actions of the Florida Legislature; and

WHEREAS, these actions of the Florida Legislature take power away from Floridians to ensure that the government closest to them provides their desired level of services, offers their desired quality of life and otherwise meets their needs in a timely and effective manner; and

WHEREAS, municipalities are authorized by the Florida Constitution and by general law to levy ad valorem and other forms of local taxation, and are further authorized by general

law and Home Rule to impose special assessments and fees; and

WHEREAS, municipal residents and local businesses pay local taxes, assessments and fees for the specific purpose of obtaining and enhancing their desired level of municipal services and amenities; and

WHEREAS, intrusion from the Florida Legislature into municipal finances prohibits elected municipal leaders from meeting the expectations of their residents and local businesses that local revenues will be used as intended; and

WHEREAS, the Florida League of Cities has included the protection of local self-government under Home Rule as one of its 2018 Legislative Priorities; and

WHEREAS, the City of Margate Beach, Florida (the "City") is further concerned with the negative impacts unfunded state mandates have on the services provided by cities and with the fiscal impacts they have on local taxpayers; and

WHEREAS, an unfunded state mandate is generally defined as a state law requiring a city to spend funds or to take an action requiring the expenditure of funds without the state providing an adequate funding source; and

WHEREAS, unfunded state mandates continuously force cities to adjust local service priorities and raise local taxes and fees to pay for such unfunded mandates; and

WHEREAS, cities are forced to pass the increased costs associated with unfunded state mandates to the citizens and taxpayers of the City; and

WHEREAS, the priorities and programs of local citizens of Florida's municipalities are often curtailed when limited local funds must be diverted to pay for unfunded state mandates; and

WHEREAS, unfunded state mandates are not fair to local property owners or elected city officials who are trying to address local priorities and problems with limited financial resources; and

WHEREAS, prior to 1990, the state legislature passed hundreds of unfunded state mandates applicable to cities; and

WHEREAS, Floridians passed a state constitutional amendment in 1990 to limit the ability of the state legislature to pass

unfunded state mandates on cities (Article VII, Section 18 Florida Constitution); and

WHEREAS, even with Article VII, Section 18 of the Florida Constitution, the state legislature continues to pass unfunded mandates.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARGATE BEACH, FLORIDA, AS FOLLOWS:

Section 1: The above referenced "Whereas" clauses are true and correct and made a part hereof.

Section 2: The City Commission opposes, and urges all members of the Florida Legislature to oppose, legislation that limits Floridians' constitutional right to govern themselves under Home Rule.

Section 3: The City Commission opposes, and urges all members of the Florida Legislature to oppose legislation that would interfere with or intrude into municipal finances.

Section 4: The City Commission hereby requests the Florida Legislature to honor the intent of Article VII, Section 18 of the Florida Constitution and not pass any unfunded state mandates on cities in the future.

Section 5: The City Commission hereby requests the Florida Legislature to make reasonable and responsible changes to current laws to eliminate existing unfunded state mandates on cities.

Section 6: The City Commission urges the Governor to approve any legislation making reasonable and responsible changes to current state laws to eliminate existing unfunded state mandates on cities.

Section 7: The City Commission hereby directs the City Clerk to transmit a copy of this Resolution to the Broward County Legislative Delegation, the Broward League of Cities, the Florida League of Cities and any other interested parties.

Section 8: This Resolution shall become effective immediately upon its passage.

PASSED, ADOPTED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

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JOSEPH J. KAVANAGH  
CITY CLERK

\_\_\_\_\_  
MAYOR ARLENE R. SCHWARTZ

RECORD OF VOTE

|          |       |
|----------|-------|
| Peerman  | _____ |
| Simone   | _____ |
| Ruzzano  | _____ |
| Caggiano | _____ |
| Schwartz | _____ |