

OCT 06 1998 *VS/re*

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

ARTICLE V OF THE CONSTITUTION OF THE STATE OF FLORIDA AND THE USE OF COUNTY FUNDS

Resolution No. 98- M - 46

WHEREAS, in 1972, the people of this state approved a revision of Article V of the Constitution of the State of Florida to provide for a unified state court system and to avoid what was then a patchwork of locally financed systems of justice; and

WHEREAS, since 1972, the state's funding of its court system has not kept pace with the tremendous demands of statewide growth and increased criminal activity. Because of a loophole in the Constitution, the State Legislature has funded the new demands by passing costs on to local County property taxpayers. Reliable estimates show that counties currently contribute over \$650 million to the operation of the state court system each year. More than half, 53%, of the total expenditures for the state court system are now borne by County taxpayers; and

WHEREAS, Revision #7, if adopted by voters, will close the loophole; and

WHEREAS, counties have little or no control over the cost or administration of the state's court system; and

WHEREAS, in the allocation of taxing power under Article VII of the Florida Constitution, counties have very restricted taxing authority while the state has very few restrictions. Other than *ad valorem* taxes which are capped, counties cannot levy taxes except as authorized by the legislature. In contrast, the legislature may enact general laws levying taxes for its own expenditures and is not dependent upon asking another governmental entity to create additional revenue sources; and

WHEREAS, the narrow revenue base and varying wealth of counties is a hindrance to the doctrine of equal justice; and

WHEREAS, some criminals may not be prosecuted to the full extent of the law because a county does not have the financial resources to do so; and

WHEREAS, the Constitution Revision Commission ("CRC") recently approved certain proposed revisions to the Florida Constitution. The CRC will place those revisions on the ballot for consideration by the voters at the November, 1998 General Election; and

WHEREAS, the CRC has approved a proposed amendment to Article V of the Florida Constitution that will alter the funding of the state court system and relieve the counties and their taxpayers of much of

47 the burden of the state court system and shift that burden -- quite properly -- to the state. The amendment
49 will require the state to fund its system and relieve local taxpayers of this burden; and

51 **WHEREAS**, Orange County finds and declares that funding of the state court system is an issue
53 which has profound consequences for Orange County and all other communities in Florida, and has found
55 that it is in the best interests of the taxpayers and residents of Orange County, as well as other counties, to
revise the way the state's court system is funded as contemplated under Revision #7. Accordingly, Orange
County has pledged its support for a campaign to provide information to the voters throughout the state about
the proposed revisions to Article V; and

57 **WHEREAS**, the Orange County Office of Management and Budget estimates that from a projected
59 savings to Orange County of \$25 million in 2004, Orange County could do any one of the following:

- 61 - hire 395 deputy sheriffs
- 63 - reduce the countywide millage by .60978
- resurface 2,177 lane miles road
- pave 98 lane miles of road; and

65 **WHEREAS**, if the voters of Florida approve the proposed amendment to Article V of the State
67 Constitution, Orange County will not be required to fund a substantial amount of costs for the state court
69 system that it presently funds, and thus will have those local monies available for other needs of the County
and its citizens.

71 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
73 **COMMISSIONERS OF ORANGE COUNTY, FLORIDA:**

75 **Section 1.** That the loophole in the present wording of the Constitution should be closed
77 because it has allowed the state government to unfairly shift costs to local taxpayers to the point that
important services at the local level have been eroded or eliminated.

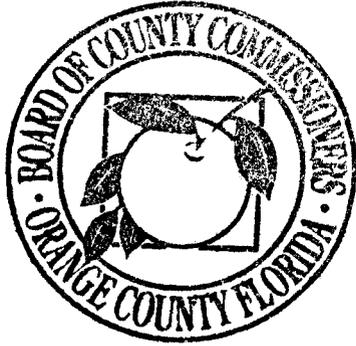
79 **Section 2.** That, if the voters of Florida approve Revision #7 and the State Legislature funds
81 the state court system as directed by the voters in 1972, Orange County declares its intent to use the savings
for the benefit of the County and its citizens, in one or more of the following ways:

- 83 a. Property tax cuts;
- 85 b. Increased public services;
- 87 c. Construction or improvement of infrastructure to
accommodate present or future needs;
- 89 d. Reduction of indebtedness;
- e. Disaster relief or preparedness; or
- f. Such other public uses as may be appropriate.

91 **Section 3. Effective Date.** This Resolution shall take effect immediately upon its adoption.

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ADOPTED THIS 6th DAY OF October, 1998.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Linda W. Chapin*
Linda W. Chapin
Orange County Chairman

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Attest: Martha O. Haynie, Orange County Comptroller
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*
Deputy Clerk

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(10/5/98)