

A Really Bad Idea –Proposal 95

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As if our legislators in Tallahassee don't already have enough power, some want to play God all the way and just twist the Florida peninsula into some form of wrinkled appendage that becomes their personal little plaything. This is dangerous thinking, as it could mean that local municipalities and counties have no say in their local lifestyle. And the reason behind this is probably some way to make money.

Read the complete article [here](#) in the Gainesville Sun.

Comments by OSFR historian Jim Tatum.

-A river is like a life: once taken, it cannot be brought back-

Editorial: Stop latest attack on home rule

By The Sarasota Herald-Tribune

Posted at 2:01 AM

A committee of the Florida Constitution Revision Commission will consider a proposal today to radically restrict locally based government.

Floridians who value access to elected officials – and the ability of local government to respond to community-based needs and conditions – should hope the committee rejects Proposal 95.

The proposal was made by Tom Lee, a member of the commission, Republican state senator, real estate agent and home builder. The commission's seven-member Local Government Committee will meet in Tallahassee to determine whether to refer Proposal 95 to the entire body.

(The state constitution calls for a 37-member commission to review Florida's guiding document every 20 years and, possibly, propose changes for the consideration of voters. Proposals approved by the commission will be placed on the November 2018 general election ballot. In order for a proposed amendment to pass, at least 60 percent of the votes cast must be in favor.)

In short, we urge the committee to reject the measure.

Proposal 95, which seeks to amend Section 6, Article 8 of the Florida Constitution, reads as follows: "Regulation of commerce, trade, or labor. – A county, municipality, or special district may only regulate commerce, trade, or labor occurring exclusively within the respective entity's own boundaries in a manner not prohibited by law. A regulation enacted by a county, municipality, or special district may not intrude upon or impede commerce, trade, or labor across the respective entity's boundaries."

The proposal appears to create the potential for immense confusion and significant litigation. For example, if one county's zoning rules affected the property of a company operating in multiple counties, would those rules impede the company and bolster the case for a lawsuit to have them overturned? What about regulations affecting so-called pill mills or other ordinances adopted in response to local concerns? Would customers from other counties have standing to sue?

Unlike some other proposals, 95 did not emerge from public input to the commission. It appears to be yet another assault on the longstanding principle known as "home rule," which enables local governments to enact ordinances and regulations without, in most cases, interference by the state Legislature. That sensible principle has been embedded in the Florida Constitution since 1968.

Yet, in recent years, the Legislature has passed bills preventing local governments from enacting local laws. The trend has transferred power away from communities and concentrated it in Tallahassee, the state capital.

Enough is enough. Reject Proposal 95.