

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2018-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, IN OPPOSITION TO FLORIDA CONSTITUTION REVISION COMMISSION PROPOSAL 95.

WHEREAS, every twenty years the Constitution Revision Commission (CRC) is convened in order to review Florida's Constitution and propose potential changes to the Constitution to be approved by Florida voters; and

WHEREAS, the Constitution Revision Commission is created by Article XI, Section 2 of the Florida Constitution; and

WHEREAS, the Constitution Revision Commission consists of thirty-seven (37) members; 15 of whom are appointed by the Governor, 9 by the Florida Senate President, 9 by the Speaker of the Florida House of Representatives, and 3 by the Chief Justice of the Florida Supreme Court; and

WHEREAS, Constitution Revision Commissioner Tom Lee has submitted Proposal 95 to the CRC entitled, "A proposal to create a new Section 6 of Article VIII of the State Constitution and to renumber present section 6 of that article to limit the power of a county, municipality, or special district to regulate commerce, trade, or labor unless the regulation applies exclusively within the respective entity's own boundaries in a manner not prohibited by law, and to specify that such regulation may not intrude upon or impede commerce, trade, or labor across the respective entity's boundaries."; and

WHEREAS, Proposal 95 would create an extremely broad and vague preemption of local government's ability to regulate commerce, trade or labor, and if broadly interpreted, Proposal 95 may prohibit a city regulation of an activity taking place with a city even if the city established a reasonable nexus between the activity and its citizens' health safety and welfare; and

WHEREAS, the impact of Proposal 95's preemption of local government regulatory authority may extend to such matters as zoning and environmental protection;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission strongly recommends that the Constitution Revision Commission vote to reject Proposal 95 and do not place this Proposal on the statewide General Election Ballot in 2018.

SECTION 3. That the City Clerk is ordered to send a certified copy of this Resolution to every member of the Constitution Revision Commission.

SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF JANUARY, A.D., 2018.

(Moved: Quesada / Seconded: Lago)

(Yeas: Quesada, Lago, Mena, Keon)

(Majority: (4-0) Vote)

(Absent: Valdes-Fauli)

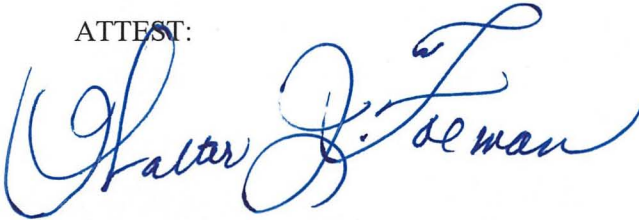
(Non-Agenda Item)

APPROVED:

A handwritten signature in blue ink, consisting of a large, stylized 'V' inside a circle, with a long, sweeping flourish extending downwards and to the right.

RAÚL VALDÉS-FAULI
MAYOR

ATTEST:

A handwritten signature in blue ink, reading 'Walter J. Foeman' in a cursive script.

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

A handwritten signature in blue ink, reading 'Cristina M. Quas' in a cursive script, with the word 'for' written in smaller letters to the left.

MIRIAM SOLER RAMOS
CITY ATTORNEY