

RESOLUTION NO. 98-157

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, REGARDING THE USE OF COUNTY FUNDS TO BE SAVED AS A RESULT OF THE APPROVAL BY THE ELECTORATE OF PROPOSED REVISION TO ARTICLE V OF THE CONSTITUTION OF THE STATE OF FLORIDA, OTHERWISE REFERRED TO AS REVISION #7 ON THE NOVEMBER 1998 GENERAL ELECTION BALLOT

WHEREAS, in 1972, the people of this state approved a revision of Article 5 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 of \$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 the burden of the state court system and shift that burden - quite properly - to the state. The amendment will require the state to fund its system and relieve local taxpayers of this burden; and

**WHEREAS**, Nassau County finds and declares that funding of the state court system is an issue which has profound consequences for Nassau County and all other communities in Florida, and has found that it is in the best interest of the taxpayers and residents of Nassau County, as well as all other counties, to revise the way the state's court system is funded as contemplated under Revision 7. Accordingly, Nassau 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

**WHEREAS**, if the voters of Florida approve the proposed amendment to Article V of the State Constitution, Nassau County will not be required to fund a substantial amount of costs for the state court

system that it presently funds, and thus will have those local monies available for other needs of the county and its citizens.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Nassau County, Florida:

1. That the loophole in the present wording of the Constitution should be closed 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.
2. That, if the voters of Florida approve Revision 7 and the State Legislature funds the state court system as directed by the voters in 1972, Nassau County declares its intent to use the savings in such a manner as deemed appropriate for the benefit of the county and the citizens of Nassau County, Florida.
3. This Resolution shall become effective upon its adoption.

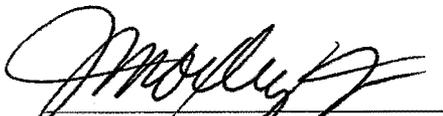
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



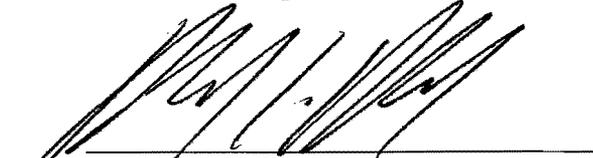
CHRIS KIRKLAND  
Its: Chairman

ATTEST:

Approved as to form by the  
Nassau County Attorney:



J. M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk



MICHAEL S. MULLIN