

By Senator Bronson

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Senate Joint Resolution No. ____

A joint resolution proposing amendments to Section 6 of Article IV and Section 1 of Article VII of the State Constitution, relating to executive departments and taxation.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Section 6 of Article IV and Section 1 of Article VII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

Article IV
EXECUTIVE

SECTION 6. Executive departments.--All functions of the executive branch of state government shall be allotted among not more than thirty ~~twenty-five~~ departments, exclusive of those specifically provided for or authorized in this constitution. Five of the departments authorized by this section are the Department of Northwest Florida Water Management, the Department of Suwannee River Water Management, the Department of St. Johns River Water Management, the Department of Southwest Florida Water Management, and the Department of South Florida Water Management.The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board

1 appointed by and serving at the pleasure of the governor,
2 except:

3 (a) When provided by law, confirmation by the senate
4 or the approval of three members of the cabinet shall be
5 required for appointment to or removal from any designated
6 statutory office.

7 (b) Boards authorized to grant and revoke licenses to
8 engage in regulated occupations shall be assigned to
9 appropriate departments and their members appointed for fixed
10 terms, subject to removal only for cause.

11 Article VII

12 FINANCE AND TAXATION

13 SECTION 1. Taxation; appropriations; state expenses;
14 state revenue limitation.--

15 (a) No tax shall be levied except in pursuance of law.
16 No state ad valorem taxes shall be levied upon real estate or
17 tangible personal property other than for water management
18 purposes established by the Department of Northwest Florida
19 Water Management, the Department of Suwannee River Water
20 Management, the Department of St. Johns River Water
21 Management, the Department of Southwest Florida Water
22 Management, and the Department of South Florida Water
23 Management. All other forms of taxation shall be preempted to
24 the state except as provided by general law.

25 (b) Motor vehicles, boats, airplanes, trailers,
26 trailer coaches and mobile homes, as defined by law, shall be
27 subject to a license tax for their operation in the amounts
28 and for the purposes prescribed by law, but shall not be
29 subject to ad valorem taxes.

30 (c) No money shall be drawn from the treasury except
31 in pursuance of appropriation made by law.

1 (d) Provision shall be made by law for raising
2 sufficient revenue to defray the expenses of the state for
3 each fiscal period.

4 (e) Except as provided herein, state revenues
5 collected for any fiscal year shall be limited to state
6 revenues allowed under this subsection for the prior fiscal
7 year plus an adjustment for growth. As used in this
8 subsection, "growth" means an amount equal to the average
9 annual rate of growth in Florida personal income over the most
10 recent twenty quarters times the state revenues allowed under
11 this subsection for the prior fiscal year. For the 1995-1996
12 fiscal year, the state revenues allowed under this subsection
13 for the prior fiscal year shall equal the state revenues
14 collected for the 1994-1995 fiscal year. Florida personal
15 income shall be determined by the legislature, from
16 information available from the United States Department of
17 Commerce or its successor on the first day of February prior
18 to the beginning of the fiscal year. State revenues collected
19 for any fiscal year in excess of this limitation shall be
20 transferred to the budget stabilization fund until the fund
21 reaches the maximum balance specified in Section 19(g) of
22 Article III, and thereafter shall be refunded to taxpayers as
23 provided by general law. State revenues allowed under this
24 subsection for any fiscal year may be increased by a
25 two-thirds vote of the membership of each house of the
26 legislature in a separate bill that contains no other subject
27 and that sets forth the dollar amount by which the state
28 revenues allowed will be increased. The vote may not be taken
29 less than seventy-two hours after the third reading of the
30 bill. For purposes of this subsection, "state revenues" means
31 taxes, fees, licenses, and charges for services imposed by the

1 legislature on individuals, businesses, or agencies outside
2 state government. However, "state revenues" does not include:
3 revenues that are necessary to meet the requirements set forth
4 in documents authorizing the issuance of bonds by the state;
5 revenues that are used to provide matching funds for the
6 federal Medicaid program with the exception of the revenues
7 used to support the Public Medical Assistance Trust Fund or
8 its successor program and with the exception of state matching
9 funds used to fund elective expansions made after July 1,
10 1994; proceeds from the state lottery returned as prizes;
11 receipts of the Florida Hurricane Catastrophe Fund; balances
12 carried forward from prior fiscal years; taxes, licenses,
13 fees, and charges for services imposed by local, regional, or
14 school district governing bodies; or revenue from taxes,
15 licenses, fees, and charges for services required to be
16 imposed by any amendment or revision to this constitution
17 after July 1, 1994. An adjustment to the revenue limitation
18 shall be made by general law to reflect the fiscal impact of
19 transfers of responsibility for the funding of governmental
20 functions between the state and other levels of government.
21 The legislature shall, by general law, prescribe procedures
22 necessary to administer this subsection.

23 BE IT FURTHER RESOLVED that the following statement be
24 placed on the ballot:

25 CONSTITUTIONAL AMENDMENTS

26 ARTICLE IV, SECTION 6

27 ARTICLE VII, SECTION 1

28 EXECUTIVE DEPARTMENTS; TAXATION.--Proposing amendments
29 to the State Constitution which increase the limitation on the
30 number of executive departments and establish the Department
31 of Northwest Florida Water Management, the Department of

1 Suwannee River Water Management, the Department of St. Johns
2 River Water Management, the Department of Southwest Florida
3 Water Management, and the Department of South Florida Water
4 Management and which authorize state ad valorem taxes for
5 water management purposes.

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