

By Representatives Bronson, Bainter, Futch, Casey, Wallace, Sembler, Minton, K. Pruitt, Byrd, Spratt, Mackey, Peaden, Putnam, Harrington, Westbrook, Trovillion, Merchant, Fuller, Carlton, Murman, Fasano, Kelly, Thrasher, Ball, Ogles, (Additional Sponsors on Last Printed Page)

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House Joint Resolution

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

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

1 (b) Boards authorized to grant and revoke licenses to  
2 engage in regulated occupations shall be assigned to  
3 appropriate departments and their members appointed for fixed  
4 terms, subject to removal only for cause.

5 Article VII

6 FINANCE AND TAXATION

7 SECTION 1. Taxation; appropriations; state expenses;  
8 state revenue limitation.--

9 (a) No tax shall be levied except in pursuance of law.  
10 No state ad valorem taxes shall be levied upon real estate or  
11 tangible personal property other than for water management  
12 purposes. All other forms of taxation shall be preempted to  
13 the state except as provided by general law.

14 (b) Motor vehicles, boats, airplanes, trailers,  
15 trailer coaches and mobile homes, as defined by law, shall be  
16 subject to a license tax for their operation in the amounts  
17 and for the purposes prescribed by law, but shall not be  
18 subject to ad valorem taxes.

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

21 (d) Provision shall be made by law for raising  
22 sufficient revenue to defray the expenses of the state for  
23 each fiscal period.

24 (e) Except as provided herein, state revenues  
25 collected for any fiscal year shall be limited to state  
26 revenues allowed under this subsection for the prior fiscal  
27 year plus an adjustment for growth. As used in this  
28 subsection, "growth" means an amount equal to the average  
29 annual rate of growth in Florida personal income over the most  
30 recent twenty quarters times the state revenues allowed under  
31 this subsection for the prior fiscal year. For the 1995-1996

1 fiscal year, the state revenues allowed under this subsection  
2 for the prior fiscal year shall equal the state revenues  
3 collected for the 1994-1995 fiscal year. Florida personal  
4 income shall be determined by the legislature, from  
5 information available from the United States Department of  
6 Commerce or its successor on the first day of February prior  
7 to the beginning of the fiscal year. State revenues collected  
8 for any fiscal year in excess of this limitation shall be  
9 transferred to the budget stabilization fund until the fund  
10 reaches the maximum balance specified in Section 19(g) of  
11 Article III, and thereafter shall be refunded to taxpayers as  
12 provided by general law. State revenues allowed under this  
13 subsection for any fiscal year may be increased by a  
14 two-thirds vote of the membership of each house of the  
15 legislature in a separate bill that contains no other subject  
16 and that sets forth the dollar amount by which the state  
17 revenues allowed will be increased. The vote may not be taken  
18 less than seventy-two hours after the third reading of the  
19 bill. For purposes of this subsection, "state revenues" means  
20 taxes, fees, licenses, and charges for services imposed by the  
21 legislature on individuals, businesses, or agencies outside  
22 state government. However, "state revenues" does not include:  
23 revenues that are necessary to meet the requirements set forth  
24 in documents authorizing the issuance of bonds by the state;  
25 revenues that are used to provide matching funds for the  
26 federal Medicaid program with the exception of the revenues  
27 used to support the Public Medical Assistance Trust Fund or  
28 its successor program and with the exception of state matching  
29 funds used to fund elective expansions made after July 1,  
30 1994; proceeds from the state lottery returned as prizes;  
31 receipts of the Florida Hurricane Catastrophe Fund; balances

1 carried forward from prior fiscal years; taxes, licenses,  
2 fees, and charges for services imposed by local, regional, or  
3 school district governing bodies; or revenue from taxes,  
4 licenses, fees, and charges for services required to be  
5 imposed by any amendment or revision to this constitution  
6 after July 1, 1994. An adjustment to the revenue limitation  
7 shall be made by general law to reflect the fiscal impact of  
8 transfers of responsibility for the funding of governmental  
9 functions between the state and other levels of government.  
10 The legislature shall, by general law, prescribe procedures  
11 necessary to administer this subsection.

12 BE IT FURTHER RESOLVED that the following statement be  
13 placed on the ballot:

14 CONSTITUTIONAL AMENDMENTS

15 ARTICLE IV, SECTION 6

16 ARTICLE VII, SECTION 1

17 EXECUTIVE DEPARTMENTS; TAXATION.--Proposing amendments  
18 to the State Constitution which increase the limitation on the  
19 number of executive departments and authorize state ad valorem  
20 taxes for water management purposes.

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25 ADDITIONAL SPONSORS

26 Feeney, Starks, Arnall, Wise, Albright, Dockery, Littlefield,  
27 King and Jones  
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