Amendment No. ___ (for drafter's use only)

CHAMBER ACTION

Senate   House

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4 _____

5   ORIGINAL STAMP BELOW

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11 Representative(s) Wallace offered the following:

12

13   **Amendment**

14   On page 1, line 11, through page 4, line 24,

15 remove from the bill: all of said lines

16

17 and insert in lieu thereof:

18   That the amendment to Section 1 of Article VII and the

19 creation of Section 26 of Article XII of the State

20 Constitution set forth below are agreed to and shall be

21 submitted to the electors of Florida for approval or rejection

22 at the general election to be held in November 2002:

23

24   ARTICLE VII

25   FINANCE AND TAXATION

26

27   SECTION 1. Taxation; appropriations; state expenses;

28 state revenue limitation.--

29   (a) No tax shall be levied except in pursuance of law.

30 No state ad valorem taxes shall be levied upon real estate or

31 tangible personal property. All other forms of taxation shall

1 be preempted to the state except as provided by general law.

2   (b) Motor vehicles, boats, airplanes, trailers,

3 trailer coaches and mobile homes, as defined by law, shall be

4 subject to a license tax for their operation in the amounts

5 and for the purposes prescribed by law, but shall not be

6 subject to ad valorem taxes.

7   (c) No money shall be drawn from the treasury except

8 in pursuance of appropriation made by law.

9   (d) Provision shall be made by law for raising

10 sufficient revenue to defray the expenses of the state for

11 each fiscal period. However, a law enacted after January 1,

12 2003, may not impose a tax, fee, penalty, or fine, expand the

13 base of a tax, increase the rate of a tax, fee, penalty, or

14 fine, or repeal an exemption from a tax, fee, penalty, or fine

15 for an amount of significant fiscal impact unless the law is

16 enacted in a separate bill for that purpose only by a

17 three-fifths vote of the membership of each house of the

18 legislature. Such requirement shall not apply to the

19 reclassification of criminal activity or the enactment of laws

20 the result of which is to impose an already enacted fee,

21 penalty, or fine to additional conduct. An exception shall be

22 granted to repeal an exemption from a tax, fee, penalty, or

23 fine for a period of 5 years from January 1, 2003.

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

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Amendment No. ___ (for drafter's use only)

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 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
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Amendment No. ___ (for drafter's use only)

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

13   ARTICLE XII

14   SCHEDULE

15

16   <u>SECTION 26. Limitation on imposition of taxes.</u>--The

17 <u>amendment to Section 1(d) of Article VII limiting the</u>

18 <u>imposition or increase of taxes by the legislature shall take</u>

19 <u>effect January 1, 2003.</u>

20   BE IT FURTHER RESOLVED that in accordance with the

21 requirements of section 101.161, Florida Statutes, the title

22 and substance of the amendment proposed herein shall appear on

23 the ballot as follows:

24

25   LIMITATION ON LEGISLATIVE POWER TO

26   TAX OR IMPOSE FEES, PENALTIES, OR FINES

27

28   Requires that any law that imposes a tax, fee, penalty,

29 or fine, expands a tax base, increases a tax rate, fee,

30 penalty, or fine, or repeals an exemption from a tax, fee,

31 penalty, or fine be enacted in a separate bill by a

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Amendment No. ____ (for drafter's use only)

1 three-fifths vote of each house of the Legislature.
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