

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Ryan offered the following:

**Amendment**

Remove everything after the resolving clause

insert:

That the amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE VII

FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state appropriations and revenue limitation.--

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be

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1 subject to a license tax for their operation in the amounts  
2 and for the purposes prescribed by law, but shall not be  
3 subject to ad valorem taxes.

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

6 (d) Provision shall be made by law for raising  
7 sufficient revenue to defray the expenses of the state for  
8 each fiscal period.

9 (e) Except as provided herein, state revenues  
10 collected for any fiscal year shall be limited to state  
11 revenues allowed under this subsection for the prior fiscal  
12 year plus an adjustment for growth. As used in this  
13 subsection, "growth" means an amount equal to the average  
14 annual rate of growth in Florida personal income over the most  
15 recent twenty quarters times the state revenues allowed under  
16 this subsection for the prior fiscal year. For the 1995-1996  
17 fiscal year, the state revenues allowed under this subsection  
18 for the prior fiscal year shall equal the state revenues  
19 collected for the 1994-1995 fiscal year. Florida personal  
20 income shall be determined by the legislature, from  
21 information available from the United States Department of  
22 Commerce or its successor on the first day of February prior  
23 to the beginning of the fiscal year. State revenues collected  
24 for any fiscal year in excess of this limitation shall be  
25 transferred to the budget stabilization fund until the fund  
26 reaches the maximum balance specified in Section 19(g) of  
27 Article III, and thereafter shall be refunded to taxpayers as  
28 provided by general law. State revenues allowed under this  
29 subsection for any fiscal year may be increased by a  
30 two-thirds vote of the membership of each house of the  
31 legislature in a separate bill that contains no other subject

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

28 (f) No more than 10 percent of the moneys received  
29 from the tobacco industry to mitigate the impact of the use of  
30 tobacco on Florida residents shall be appropriated by the  
31 legislature in any fiscal year for administrative costs and

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1 capital outlay projects combined.

2 ARTICLE XII

3 SCHEDULE

4 SECTION 21. State appropriations revenue  
5 limitation.--The amendment to Section 1 of Article VII  
6 limiting state appropriations, if adopted at the general  
7 election in November 2002, revenues shall take effect January  
8 1, 2003 ~~1995~~, and shall first be applicable to state fiscal  
9 year 2003-2004 ~~1995-1996~~.

10 BE IT FURTHER RESOLVED that in accordance with the  
11 requirements of section 101.161, Florida Statutes, the title  
12 and substance of the amendments proposed herein shall appear  
13 on the ballot as follows:

14 LIMITATION ON STATE APPROPRIATIONS

15 Proposing an amendment to the State Constitution  
16 prohibiting more than 10 percent of tobacco settlement moneys  
17 from being appropriated for administrative costs and capital  
18 outlay.

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