



HJR 0139

2003

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to a limitation on legislative power to impose or increase taxes, fees, penalties, or fines.

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

That the amendment to Section 1 of Article VII and the creation of Section 26 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 2004:

ARTICLE VII

FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state 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 subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

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



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30 (d) Provision shall be made by law for raising sufficient
31 revenue to defray the expenses of the state for each fiscal
32 period. However, a law enacted after January 1, 2005, may not
33 impose a tax, fee, penalty, or fine, expand a tax base, or
34 increase a tax rate, fee, penalty, or fine for an amount of
35 significant fiscal impact unless the law is enacted in a
36 separate bill for that purpose only by a two-thirds vote of the
37 membership of each house of the legislature. A law enacted after
38 January 1, 2010, may not repeal an exemption from a tax, fee,
39 penalty, or fine for an amount of significant fiscal impact
40 unless the law is enacted in a separate bill for that purpose
41 only by a two-thirds vote of the membership of each house of the
42 legislature. Such requirement shall not apply to the
43 reclassification of criminal activity or the enactment of laws
44 the result of which is to impose an already enacted fee,
45 penalty, or fine to additional conduct.

46 (e) Except as provided herein, state revenues collected
47 for any fiscal year shall be limited to state revenues allowed
48 under this subsection for the prior fiscal year plus an
49 adjustment for growth. As used in this subsection, "growth"
50 means an amount equal to the average annual rate of growth in
51 Florida personal income over the most recent twenty quarters
52 times the state revenues allowed under this subsection for the
53 prior fiscal year. For the 1995-1996 fiscal year, the state
54 revenues allowed under this subsection for the prior fiscal year
55 shall equal the state revenues collected for the 1994-1995
56 fiscal year. Florida personal income shall be determined by the
57 legislature, from information available from the United States
58 Department of Commerce or its successor on the first day of
59 February prior to the beginning of the fiscal year. State



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60 revenues collected for any fiscal year in excess of this
61 limitation shall be transferred to the budget stabilization fund
62 until the fund reaches the maximum balance specified in Section
63 19(g) of Article III, and thereafter shall be refunded to
64 taxpayers as provided by general law. State revenues allowed
65 under this subsection for any fiscal year may be increased by a
66 two-thirds vote of the membership of each house of the
67 legislature in a separate bill that contains no other subject
68 and that sets forth the dollar amount by which the state
69 revenues allowed will be increased. The vote may not be taken
70 less than seventy-two hours after the third reading of the bill.
71 For purposes of this subsection, "state revenues" means taxes,
72 fees, licenses, and charges for services imposed by the
73 legislature on individuals, businesses, or agencies outside
74 state government. However, "state revenues" does not include:
75 revenues that are necessary to meet the requirements set forth
76 in documents authorizing the issuance of bonds by the state;
77 revenues that are used to provide matching funds for the federal
78 Medicaid program with the exception of the revenues used to
79 support the Public Medical Assistance Trust Fund or its
80 successor program and with the exception of state matching funds
81 used to fund elective expansions made after July 1, 1994;
82 proceeds from the state lottery returned as prizes; receipts of
83 the Florida Hurricane Catastrophe Fund; balances carried forward
84 from prior fiscal years; taxes, licenses, fees, and charges for
85 services imposed by local, regional, or school district
86 governing bodies; or revenue from taxes, licenses, fees, and
87 charges for services required to be imposed by any amendment or
88 revision to this constitution after July 1, 1994. An adjustment
89 to the revenue limitation shall be made by general law to



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90 reflect the fiscal impact of transfers of responsibility for the
 91 funding of governmental functions between the state and other
 92 levels of government. The legislature shall, by general law,
 93 prescribe procedures necessary to administer this subsection.

94 ARTICLE XII

95 SCHEDULE

96 SECTION 26. Limitation on imposition or increase of taxes,
 97 fees, penalties, or fines.--The amendment to Section 1(d) of
 98 Article VII limiting the imposition or increase of taxes, fees,
 99 penalties, or fines by the legislature shall take effect January
 100 1, 2005.

101 BE IT FURTHER RESOLVED that the title and substance of the
 102 amendments proposed herein shall appear on the ballot as
 103 follows:

104 LIMITATION ON LEGISLATIVE POWER TO IMPOSE
 105 OR INCREASE TAXES, FEES, PENALTIES, OR FINES

106 Proposes an amendment to Section 1 of Article VII and the
 107 creation of section 26 of Article XII of the State Constitution
 108 to require that any law that after January 1, 2005, imposes a
 109 tax, fee, penalty, or fine, expands a tax base, or increases a
 110 tax rate, fee, penalty, or fine for an amount of significant
 111 fiscal impact be enacted in a separate bill by a two-thirds vote
 112 of the membership of each house of the Legislature. Requires
 113 that any law that after January 1, 2010, repeals an exemption
 114 from a tax, fee, penalty, or fine for an amount of significant
 115 fiscal impact be enacted in a separate bill by a two-thirds vote
 116 of the membership of each house of the Legislature. Exempts from
 117 such requirements the reclassification of criminal activity or
 118 the enactment of laws the result of which is to impose an
 119 already enacted fee, penalty, or fine to additional conduct.