



HJR 0437

2003  
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CHAMBER ACTION

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The Committee on Procedures recommended the following:

**Committee Substitute**

Remove the entire bill and insert:

House Joint Resolution

A joint resolution proposing an amendment to Section 3 of Article II of the State Constitution to specify that the appropriations power is exclusively a legislative power and to prohibit other branches of government from appropriating funds or directing the appropriation of funds by the Legislature or requiring the Legislature to increase any particular tax, fine, or fee and an amendment to Section 3 of Article XI of the State Constitution to require that amendments proposed by initiative must be revenue neutral.

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

That the amendments to Section 3 of Article II and Section 3 of Article XI 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:



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ARTICLE II

GENERAL PROVISIONS

SECTION 3. Branches of government.--The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein. The power to appropriate funds and to raise revenues is exclusively a legislative power reserved to the legislative branch of government. Neither of the other two branches or any official thereof, except as provided in Section 8 of Article III or Section 13 of Article IV, shall exercise such power or require the legislature to exercise its power in any particular manner. To this end, no provision of this constitution may be interpreted as requiring the reallocation, appropriation, or expenditure of funds in excess of those determined by the legislature in the appropriations process to be necessary to comply with such provision, or as requiring the imposition of any particular form of taxation, or the raising of aggregate revenues in excess of those determined by the legislature to be necessary to meet the needs of the state. Nothing herein shall be interpreted as prohibiting the legislature from providing by general law the authority to any branch of government or entity thereof to transfer funds appropriated to that branch or entity for another purpose within such branch or entity.

ARTICLE XI

AMENDMENTS



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56 SECTION 3. Initiative.--The power to propose the revision  
57 or amendment of any portion or portions of this constitution by  
58 initiative is reserved to the people, provided that, any such  
59 revision or amendment, except for those limiting the power of  
60 government to raise revenue, shall embrace but one subject and  
61 matter directly connected therewith. It may be invoked by filing  
62 with the custodian of state records a petition containing a copy  
63 of the proposed revision or amendment, signed by a number of  
64 electors in each of one half of the congressional districts of  
65 the state, and of the state as a whole, equal to eight percent  
66 of the votes cast in each of such districts respectively and in  
67 the state as a whole in the last preceding election in which  
68 presidential electors were chosen. Each amendment proposed to  
69 the state constitution, if it requires the expenditure of funds,  
70 shall provide for the imposition of additional taxes, fines, or  
71 fees sufficient to fund the implementation of the amendment,  
72 including the cost of imposing such additional taxes, fines, or  
73 fees. The inclusion of such provision shall not be deemed a  
74 violation of the single-subject requirement of this section. If  
75 a proposed amendment is passed, the legislature shall only be  
76 required to implement the provision to the extent the additional  
77 revenues provided by the amendment cover the cost of  
78 implementation and shall, pursuant to the provisions of Section  
79 3 of Article II, have the exclusive authority to determine which  
80 provisions to implement. No amendment may be exempt by its own  
81 terms from the force of this section.



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82 BE IT FURTHER RESOLVED that the title and substance of the  
83 amendments proposed herein shall appear on the ballot as  
84 follows:

85 PROTECTING THE FISCAL INTEGRITY OF THE STATE

86 Proposes amendments to Section 3 of Article II and Section  
87 3 of Article XI of the State Constitution to:

88 Specify that the appropriations power is exclusively a  
89 legislative power and to prohibit the courts and the executive  
90 branch from appropriating funds or directing the appropriation  
91 of funds by the Legislature or requiring the Legislature to  
92 increase any particular tax, fine, or fee;

93 Preserve the power of the Governor to veto appropriations  
94 and to reduce appropriations as the result of revenue  
95 shortfalls;

96 Permit the Legislature to delegate limited authority to  
97 another branch to transfer funds appropriated to such branch  
98 within such branch;

99 Provide that amendments proposed by initiative that require  
100 the expenditure of funds for implementation must provide for the  
101 imposition of additional taxes, fines, or fees sufficient to pay  
102 for the implementation of the proposed amendment;

103 Provide that the provision of such required revenues within  
104 the same amendment shall not constitute a violation of the  
105 single-subject requirement for initiatives; and

106 Limit the Legislature's obligation to implement such  
107 amendment to the extent the amendment provides new funds  
108 sufficient to implement its provisions.

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