

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Pickens offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the resolving clause and insert:

5 That the creation of Section 8 of Article XI of the State
6 Constitution set forth below is agreed to and shall be submitted
7 to the electors of Florida for approval or rejection at the
8 general election to be held in November 2004:

9 ARTICLE XI

10 AMENDMENTS

11 SECTION 8. Limitation on amendments requiring state
12 government to spend in excess of ten million dollars per year.--
13 Each amendment proposed to this constitution that imposes a cost
14 on state government greater than \$10 million per state fiscal
15 year, as estimated in a manner provided by general law, shall
16 directly impose new state taxes or fees sufficient to fund the

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17 expenditures required by implementation of the amendment,
18 including the cost of levying and collecting such taxes or fees.
19 The imposition of such taxes or fees shall not be deemed a
20 violation of the single-subject requirement of Section 3. No
21 amendment approved after the effective date of this section
22 shall be construed to require expenditures in excess of the
23 taxes or fees imposed by the amendment, but the legislature may
24 by general law revise the taxes and fees so imposed, provided
25 such authority shall not affect the level of expenditures that
26 would otherwise be required by the amendment. The legislature
27 may, but need not, appropriate funds to implement the purposes
28 of such amendments in amounts greater than the expenditures
29 required under the provisions of this section. A proposed
30 amendment subject to this section may not provide for an
31 exemption from this section. Notwithstanding the provisions of
32 this section, no tax upon estates or inheritances or upon the
33 income of any resident or citizen of the state, nor any other
34 tax prohibited by Article VII of this constitution, shall be
35 imposed by a revision or amendment proposed by initiative unless
36 the proposal embraces but one subject and matter directly
37 connected therewith.

38 BE IT FURTHER RESOLVED that the title and substance of the
39 amendment proposed herein shall appear on the ballot as follows:

40 IMPOSING ADDITIONAL REQUIREMENTS ON

41 PROPOSED CONSTITUTIONAL AMENDMENTS THAT REQUIRE

42 STATE SPENDING ABOVE A SPECIFIED AMOUNT

43 Proposes the creation of Section 8 of Article XI of the
44 State Constitution to require that any proposed constitutional

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HOUSE AMENDMENT

Bill No. HJR 1979

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45 amendment requiring state government to spend more than \$10
46 million per fiscal year must identify a new revenue source
47 sufficient to pay for that increased spending. The increase in
48 state spending would be estimated according to a process
49 specified in general law. To identify a new revenue source,
50 such a proposed constitutional amendment would be required to
51 specify new state taxes or fees that would be imposed if voters
52 approved that amendment. Because adoption of such a proposed
53 constitutional amendment would impose new state taxes or fees,
54 the present requirements of Section 7 of Article XI of the State
55 Constitution would require that such proposed amendment be
56 approved by at least two-thirds of those voting in the election
57 in which that proposed amendment is considered. Such an
58 amendment's imposition of new state taxes or fees pursuant to
59 this measure would not violate the single subject requirement of
60 Section 3 of Article XI, which regulated citizen initiative.
61 However, new inheritance, estate, income taxes, and other taxes
62 prohibited by Article VII would continue to be limited by a
63 single subject requirement if proposed by citizen initiative. No
64 proposed constitutional amendment subject to this measure could
65 be construed to require state expenditures in excess of the
66 taxes or fees imposed by such an amendment. If such an amendment
67 were approved by the voters, the Legislature could by general
68 law revise or repeal the taxes or fees imposed by that
69 amendment, but the expenditures otherwise required by the
70 amendment could not be affected. The Legislature could choose to
71 appropriate additional funds to implement the amendment beyond
72 those generated by the amendment's new state taxes or fees. No

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73 | proposed constitutional amendment subject to this measure could
74 | exempt itself from the requirements of this measure.

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76 | ===== T I T L E A M E N D M E N T =====

77 | Remove the entire title and insert:

78 | House Joint Resolution

79 | A joint resolution proposing the creation of Section 8 of
80 | Article XI of the State Constitution to impose additional
81 | requirements on proposed constitutional amendments that
82 | require state spending above a specified amount.