

HJR 1979

2004

House Joint Resolution

A joint resolution proposing the creation of Section 8 of Article XI of the State Constitution to require constitutional amendments requiring expenditures in excess of \$1 per resident each year, based upon the most recent decennial census, to impose taxes, fines, or fees sufficient to fund such required expenditures.

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

That the creation of Section 8 of Article XI of the State Constitution set forth below is 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 XI

AMENDMENTS

SECTION 8. LIMITATION ON AMENDMENTS COSTING IN EXCESS OF ONE DOLLAR PER RESIDENT EACH YEAR BASED UPON THE MOST RECENT DECENNIAL CENSUS.--Each amendment proposed to this Constitution that imposes a cost on state government greater than one dollar per resident per fiscal year, based upon the most recent decennial census, as estimated in a manner provided by general law, shall directly impose additional taxes or fees sufficient to fund the expenditures required by implementation of the amendment, including the cost of levying and collecting such additional taxes or fees. The imposition of such taxes or fees shall not be deemed a violation of the single-subject requirement of Section 3. Each such amendment shall not be effective unless approved by a vote of at least two-thirds of

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30 the electors voting on the proposal. No amendment approved after
 31 the effective date of this section shall be construed to require
 32 expenditures in excess of the taxes or fees imposed by the
 33 amendment, but the legislature may by general law revise the
 34 taxes and fees so imposed, provided such authority shall not
 35 affect the level of expenditures that would otherwise be
 36 required by the amendment. The legislature may but need not
 37 appropriate funds to implement the purposes of such amendments
 38 in amounts greater than the expenditures required under the
 39 provisions of this section. A proposed amendment that imposes a
 40 cost on state government greater than one dollar per resident
 41 per fiscal year, based upon the most recent decennial census,
 42 may not provide for an exemption from this section.

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

45 LIMITATIONS ON AMENDMENTS COSTING IN
 46 EXCESS OF ONE DOLLAR PER RESIDENT ANNUALLY
 47 BASED UPON THE MOST RECENT DECENNIAL CENSUS

48 Proposes the creation of Section 8 of Article XI of the
 49 State Constitution to prohibit any amendment to the constitution
 50 that requires the expenditure by the state of more than \$1 per
 51 resident per fiscal year, based upon the most recent decennial
 52 census, unless the amendment also imposes additional taxes or
 53 fees necessary to fund the implementation of the amendment and
 54 the amendment is approved by a vote of at least two-thirds of
 55 the electors voting on the proposal. The amendment provides that
 56 the imposition of taxes or fees necessary to fund the amendment
 57 does not violate the single subject requirement affecting
 58 initiative proposals. The amendment provides that no amendment

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59 shall be construed to require expenditures in excess of the
60 taxes or fees imposed by the amendment. The amendment would
61 permit the Legislature to revise the taxes or fees by general
62 law without reducing the expenditures that would otherwise be
63 required by the amendment. The amendment expressly authorizes
64 the Legislature to appropriate funds for the purposes of such
65 amendments in amounts greater than expenditures that may be
66 required under the amendment. The amendment further provides
67 that no amendment may exempt itself from the terms of this
68 amendment.