

HJR 1979, Engrossed 1

2004

1 House Joint Resolution

2 A joint resolution proposing the creation of Section 8 of
3 Article XI of the State Constitution to impose additional
4 requirements on proposed constitutional amendments that
5 require state spending above a specified amount.

6

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

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

13 ARTICLE XI

14 AMENDMENTS

15 SECTION 8. Limitation on amendments requiring state
16 government to spend in excess of ten million dollars per year.--
17 Each amendment proposed to this constitution that imposes a cost
18 on state government greater than \$10 million per state fiscal
19 year, as estimated in a manner provided by general law, shall
20 directly impose new state taxes or fees sufficient to fund the
21 expenditures required by implementation of the amendment,
22 including the cost of levying and collecting such taxes or fees.
23 The imposition of such taxes or fees shall not be deemed a
24 violation of the single-subject requirement of Section 3. No
25 amendment approved after the effective date of this section
26 shall be construed to require expenditures in excess of the
27 taxes or fees imposed by the amendment, but the legislature may
28 by general law revise the taxes and fees so imposed, provided
29 such authority shall not affect the level of expenditures that

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would otherwise be required by the amendment. The legislature may, but need not, appropriate funds to implement the purposes of such amendments in amounts greater than the expenditures required under the provisions of this section. A proposed amendment subject to this section may not provide for an exemption from this section. Notwithstanding the provisions of this section, no tax upon estates or inheritances or upon the income of any resident or citizen of the state, nor any other tax prohibited by Article VII of this constitution, shall be imposed by a revision or amendment proposed by initiative unless the proposal embraces but one subject and matter directly connected therewith.

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

IMPOSING ADDITIONAL REQUIREMENTS ON

PROPOSED CONSTITUTIONAL AMENDMENTS THAT REQUIRE

STATE SPENDING ABOVE A SPECIFIED AMOUNT

Proposes the creation of Section 8 of Article XI of the State Constitution to require that any proposed constitutional amendment requiring state government to spend more than \$10 million per fiscal year must identify a new revenue source sufficient to pay for that increased spending. The increase in state spending would be estimated according to a process specified in general law. To identify a new revenue source, such a proposed constitutional amendment would be required to specify new state taxes or fees that would be imposed if voters approved that amendment. Because adoption of such a proposed constitutional amendment would impose new state taxes or fees, the present requirements of Section 7 of Article XI of the State

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59 Constitution would require that such proposed amendment be
60 approved by at least two-thirds of those voting in the election
61 in which that proposed amendment is considered. Such an
62 amendment's imposition of new state taxes or fees pursuant to
63 this measure would not violate the single subject requirement of
64 Section 3 of Article XI, which regulated citizen initiative.
65 However, new inheritance, estate, income taxes, and other taxes
66 prohibited by Article VII would continue to be limited by a
67 single subject requirement if proposed by citizen initiative. No
68 proposed constitutional amendment subject to this measure could
69 be construed to require state expenditures in excess of the
70 taxes or fees imposed by such an amendment. If such an amendment
71 were approved by the voters, the Legislature could by general
72 law revise or repeal the taxes or fees imposed by that
73 amendment, but the expenditures otherwise required by the
74 amendment could not be affected. The Legislature could choose to
75 appropriate additional funds to implement the amendment beyond
76 those generated by the amendment's new state taxes or fees. No
77 proposed constitutional amendment subject to this measure could
78 exempt itself from the requirements of this measure.

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