

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 0385 Limitation on State Appropriations
SPONSOR(S): Rep. Negron
TIED BILLS: SB 662 **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations		Kearney	Baker
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

In 1994, Florida voters approved a constitutional amendment which provides for a limitation on state revenue collection. More specifically, this amendment limited state revenues collected for any fiscal year to those revenues constitutionally permitted in the prior fiscal year plus an adjustment for growth. "Growth" is defined as the amount equal to the average rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year.

HJR 385 proposes a constitutional amendment, changing the revenue limit to a spending limit which contemplates a budget that does not exceed the prior year's appropriations plus an adjustment for growth. This adjustment for growth is expressed as a percentage equal to the average annual rate of growth in median household income in Florida over the most recent five years. The state appropriations limitation is found by multiplying the state appropriations for the prior fiscal year by the growth percentage, and adding this product to the prior fiscal year's state appropriations.

HJR 385 provides for an exception to the state appropriations limitation in any fiscal year in which the governor declares a state financial emergency on the order of a war, a natural catastrophe, an economic depression, or any event of similar magnitude.

Because HJR 385 proposes a constitutional amendment, it must be approved by a three-fifths vote of the membership of each house. Following this vote, it must then be adopted by the voters of the State of Florida at the next general election. HJR 385 provides for an effective date of January 1, 2005; and shall be applicable to the state fiscal year 2005-2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0385.ap.doc
DATE: April 13, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

1. Present Situation

Article VII, Section 1, Florida Constitution

Section 1 of Article VII of the Florida Constitution pertains to taxation, appropriations, state expenses, and state revenue limitations. Subsection (a) of this section provides that no tax is levied except in pursuance of law, and no state ad valorem taxes¹ are levied upon real estate or tangible personal property. (These are reserved solely to local governments pursuant to Section 9 of Article VII.) Subsection (a) states that all other forms of taxation are preempted to the state except as provided by general law.

Section 1(b) of Article VII provides for a license tax on motor vehicles, boats, airplanes, trailers, trailer coaches, and mobile homes, in the amounts and for the purposes prescribed by law. However, these items are not subject to ad valorem taxes. Subsection (c) of this section provides that no money can be drawn from the treasury except in pursuant of appropriation made by law, and subsection (d) of this section requires that, by law, sufficient revenue be raised to defray the expenses of the state for each fiscal period.

In 1994, Florida voters approved a constitutional amendment designed to limit the growth of state revenues. State revenues collected for any fiscal year are limited to those revenues constitutionally permitted in the prior fiscal year plus an adjustment for growth. Art. VII, s. 1(e), Fla. Const. This adjustment for growth is based on the average growth rate in personal income for the most recent 20 calendar quarters multiplied by the state revenues allowed for the prior fiscal year. This constitutional amendment specifies that Florida personal income is determined by the Legislature, from information available from the United States Department of Commerce or its successor.

State revenues calculated under this subsection may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject, and that sets forth the dollar amount by which the state revenues will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. "State revenues" are defined as taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or

¹ Section 192.001(1), F.S., defines "ad valorem tax" as a tax based upon the assessed value of property. The term "property tax" may be used interchangeably with the term "ad valorem tax."

agencies outside state government. Art. VII, s. 1(e), Fla. Const. However, "state revenues" do not include:

- Revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state;
- Revenues that are used to provide matching funds for the federal Medicaid program (except revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994);
- Proceeds from the state lottery returned as prizes;
- Receipts of the Florida Hurricane Catastrophe Fund;
- Balances carried forward from prior fiscal years;
- Taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or
- Revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994.

Any state revenues collected for any fiscal year in excess of this limitation must be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Art. III, s. 19(g), Fla. Const.,² after which the money must be refunded to taxpayers as provided by general law.

Article XII, Section 21, Florida Constitution

Section 21 of Article XII of the Florida Constitution was approved in 1994 by the Florida voters in conjunction with the approval of Art. VII, s. 1(e). This scheduling section provides that "[t]he amendment to Section 1 of Article VII limiting state revenues shall take effect January 1, 1995, and shall first be applicable to state fiscal year 1995-96."

Article XI, Florida Constitution

An amendment of a section or a revision of one or more articles, or the whole, of the Florida Constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the vote of each member voting must be entered on the journal of each house. Article XI, s. 1, Fla. Const.

Any proposed amendment to or revision of the Florida Constitution must be submitted to the electors at the next general election held more than 90 days after the joint resolution, initiative petition or report of revision commission, constitutional convention, or taxation and budget reform commission proposing it is filed with the Secretary of State. However, if an affirmative vote of three-fourths of the membership of each house of the legislature limits the proposal to a single amendment or revision, it may be submitted at an earlier special election held more than 90 days after such filing. Article XI, s. 5, Fla. Const.

Additionally, once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at

² Article III, Section 19(g), Florida Constitution, states that the budget stabilization fund's principal balance must not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund.

which it will be submitted to the electors, must be published in one newspaper of general circulation in each county in which a newspaper is published. Article XI, s. 5, Fla. Const.

Finally, if the proposed amendment or revision is approved by vote of the electors, it will be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision. Article XI, s. 5, Fla. Const.

2. Effect of Proposed Changes:

HJR 385 proposes an amendment to Section 1(e) of Article VII of the Florida Constitution, changing the revenue limit to an appropriations limit which contemplates a budget that does not exceed the prior year's appropriations plus an adjustment for growth. This adjustment for growth is expressed as a percentage equal to the average annual rate of growth in median household income in Florida over the most recent five years. The median household income is that established and published by the United States Department of Commerce or its successor. The state appropriations limitation is found by multiplying the state appropriations for the prior fiscal year by the growth percentage, and adding this product to the prior fiscal year's state appropriations. The formula for this calculation is the following:

$$\text{SAL} = (\text{SAPFY} \times \text{MHIGR}\%) + \text{SAPFY}$$

SAL = state appropriations limitation.

SAPFY = state appropriations for the prior fiscal year.

MHIGR% = median household income growth rate percentage, averaged over the most recent five years.

HJR 385 states that for purposes of calculating the state appropriations limitation, "state appropriations" do not include any portion of state appropriations spent or to be spent from receipt of federal funds. Furthermore, HJR defines "state revenues" to include general revenue and trust fund receipts, but not federal fund receipts.

At present, state revenues collected for any fiscal year in excess of this limitation are transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III³, after which the money must be refunded to taxpayers as provided by general law. Art. VII, s. 1(e), Fla. Const.

HJR 385 similarly provides that any state revenues collected for any fiscal year in excess of the state appropriations limitations must be transferred to the budget stabilization fund until the fund reaches the maximum balances specified in Section 19(g) of Article III, after which the money must be refunded to taxpayers as provided by general law.

HJR 385 provides for an exception to the state appropriations limitation in any fiscal year in which the governor declares a state financial emergency on the order of a war, a natural catastrophe, an economic depression, or "any event of similar magnitude." If such an exception is necessary, the legislature must agree by a three-fourths vote of the membership in each house in a separate bill that contains no other subject other than to suspend the appropriations limitation for that year.

Additionally, HJR 385 sets forth an implementation schedule for the spending limit. Section 21 of Article XII, is amended to read:

³ Article III, Section 19(g), Florida Constitution, states that the budget stabilization fund's principal balance must not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund.

The amendment to Section 1 of Article VII limiting state appropriations, if adopted at the general election in November 2002, shall take effect January 1, 2005, and shall first be applicable to state fiscal year 2005-2006.

Lastly, HJR 385 provides the format for the title and substance of the proposed amendment, as it would appear on the voter ballot.

C. SECTION DIRECTORY:

See "Effect of Proposed Changes."

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See "Fiscal Comments" section.

2. Expenditures:

See "Fiscal Comments" section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See "Fiscal Comments" section.

2. Expenditures:

See "Fiscal Comments" section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See "Fiscal Comments" section.

D. FISCAL COMMENTS:

**Data for HJR 385: Constitutional Amendment Limiting Appropriations
SIMULATION: Actual Appropriations over/under HJR 385 Limit**

(Dollars in Millions)

Fiscal Year	State Appropriations	Federal Funds	State Appropriations Less Federal Funds	New Growth Rate	Appropriations With Limitation	Difference
94-95	\$38,788.98	\$9,696.65	\$29,092.33	2.9%	\$27,252.87	(\$1,839.46)
95-96	\$39,123.05	\$10,229.23	\$28,893.82	2.3%	\$27,879.80	(\$1,014.02)
96-97	\$39,822.47	\$9,974.43	\$29,848.04	2.4%	\$28,536.72	(\$1,311.32)
97-98	\$43,298.32	\$10,799.05	\$32,499.27	2.3%	\$29,185.47	(\$3,313.80)
98-99	\$45,352.78	\$10,963.94	\$34,388.84	2.3%	\$29,852.84	(\$4,536.00)
99-00	\$48,713.60	\$12,063.63	\$36,649.97	2.9%	\$30,729.92	(\$5,920.05)
00-01	\$51,912.30	\$12,145.99	\$39,766.31	3.8%	\$31,902.40	(\$7,863.91)
01-02	\$48,222.30	\$13,204.03	\$35,018.27	4.1%	\$33,217.49	(\$1,800.78)
02-03	\$50,312.00	\$15,263.62	\$35,048.38	4.8%	\$34,820.20	(\$228.18)
03-04	\$53,552.80	\$16,777.87	\$36,774.93	4.5%	\$36,396.48	(\$378.44)

This chart compares actual state appropriations with state appropriations adjusted for the growth in median household income.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds; does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of a state tax shared with counties or municipalities.

B. RULE-MAKING AUTHORITY:

NONE

C. DRAFTING ISSUES OR OTHER COMMENTS:

NONE

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES