

Bill No. HJR 1741, 2nd Eng.

Barcode 270608

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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2	05/02/2005 12:33 PM	.	
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11 Senator Atwater moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 That the following amendment to Section 7 of Article XI

18 of the State Constitution is agreed to and shall be submitted

19 to the electors of this state for approval or rejection at the

20 next general election or at an earlier special election

21 specifically authorized by law for that purpose:

22 ARTICLE XI

23 AMENDMENTS

24 SECTION 7. Tax, ~~or fee, or significant financial~~

25 impact limitation.--Notwithstanding Article X, Section 12(d)

26 of this constitution:

27 (a) No amendment or revision to this constitution

28 which imposes a new State tax or fee shall become effective ~~be~~

29 ~~imposed on or after November 8, 1994 by any amendment to this~~

30 ~~constitution~~ unless the proposed amendment or revision is

31 approved by not fewer than two-thirds of the voters voting in

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1 the election in which such proposed amendment or revision is
 2 considered. For purposes of this section, the phrase "new
 3 State tax or fee" shall mean any tax or fee which would
 4 produce revenue subject to lump sum or other appropriation by
 5 the Legislature, either for the State general revenue fund or
 6 any trust fund, which tax or fee is not in effect on November
 7 7, 1994. ~~including without limitation such taxes and fees as
 8 are the subject of proposed constitutional amendments
 9 appearing on the ballot on November 8, 1994. This section
 10 shall apply to proposed constitutional amendments relating to
 11 State taxes or fees which appear on the November 8, 1994
 12 ballot, or later ballots, and Any such proposed amendment or
 13 revision that which fails to gain the two-thirds vote required
 14 hereby shall be null, void, and without effect.~~

15 (b) No amendment or revision to this constitution
 16 which increases an existing State tax or fee shall become
 17 effective unless the proposed amendment or revision is
 18 approved by not fewer than two-thirds of the voters voting in
 19 the election in which such proposed amendment or revision is
 20 considered. For purposes of this section, the phrase "existing
 21 State tax or fee" shall mean any tax or fee that produces
 22 revenue subject to lump sum or other appropriation by the
 23 Legislature, either for the State general revenue fund or any
 24 trust fund, which tax or fee is in effect at the time of the
 25 election at which the proposed amendment or revision is
 26 considered. Any such proposed amendment or revision that fails
 27 to gain the two-thirds vote required by this subsection shall
 28 be null, void, and without effect.

29 (c) No amendment or revision to this constitution
 30 which imposes a significant financial impact on state
 31 government shall become effective unless the proposed

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1 amendment or revision is approved by not fewer than two-thirds
2 of voters voting in the election in which such proposed
3 amendment or revision is considered. For purposes of this
4 section, the phrase "significant financial impact" shall mean
5 a financial impact to the state, including requiring the
6 Legislature to increases taxes in order to maintain the state
7 budget at existing revenues and expenditures, in any state
8 fiscal year prior to and including the first state fiscal year
9 of full implementation in an amount greater than two-tenths of
10 one percent of the portion of the state budget appropriated
11 from the General Revenue Fund, as established in the General
12 Appropriations Act approved by the Governor, for the state
13 fiscal year ending in the year prior to the election in which
14 such proposed amendment or revision is considered. The
15 determination that a proposed amendment or revision imposes a
16 significant financial impact on state government shall be
17 certified pursuant to the process established in general law.
18 Any such proposed amendment or revision that fails to gain the
19 two-thirds vote required by this subsection shall be null,
20 void, and without effect.

21 BE IT FURTHER RESOLVED that the following statement be
22 placed on the ballot:

23 CONSTITUTIONAL AMENDMENT

24 ARTICLE XI, SECTION 7

25 SIGNIFICANT FINANCIAL IMPACT LIMITATION

26 AMENDMENT.--Proposing amendments to the State Constitution
27 requiring that a proposed amendment to or revision of the
28 State Constitution which increases an existing state tax or
29 fee must be approved by at least two-thirds of those voters
30 voting in the election in which such amendment or revision is
31 considered. For the purposes of this amendment, "existing

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1 state tax or fee" means any tax or fee that produces revenue
2 subject to lump-sum or other appropriation by the Legislature,
3 either for the state general revenue fund or any trust fund,
4 if that tax or fee is in effect at the time of the election
5 when the proposed amendment or revision is considered. The
6 amendment also requires that a proposed amendment to or
7 revision of the State Constitution which imposes a significant
8 financial impact on state government must be approved by at
9 least two-thirds of those voters voting in the election in
10 which such amendment or revision is considered. For the
11 purposes of this amendment, a "significant financial impact"
12 means a financial impact to the state, including requiring the
13 Legislature to increase taxes in order to maintain the state
14 budget at existing revenues and expenditures, in any state
15 fiscal year prior to and including the first state fiscal year
16 of full implementation in an amount greater than two-tenths of
17 1 percent of the portion of the state budget appropriated from
18 the General Revenue Fund, as established in the General
19 Appropriations Act approved by the Governor, for the state
20 fiscal year ending in the year prior to the election in which
21 such proposed amendment or revision is considered. Currently,
22 such a proposal must be approved by only a simple majority of
23 those voting on the proposal, unless it imposes a new state
24 tax or fee. This amendment repeals obsolete provisions in this
25 section of the State Constitution relating to items on the
26 November 8, 1994, ballot.

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28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 greater than two-tenths of 1 percent of the
2 portion of the state budget appropriated from
3 the General Revenue Fund, as established in the
4 General Appropriations Act approved by the
5 Governor, for the state fiscal year ending in
6 the year prior to the election in which such
7 proposed amendment or revision is considered;
8 deleting obsolete provisions.

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10 Be It Resolved by the Legislature of the State of

11 Florida:

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