

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Simmons offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the resolving clause and insert:

5 That the amendment to Section 7 of Article XI and the  
6 creation of Section 26 of Article XII of the State Constitution  
7 set forth below is agreed to and shall be submitted to the  
8 electors of Florida for approval or rejection at the next  
9 general election or at an earlier special election specifically  
10 authorized by law for that purpose:

11 ARTICLE XI

12 AMENDMENTS

13 SECTION 7. Tax, ~~or~~ fee, or significant fiscal impact  
14 limitation.--Notwithstanding Article X, Section 12(d) of this  
15 constitution:

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16        (a) Any amendment or revision to this constitution that  
17 imposes or authorizes the imposition of a, ~~no~~ new State tax or  
18 fee or increases or authorizes an increase in an existing tax or  
19 fee shall become effective only if ~~be imposed on or after~~  
20 ~~November 8, 1994 by any amendment to this constitution unless~~  
21 the proposed amendment or revision is approved by not fewer than  
22 two-thirds of the voters voting in the election in which such  
23 proposed amendment or revision is considered. This subsection  
24 shall apply to the imposition or authorization of an existing  
25 tax or fee that is not currently being collected, to an increase  
26 in the rate of an existing tax or fee, and to the modification  
27 of an exemption, exclusion, deduction, credit, or other  
28 mechanism which currently eliminates or reduces the liability of  
29 a person or entity for an existing tax or fee. For purposes of  
30 this section, the phrase "new State tax or fee" means ~~shall mean~~  
31 any tax or fee which would produce revenue subject to lump sum  
32 or other appropriation by the Legislature, either for the State  
33 general revenue fund or any trust fund, which tax or fee is not  
34 in effect on November 7, 1994, including without limitation such  
35 taxes and fees as are the subject of proposed constitutional  
36 amendments appearing on the ballot on November 8, 1994. The  
37 phrase "new tax or fee" also means any tax or fee which would  
38 produce revenue for a county, school district, municipality, or  
39 special district. ~~This section shall apply to proposed~~  
40 ~~constitutional amendments relating to State taxes or fees which~~  
41 ~~appear on the November 8, 1994 ballot, or later ballots, and Any~~  
42 such proposed amendment or revision which fails to gain the two-

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43 thirds vote required hereby shall be null, void, and without  
44 effect.

45 (b) Any amendment or revision to this constitution that  
46 imposes a significant fiscal impact on the state, counties,  
47 school districts, municipalities, or special districts in the  
48 aggregate shall become effective only if the proposed amendment  
49 or revision is approved by not fewer than two-thirds of the  
50 voters voting in the election in which such proposed amendment  
51 or revision is considered. For purposes of this section, the  
52 phrase "significant fiscal impact" means the proposed amendment  
53 or revision has an annual fiscal impact in any state fiscal year  
54 prior to and including the first state fiscal year of full  
55 implementation in an amount greater than one-tenth of one  
56 percent of the total state budget for the state fiscal year  
57 ending in the year prior to the election in which such proposed  
58 amendment or revision is considered. The dollar amount for the  
59 determination of a significant fiscal impact shall be certified  
60 pursuant to the process established in general law. Any such  
61 proposed amendment or revision which fails to gain the two-  
62 thirds vote required hereby shall be null, void, and without  
63 effect.

64 ARTICLE XII

65 SCHEDULE

66 SECTION 26. Two-thirds vote for constitutional amendments  
67 increasing or imposing taxes, fees, or significant fiscal  
68 impact.--The amendment to Section 7 of Article XI, to require  
69 approval by at least two-thirds of the voters of any proposed

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70 amendment or revision to the State Constitution imposing or  
71 authorizing imposition of any new tax or fee, increasing or  
72 authorizing an increase in any existing tax or fee, or imposing  
73 a significant fiscal impact on the state, counties, school  
74 districts, municipalities, or special districts, shall take  
75 effect upon approval by the electors.

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

78 TWO-THIRDS VOTE FOR CONSTITUTIONAL AMENDMENTS INCREASING  
79 OR IMPOSING TAXES, FEES, OR A SIGNIFICANT FISCAL IMPACT

80 Proposes an amendment to Section 7 of Article XI of the  
81 State Constitution to require approval by at least two-thirds of  
82 the voters of the state voting in an election on any proposed  
83 amendment or revision to the State Constitution imposing or  
84 authorizing imposition of any new tax or fee, increasing or  
85 authorizing an increase in any existing tax or fee, or imposing  
86 a significant fiscal impact on the state, counties, school  
87 districts, municipalities, or special districts, such proposal  
88 to amend and expand the existing two-thirds vote requirement  
89 adopted by Florida voters in 1996 but currently applying only to  
90 proposed amendments that impose a new state tax or fee, all  
91 other proposed amendments or revisions currently requiring  
92 approval by only a simple majority of those voting on the  
93 amendment or revision; to delete a provision limiting  
94 application of such voting requirement to only state taxes or  
95 fees; to extend the existing two-thirds vote requirement to  
96 taxes and fees producing revenue for counties, municipalities,

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97 school districts, and special districts rather than only the  
 98 state; to expand the definition of the term "new tax or fee" to  
 99 include revenue-producing exactions for counties,  
 100 municipalities, school districts, and special districts; to  
 101 define the term "significant fiscal impact" to mean having a  
 102 collective annual fiscal impact on the state, counties,  
 103 municipalities, and special districts in any state fiscal year  
 104 prior to and including the first state fiscal year of full  
 105 implementation of the proposed amendment or revision in an  
 106 amount greater than one-tenth of one percent of the total state  
 107 budget for the state fiscal year ending in the year prior to the  
 108 general election in which such proposed amendment or revision is  
 109 considered; and to schedule the two-thirds vote requirement  
 110 provision to take effect upon approval by the electors.

111  
 112  
 113 ===== T I T L E A M E N D M E N T =====

114 Remove the entire title and insert:

115 House Joint Resolution

116 A joint resolution proposing an amendment to Section 7 of  
 117 Article XI of the State Constitution to require approval  
 118 by at least two-thirds of the voters of any proposed  
 119 amendment or revision to the State Constitution imposing  
 120 or authorizing imposition of any new tax or fee,  
 121 increasing or authorizing an increase in any existing tax  
 122 or fee, or imposing a significant fiscal impact on the  
 123 state, counties, school districts, municipalities, or

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124 | special districts and to delete a provision limiting such  
125 | voting requirement to only new state taxes or fees, and  
126 | the creation of Section 26 of Article XII of the State  
127 | Constitution to schedule the amendment to Section 7 of  
128 | Article XI of the State Constitution to take effect upon  
129 | approval by the electors.

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