

By the Committee on Ethics and Elections; and Senators Atwater and King

582-1741-05

1 Senate Joint Resolution No. 2200
2 A joint resolution proposing an amendment to
3 Section 7 of Article XI of the State
4 Constitution; requiring that a proposed
5 amendment to or revision of the State
6 Constitution which authorizes the imposition of
7 a new state tax or fee by state government must
8 be approved by at least two-thirds of those
9 voters voting in the election in which such
10 amendment or revision is considered; requiring
11 that a proposed amendment to or revision of the
12 State Constitution which increases, or
13 authorizes the increase of, an existing state
14 tax or fee by state government must be approved
15 by at least two-thirds of those voters voting
16 in the election in which such amendment or
17 revision is considered; providing that the
18 phrase "existing State tax or fee" means any
19 tax or fee producing revenue subject to lump
20 sum or other appropriation by the Legislature,
21 either for the state general revenue fund or
22 any trust fund, which tax or fee is in effect
23 at the time of the election when the proposed
24 amendment or revision is considered; requiring
25 that a proposed amendment to or revision of the
26 State Constitution which imposes a significant
27 financial impact on state government be
28 approved by at least two-thirds of those voters
29 voting in the election in which such amendment
30 or revision is considered; providing that the
31 phrase "significant financial impact" means an

1 amount greater than one-tenth of 1 percent of
2 the total state budget for the state fiscal
3 year ending in the year prior to the general
4 election in which such proposed amendment or
5 revision is considered; deleting obsolete
6 provisions.

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

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10 That the following amendment to Section 7 of Article XI
11 of the State Constitution is agreed to and shall be submitted
12 to the electors of this state for approval or rejection at the
13 next general election or at an earlier special election
14 specifically authorized by law for that purpose:

15 ARTICLE XI

16 AMENDMENTS

17 SECTION 7. Tax, ~~or fee, or significant financial~~
18 impact limitation.--Notwithstanding Article X, Section 12(d)
19 of this constitution:

20 (a) No amendment or revision to this constitution
21 which imposes, or authorizes the imposition of, a new State
22 tax or fee shall become effective ~~be imposed on or after~~
23 ~~November 8, 1994 by any amendment to this constitution unless~~
24 the proposed amendment or revision is approved by not fewer
25 than two-thirds of the voters voting in the election in which
26 such proposed amendment or revision is considered. For
27 purposes of this section, the phrase "new State tax or fee"
28 shall mean any tax or fee which would produce revenue subject
29 to lump sum or other appropriation by the Legislature, either
30 for the State general revenue fund or any trust fund, which
31 tax or fee is not in effect on November 7, 1994. ~~including~~

1 ~~without limitation such taxes and fees as are the subject of~~
2 ~~proposed constitutional amendments appearing on the ballot on~~
3 ~~November 8, 1994. This section shall apply to proposed~~
4 ~~constitutional amendments relating to State taxes or fees~~
5 ~~which appear on the November 8, 1994 ballot, or later ballots,~~
6 ~~and~~ Any such proposed amendment or revision that ~~which~~ fails
7 to gain the two-thirds vote required hereby shall be null,
8 void, and without effect.

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

23 (c) No amendment or revision to this constitution
24 which imposes a significant financial impact on state
25 government shall become effective unless the proposed
26 amendment or revision is approved by not fewer than two-thirds
27 of voters voting in the election in which such proposed
28 amendment or revision is considered. For purposes of this
29 section, the phrase "significant financial impact" shall mean
30 an amount greater than one-tenth of one percent of the total
31 state budget for the state fiscal year ending in the year

1 prior to the election in which such proposed amendment or
2 revision is considered. The dollar amount for establishing a
3 significant financial impact shall be determined pursuant to
4 general law. Any such proposed amendment or revision that
5 fails to gain the two-thirds vote required by this subsection
6 shall be null, void, and without effect.

7 BE IT FURTHER RESOLVED that the following statement be
8 placed on the ballot:

9 CONSTITUTIONAL AMENDMENT

10 ARTICLE XI, SECTION 7

11 TAX, FEE, AND SIGNIFICANT FINANCIAL IMPACT LIMITATION

12 AMENDMENT.--Proposing amendments to the State Constitution
13 requiring that a proposed amendment to or revision of the
14 State Constitution which authorizes the imposition of a new
15 state tax or fee, or increases or authorizes the increase of
16 an existing state tax or fee, by state government must be
17 approved by at least two-thirds of those voters voting in the
18 election in which such amendment or revision is considered.
19 For the purposes of this amendment, "existing state tax or
20 fee" means any tax or fee that produces revenue subject to
21 lump-sum or other appropriation by the Legislature, either for
22 the state general revenue fund or any trust fund, if that tax
23 or fee is in effect at the time of the election when the
24 proposed amendment or revision is considered. The amendment
25 also requires that a proposed amendment to or revision of the
26 State Constitution which imposes a significant financial
27 impact on state government must be approved by at least
28 two-thirds of those voters voting in the election in which
29 such amendment or revision is considered. For the purposes of
30 this amendment, a "significant financial impact" means any
31 amount greater than one-tenth of 1 percent of the total state

1 budget for the state fiscal year ending in the year prior to
2 the general election in which such proposed amendment or
3 revision is considered. Currently, such a proposal must be
4 approved by only a simple majority of those voting on the
5 proposal, unless it imposes a new state tax or fee. This
6 amendment repeals obsolete provisions in this section of the
7 State Constitution relating to items on the November 8, 1994,
8 ballot.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 2200

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14 The committee substitute differs from the original bill in
15 that it: amends the existing constitutional limitation on new
16 state taxes or fees to include amendments or revisions which
17 "authorize" new state taxes or fees, or which increase, or
18 authorize the increase of existing state taxes or fees;
19 provides a definition for "existing state taxes or fees";
20 requires two-thirds of the voters voting in an election to
21 approve any proposed amendment or revision which would impose
22 a significant financial impact on state government in excess
23 of one-tenth of one percent of the state's budget for the
24 previous fiscal year; and deletes obsolete language relating
25 to the November 8, 1994 general election, for which this
26 particular constitutional provision was originally proposed.

27 This proposed joint resolution substantially amends Section 7
28 of Article XI of the Florida Constitution.

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