

Bill No. SJR 1436

Barcode 801626

CHAMBER ACTION

Senate

House

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The Committee on Government Efficiency Appropriations
(Atwater) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the resolving clause

and insert:

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

ARTICLE XI
AMENDMENTS

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

(a) No amendment or revision to this constitution
which imposes a new state tax or fee shall become effective ~~be~~
~~imposed on or after November 8, 1994 by any amendment to this~~
~~constitution~~ unless the proposed amendment or revision is

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

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

31 (c) No amendment or revision to this constitution that

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1 imposes a significant financial impact on state government
2 shall become effective unless the proposed amendment or
3 revision is approved by not fewer than two-thirds of the
4 voters voting in the election in which such proposed amendment
5 or revision is considered. For purposes of this subsection,
6 the phrase "significant financial impact" means a financial
7 impact to the state in any state fiscal year prior to and
8 including the first state fiscal year of full implementation,
9 including requiring the legislature to increase taxes or fees
10 in order to maintain the state budget at existing revenues and
11 expenditures, in an amount greater than two-tenths of one
12 percent of the portion of the state budget appropriated from
13 the state general revenue fund, as established in the general
14 appropriations act approved by the governor, for the state
15 fiscal year ending in the year prior to the election in which
16 such proposed amendment or revision is considered. The
17 determination of whether a proposed amendment or revision
18 imposes a significant financial impact on state government
19 shall be made and certified in accordance with general law.
20 Any such proposed amendment or revision that fails to gain the
21 two-thirds vote required by this subsection shall be null,
22 void, and without effect.

23 BE IT FURTHER RESOLVED that the following statement be
24 placed on the ballot:

25 CONSTITUTIONAL AMENDMENT

26 ARTICLE XI, SECTION 7

27 TWO-THIRDS VOTE FOR AMENDMENT INCREASING STATE TAX OR
28 FEE OR IMPOSING A SIGNIFICANT FINANCIAL IMPACT.--Under this
29 measure proposing to amend the State Constitution, a proposed
30 amendment or revision to the State Constitution that increases
31 an existing state tax or fee would have to be approved by at

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1 least two-thirds of those voters voting in the election in
2 which the amendment or revision is considered. For the
3 purposes of this measure, "existing state tax or fee" means
4 any tax or fee that produces revenue subject to lump-sum or
5 other appropriation by the Legislature, either for the state
6 general revenue fund or any trust fund, if that tax or fee is
7 in effect at the time of the election when the proposed
8 amendment or revision is considered. This measure would also
9 require that a proposed amendment or revision to the State
10 Constitution that would impose a significant financial impact
11 on state government must be approved by at least two-thirds of
12 those voters voting in the election in which the amendment or
13 revision is considered. For the purposes of this measure,
14 "significant financial impact" means a financial impact to the
15 state in any state fiscal year prior to and including the
16 first state fiscal year of full implementation, including
17 requiring the Legislature to increase taxes or fees in order
18 to maintain the state budget at existing revenues and
19 expenditures, in an amount greater than two-tenths of one
20 percent of the portion of the state budget appropriated from
21 the state general revenue fund, as established in the General
22 Appropriations Act approved by the Governor, for the state
23 fiscal year ending in the year prior to the election in which
24 such proposed amendment or revision is considered. The
25 determination of whether a proposed amendment or revision
26 imposes a significant financial impact on state government
27 would be made and certified in accordance with general law.
28 This measure adds to an existing provision of the Florida
29 Constitution, passed by Florida voters in 1996, that currently
30 applies the same two-thirds vote requirement only to a
31 proposed amendment that imposes a new state tax or fee. All

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1 other proposed amendments or revisions presently must be
 2 approved by only a simple majority of those voting on the
 3 proposal. The measure also makes conforming changes in this
 4 section of the State Constitution and repeals obsolete
 5 provisions relating to items on the November 8, 1994, ballot.

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

9 And the title is amended as follows:

10 Delete everything before the resolving clause

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12 and insert:

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Senate Joint Resolution

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A joint resolution proposing an amendment to

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Section 7 of Article XI of the State

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Constitution, relating to state tax or fee

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limitations, to specify application to

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imposition of new state taxes or fees,

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increases in existing state taxes or fees, and

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imposition of significant financial impact on

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state government.

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