

Bill No. CS for SJR 1436

Barcode 981244

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
04/25/2006 04:54 PM

.
. .
. .
. .
. .
. .

The Committee on Ways and Means (Atwater) recommended the following **substitute for amendment** (684750):

Senate Amendment (with title amendment)

Delete everything after the enacting 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 change in state spending~~ limitation.--Notwithstanding Article X, Section 12(d) of this constitution:7

(a) No amendment or revision to this constitution which increases, decreases, or eliminates an existing state tax or fee, or which imposes a new state tax or fee, shall become effective ~~be imposed on or after November 8, 1994 by~~

Bill No. CS for SJR 1436

Barcode 981244

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

18 (b) No amendment or revision to this constitution
19 which would result in a significant increase or decrease in
20 spending by state government shall become effective unless the
21 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. For purposes of
24 this subsection, a "significant increase or decrease in
25 spending" means an increase or decrease in spending by the
26 state in any state fiscal year, including the first state
27 fiscal year of full implementation, in an amount greater than
28 two-tenths of one percent of the portion of the state budget
29 appropriated from the state general revenue fund, as
30 established in the general appropriations act approved by the
31 governor, for the state fiscal year ending in the year prior

Bill No. CS for SJR 1436

Barcode 981244

1 to the election in which such proposed amendment or revision
 2 is considered. The determination of whether a proposed
 3 amendment or revision would result in a significant increase
 4 or decrease in spending by state government shall be made and
 5 certified in accordance with general law. Any such proposed
 6 amendment or revision that fails to gain the two-thirds vote
 7 required by this subsection shall be null, void, and without
 8 effect.

9 BE IT FURTHER RESOLVED that the following statement be
 10 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE XI, SECTION 7

13 TWO-THIRDS VOTE FOR AMENDMENT AFFECTING STATE TAX OR
 14 FEE OR SIGNIFICANTLY AFFECTING STATE SPENDING.--Under this
 15 measure proposing to amend the State Constitution, a proposed
 16 amendment or revision to the State Constitution which would
 17 increase, decrease, or eliminate an existing state tax or fee
 18 must be approved by at least two-thirds of those voters voting
 19 in the election in which the amendment or revision is
 20 considered. For the purposes of this measure, "state tax or
 21 fee" means any tax or fee that produces revenue subject to
 22 lump-sum or other appropriation by the Legislature, either for
 23 the state general revenue fund or any trust fund. This measure
 24 would also require that a proposed amendment or revision to
 25 the State Constitution which would result in a significant
 26 increase or decrease in spending by state government must be
 27 approved by at least two-thirds of those voters voting in the
 28 election in which the amendment or revision is considered. For
 29 the purposes of this measure, "significant increase or
 30 decrease in spending" means an increase or decrease in
 31 spending by the state in any state fiscal year, including the

Bill No. CS for SJR 1436

Barcode 981244

1 first state fiscal year of full implementation, in an amount
2 greater than two-tenths of one percent of the portion of the
3 state budget appropriated from the state general revenue fund,
4 as established in the General Appropriations Act approved by
5 the Governor, for the state fiscal year ending in the year
6 prior to the election in which such proposed amendment or
7 revision is considered. The determination of whether a
8 proposed amendment or revision imposes a significant increase
9 or decrease in spending by state government would be made and
10 certified in accordance with general law. This measure adds to
11 an existing provision of the Florida Constitution, passed by
12 Florida voters in 1996, that currently applies the same
13 two-thirds vote requirement only to a proposed amendment that
14 imposes a new state tax or fee. All other proposed amendments
15 or revisions presently must be approved by only a simple
16 majority of those voting on the proposal. The measure also
17 makes conforming changes in this section of the State
18 Constitution and repeals obsolete provisions relating to items
19 on the November 8, 1994, ballot.

20
21

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

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25

26 and insert:

27 Senate Joint Resolution

28 A joint resolution proposing an amendment to
29 Section 7 of Article XI of the State
30 Constitution, relating to state tax or fee
31 limitations, to specify application to

Bill No. CS for SJR 1436

Barcode 981244

1 imposition of new state taxes or fees, an
2 increase or decrease in or elimination of
3 existing state taxes or fees, and imposition of
4 significant financial impact on state
5 government.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31