

By Senator Atwater

25-410B-06

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

Senate Joint Resolution

A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution, relating to tax or fee limitations; requiring approval by two-thirds of those electors voting in an election in order for an amendment or revision to the Constitution which authorizes imposition of a "new State tax or fee," which increases an "existing State tax or fee," or which would result in "significant spending" by state government to take effect; deleting obsolete provisions.

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

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

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

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

30 | **(c)** No amendment or revision to this constitution
31 | which would result in significant spending by state government

1 shall become effective unless the proposed amendment or
2 revision is approved by not fewer than two-thirds of the
3 voters voting in the election in which such proposed amendment
4 or revision is considered. For purposes of this subsection,
5 the phrase "significant spending" shall mean spending in any
6 state fiscal year in an amount greater than two-tenths of one
7 percent of the portion of the state budget appropriated from
8 the General Revenue Fund, as established in the General
9 Appropriations Act approved by the Governor, for the state
10 fiscal year ending in the year prior to the election in which
11 such proposed amendment or revision is considered. The
12 determination of whether a proposed amendment or revision
13 would result in significant spending by state government shall
14 be made and certified in accordance with general laws to be
15 adopted in the next regular legislative session following
16 voter approval of this measure. Any such proposed amendment or
17 revision that fails to gain the two-thirds vote required by
18 this subsection shall be null, void, and without effect.

19 BE IT FURTHER RESOLVED that the following statement be
20 placed on the ballot:

21 CONSTITUTIONAL AMENDMENT

22 ARTICLE XI, SECTION 7

23 TWO-THIRDS VOTE FOR AMENDMENT INCREASING STATE TAX OR
24 FEE OR RESULTING IN SIGNIFICANT SPENDING.--Under this measure
25 proposing to amend the State Constitution, a proposed
26 amendment or revision to the State Constitution which
27 increases an existing state tax or fee would have to be
28 approved by at least two-thirds of those voters voting in the
29 election in which the amendment or revision is considered. For
30 the purposes of this measure, "existing state tax or fee"
31 means any tax or fee that produces revenue subject to lump-sum

1 | or other appropriation by the Legislature, either for the
2 | General Revenue Fund or any trust fund, if that tax or fee is
3 | in effect at the time of the election when the proposed
4 | amendment or revision is considered. This measure would also
5 | require that a proposed amendment or revision to the State
6 | Constitution which would result in significant spending by
7 | state government must be approved by at least two-thirds of
8 | those voters voting in the election in which the amendment or
9 | revision is considered. For the purposes of this measure,
10 | "significant spending" means spending in any state fiscal year
11 | in an amount greater than two-tenths of 1 percent of the
12 | portion of the state budget appropriated from the General
13 | Revenue Fund, as established in the General Appropriations Act
14 | approved by the Governor, for the state fiscal year ending in
15 | the year prior to the election in which such proposed
16 | amendment or revision is considered. The determination of
17 | whether a proposed amendment or revision would result in
18 | significant spending by state government would be made and
19 | certified in accordance with general laws to be adopted in the
20 | next regular legislative session following voter approval of
21 | this measure. This measure adds to an existing provision of
22 | the Florida Constitution, passed by Florida voters in 1996,
23 | which currently applies the same two-thirds vote requirement
24 | only to a proposed amendment that imposes a new state tax or
25 | fee. All other proposed amendments or revisions presently must
26 | be approved by only a simple majority of those voting on the
27 | proposal. The measure also makes conforming changes in this
28 | section of the State Constitution and repeals obsolete
29 | provisions relating to items on the November 8, 1994, ballot.

30 |
31 |