

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

14 (b) No amendment or revision to this constitution
15 which would result in a significant increase or decrease in
16 spending by state government shall become effective unless the
17 proposed amendment or revision is approved by not fewer than
18 two-thirds of the voters voting in the election in which such
19 proposed amendment or revision is considered. For purposes of
20 this subsection, a "significant increase or decrease in
21 spending" means an increase or decrease in spending by the
22 state in any state fiscal year, including the first state
23 fiscal year of full implementation, in an amount greater than
24 two-tenths of one percent of the portion of the state budget
25 appropriated from the state general revenue fund, as
26 established in the general appropriations act approved by the
27 governor, for the state fiscal year ending in the year prior
28 to the election in which such proposed amendment or revision
29 is considered. The determination of whether a proposed
30 amendment or revision would result in a significant increase
31 or decrease in spending by state government shall be made and

1 certified in accordance with general law. Any such proposed
2 amendment or revision that fails to gain the two-thirds vote
3 required by this subsection shall be null, void, and without
4 effect.

5 BE IT FURTHER RESOLVED that the following statement be
6 placed on the ballot:

7 CONSTITUTIONAL AMENDMENT

8 ARTICLE XI, SECTION 7

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

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

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17 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 | COMMITTEE SUBSTITUTE FOR
19 | CS/Senate Joint Resolution 1436

20 | The Committee Substitute for CS/SB 1436 expands the number of
21 | proposed constitutional amendments and revisions that will
22 | require a 2/3 vote to include those amendments and revisions:

- 22 | -- That decrease or eliminate a state tax or fee. (The
23 | original CS included amendments and revisions that
24 | imposed or increased a state tax or fee.)
25 | -- That would result in a significant increase or decrease
26 | in state spending. (The original CS included amendments
27 | and revisions that imposed a significant financial impact
28 | on state government.)
29 |
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