

Bill No. HJR 7037, 1st Eng.

Barcode 610772

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Atwater moved 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 change in state spending limitation.--Notwithstanding Article X, Section 12(d) of this constitution:

(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 any amendment to this constitution unless the proposed

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

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

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

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

CONSTITUTIONAL AMENDMENT

ARTICLE XI, SECTION 7

12 TWO-THIRDS VOTE FOR AMENDMENT AFFECTING STATE TAX OR
 13 FEE OR SIGNIFICANTLY AFFECTING STATE SPENDING.--Under this
 14 measure proposing to amend the State Constitution, a proposed
 15 amendment or revision to the State Constitution which would
 16 increase, decrease, or eliminate an existing state tax or fee
 17 must be approved by at least two-thirds of those voters voting
 18 in the election in which the amendment or revision is
 19 considered. For the purposes of this measure, "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. This measure
 23 would also require that a proposed amendment or revision to
 24 the State Constitution which would result in a significant
 25 increase or decrease in spending by state government must be
 26 approved by at least two-thirds of those voters voting in the
 27 election in which the amendment or revision is considered. For
 28 the purposes of this measure, "significant increase or
 29 decrease in spending" means an increase or decrease in
 30 spending by the state in any state fiscal year, prior to and
 31 including the first state fiscal year of full implementation,

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

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

22 And the title is amended as follows:

23 Delete everything before the resolving clause

24

25 and insert:

26 Senate Joint Resolution

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

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increase or decrease in or elimination of
existing state taxes or fees, and imposition of
significant financial impact on state
government.