

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Simmons offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the resolving clause and insert:

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

10 ARTICLE XI

11 AMENDMENTS

12 SECTION 7. Tax, ~~or~~ fee, or significant change in state
13 spending limitation.--Notwithstanding Article X, Section 12(d)
14 of this constitution:
15

16 (a) No amendment or revision to this constitution which
17 increases, decreases, or eliminates an existing state tax or
fee, or which imposes a new state tax or fee, shall become

978969

4/26/2006 1:07:19 PM

Amendment No. (for drafter's use only)

18 ~~effective be imposed on or after November 8, 1994 by any~~
19 ~~amendment to this constitution unless the proposed amendment or~~
20 ~~revision is approved by not fewer than two-thirds of the voters~~
21 ~~voting in the election in which such proposed amendment or~~
22 ~~revision is considered. For purposes of this subsection section,~~
23 ~~the phrase "new state tax or fee" shall mean any tax or fee that~~
24 ~~produces or which would produce revenue subject to lump sum or~~
25 ~~other appropriation by the Legislature, either for the state~~
26 ~~general revenue fund or any trust fund, which tax or fee is not~~
27 ~~in effect on November 7, 1994 including without limitation such~~
28 ~~taxes and fees as are the subject of proposed constitutional~~
29 ~~amendments appearing on the ballot on November 8, 1994. This~~
30 ~~section shall apply to proposed constitutional amendments~~
31 ~~relating to State taxes or fees which appear on the November 8,~~
32 ~~1994 ballot, or later ballots, and Any such proposed amendment~~
33 ~~or revision that which fails to gain the two-thirds vote~~
34 ~~required by this subsection hereby shall be null, void, and~~
35 ~~without effect.~~

36 (b) No amendment or revision to this constitution which
37 would result in a significant increase or decrease in spending
38 by state government shall become effective unless the proposed
39 amendment or revision is approved by not fewer than two-thirds
40 of the voters voting in the election in which such proposed
41 amendment or revision is considered. For purposes of this
42 subsection, a "significant increase or decrease in spending"
43 means an increase or decrease in spending by the state in any
44 state fiscal year, including the first state fiscal year of full
45 implementation, in an amount greater than two-tenths of one
46 percent of the portion of the state budget appropriated from the
978969

4/26/2006 1:07:19 PM

Amendment No. (for drafter's use only)

47 state general revenue fund, as established in the general
48 appropriations act approved by the governor, for the state
49 fiscal year ending in the year prior to the election in which
50 such proposed amendment or revision is considered. The
51 determination of whether a proposed amendment or revision would
52 result in a significant increase or decrease in spending by
53 state government shall be made and certified in accordance with
54 general law. Any such proposed amendment or revision that fails
55 to gain the two-thirds vote required by this subsection shall be
56 null, void, and without effect.

57 BE IT FURTHER RESOLVED that the following statement be
58 placed on the ballot:

59 CONSTITUTIONAL AMENDMENT

60 ARTICLE XI, SECTION 7

61 TWO-THIRDS VOTE FOR AMENDMENT AFFECTING STATE TAX OR FEE OR
62 SIGNIFICANTLY AFFECTING STATE SPENDING.--Under this measure
63 proposing to amend the State Constitution, a proposed amendment
64 or revision to the State Constitution which would increase,
65 decrease, or eliminate an existing state tax or fee must be
66 approved by at least two-thirds of those voters voting in the
67 election in which the amendment or revision is considered. For
68 the purposes of this measure, "state tax or fee" means any tax
69 or fee that produces revenue subject to lump-sum or other
70 appropriation by the Legislature, either for the state general
71 revenue fund or any trust fund. This measure would also require
72 that a proposed amendment or revision to the State Constitution
73 which would result in a significant increase or decrease in
74 spending by state government must be approved by at least two-
75 thirds of those voters voting in the election in which the
978969

4/26/2006 1:07:19 PM

Amendment No. (for drafter's use only)

76 amendment or revision is considered. For the purposes of this
77 measure, "significant increase or decrease in spending" means an
78 increase or decrease in spending by the state in any state
79 fiscal year, including the first state fiscal year of full
80 implementation, in an amount greater than two-tenths of one
81 percent of the portion of the state budget appropriated from the
82 state general revenue fund, as established in the General
83 Appropriations Act approved by the Governor, for the state
84 fiscal year ending in the year prior to the election in which
85 such proposed amendment or revision is considered. The
86 determination of whether a proposed amendment or revision
87 imposes a significant increase or decrease in spending by state
88 government would be made and certified in accordance with
89 general law. This measure adds to an existing provision of the
90 Florida Constitution, passed by Florida voters in 1996, that
91 currently applies the same two-thirds vote requirement only to a
92 proposed amendment that imposes a new state tax or fee. All
93 other proposed amendments or revisions presently must be
94 approved by only a simple majority of those voting on the
95 proposal. The measure also makes conforming changes in this
96 section of the State Constitution and repeals obsolete
97 provisions relating to items on the November 8, 1994, ballot.

98
99 ===== T I T L E A M E N D M E N T =====

100 Remove the entire title and insert:

101 House Joint Resolution

102 A joint resolution proposing an amendment to Section 7 of
103 Article XI of the State Constitution, relating to state
104 tax or fee limitations, to specify application to

978969

4/26/2006 1:07:19 PM

Amendment No. (for drafter's use only)

105 | imposition of new state taxes or fees, an increase or
106 | decrease in or elimination of existing state taxes or
107 | fees, and imposition of significant financial impact on
108 | state government.