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House Joint Resolution

A joint resolution proposing the creation of Section 8 of Article XI of the State Constitution to impose additional requirements on proposed constitutional amendments that require state spending above a specified amount.

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

That the creation of Section 8 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2004:

ARTICLE XI

AMENDMENTS

SECTION 8. Limitation on amendments requiring state government to spend in excess of ten million dollars per year.-- Each amendment proposed to this constitution that imposes a cost on state government greater than \$10 million per state fiscal year, as estimated in a manner provided by general law, shall directly impose new state taxes or fees sufficient to fund the expenditures required by implementation of the amendment, including the cost of levying and collecting such taxes or fees. The imposition of such taxes or fees shall not be deemed a violation of the single-subject requirement of Section 3. No amendment approved after the effective date of this section shall be construed to require expenditures in excess of the taxes or fees imposed by the amendment, but the legislature may by general law revise the taxes and fees so imposed, provided such authority shall not affect the level of expenditures that

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30 would otherwise be required by the amendment. The legislature
 31 may, but need not, appropriate funds to implement the purposes
 32 of such amendments in amounts greater than the expenditures
 33 required under the provisions of this section. A proposed
 34 amendment subject to this section may not provide for an
 35 exemption from this section. Notwithstanding the provisions of
 36 this section, no tax upon estates or inheritances or upon the
 37 income of any resident or citizen of the state, nor any other
 38 tax prohibited by Article VII of this constitution, shall be
 39 imposed by a revision or amendment proposed by initiative unless
 40 the proposal embraces but one subject and matter directly
 41 connected therewith.

42 BE IT FURTHER RESOLVED that the title and substance of the
 43 amendment proposed herein shall appear on the ballot as follows:

44 IMPOSING ADDITIONAL REQUIREMENTS ON
 45 PROPOSED CONSTITUTIONAL AMENDMENTS THAT REQUIRE
 46 STATE SPENDING ABOVE A SPECIFIED AMOUNT

47 Proposes the creation of Section 8 of Article XI of the
 48 State Constitution to require that any proposed constitutional
 49 amendment requiring state government to spend more than \$10
 50 million per fiscal year must identify a new revenue source
 51 sufficient to pay for that increased spending. The increase in
 52 state spending would be estimated according to a process
 53 specified in general law. To identify a new revenue source,
 54 such a proposed constitutional amendment would be required to
 55 specify new state taxes or fees that would be imposed if voters
 56 approved that amendment. Because adoption of such a proposed
 57 constitutional amendment would impose new state taxes or fees,
 58 the present requirements of Section 7 of Article XI of the State

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59 Constitution would require that such proposed amendment be
60 approved by at least two-thirds of those voting in the election
61 in which that proposed amendment is considered. Such an
62 amendment's imposition of new state taxes or fees pursuant to
63 this measure would not violate the single subject requirement of
64 Section 3 of Article XI, which regulated citizen initiative.
65 However, new inheritance, estate, income taxes, and other taxes
66 prohibited by Article VII would continue to be limited by a
67 single subject requirement if proposed by citizen initiative. No
68 proposed constitutional amendment subject to this measure could
69 be construed to require state expenditures in excess of the
70 taxes or fees imposed by such an amendment. If such an amendment
71 were approved by the voters, the Legislature could by general
72 law revise or repeal the taxes or fees imposed by that
73 amendment, but the expenditures otherwise required by the
74 amendment could not be affected. The Legislature could choose to
75 appropriate additional funds to implement the amendment beyond
76 those generated by the amendment's new state taxes or fees. No
77 proposed constitutional amendment subject to this measure could
78 exempt itself from the requirements of this measure.
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