

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 House Joint Resolution

6 A joint resolution proposing an amendment to Section 7 of
7 Article XI of the State Constitution, relating to state
8 tax or fee limitations, to specify application to
9 imposition of new state taxes or fees or increases in
10 existing state taxes or fees that would produce revenues
11 to state government and to include a limitation on any
12 amendment or revision to the State Constitution that would
13 result in significant additional spending by state
14 government.

15
16 Be It Resolved by the Legislature of the State of Florida:

17
18 That the following amendment to Section 7 of Article XI of
19 the State Constitution is agreed to and shall be submitted to
20 the electors of this state for approval or rejection at the next
21 general election or at an earlier special election specifically
22 authorized by law for that purpose:

23 ARTICLE XI

Page 1 of 5

HJR 7037

2006
CS

AMENDMENTS

SECTION 7. Tax, ~~or~~ fee, or significant financial impact
 limitation.--Notwithstanding Article X, Section 12(d) of this
 constitution:;

(a) No amendment or revision to this constitution that
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
 the election in which such proposed amendment or revision is
 considered. For purposes of this subsection ~~section~~, the phrase
 "new state tax or fee" shall mean any tax or fee that ~~which~~
 would produce revenue to state government. ~~subject to lump sum~~
~~or other appropriation by the Legislature, either for the state~~
~~general revenue fund or any trust fund, which tax or fee is not~~
~~in effect on November 7, 1994 including without limitation such~~
~~taxes and fees as are the subject of proposed constitutional~~
~~amendments appearing on the ballot on November 8, 1994. This~~
~~section shall apply to proposed constitutional amendments~~
~~relating to State taxes or fees which appear on the November 8,~~
~~1994 ballot, or later ballots, and Any such proposed amendment~~
or revision that ~~which~~ fails to gain the two-thirds vote
 required by this subsection ~~hereby~~ shall be null, void, and
 without effect.

(b) No amendment or revision to this constitution that
increases an existing state tax or fee shall become effective
unless the proposed amendment or revision is approved by not
fewer than two-thirds of the voters voting in the election in

HJR 7037

2006
CS

52 | which such proposed amendment or revision is considered. For
53 | purposes of this subsection, the phrase "existing state tax or
54 | fee" means any tax or fee that produces revenue to state
55 | government. Any such proposed amendment or revision that fails
56 | to gain the two-thirds vote required by this subsection shall be
57 | null, void, and without effect.

58 | (c) No amendment or revision to this constitution that
59 | would result in significant additional spending by state
60 | government shall become effective unless the proposed amendment
61 | or revision is approved by not fewer than two-thirds of the
62 | voters voting in the election in which such proposed amendment
63 | or revision is considered. For purposes of this subsection, the
64 | phrase "significant additional spending" means additional
65 | spending by the state in any state fiscal year prior to and
66 | including the first state fiscal year of full implementation of
67 | the amendment or revision, in an amount greater than one-tenth
68 | of one percent of the total state budget, as established in the
69 | general appropriations act approved by the governor, for the
70 | state fiscal year ending in the calendar year prior to the year
71 | of the election in which such proposed amendment or revision is
72 | considered. The determination of whether a proposed amendment or
73 | revision would result in significant additional spending by
74 | state government shall be made and certified in accordance with
75 | general law. Any such proposed amendment or revision that fails
76 | to gain the two-thirds vote required by this subsection shall be
77 | null, void, and without effect.

78 | BE IT FURTHER RESOLVED that the following statement be
79 | placed on the ballot:

Page 3 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hjr7037-01-c1

HJR 7037

2006
CS

CONSTITUTIONAL AMENDMENT

ARTICLE XI, SECTION 7

TWO-THIRDS VOTE FOR AMENDMENT INCREASING STATE TAX OR FEE OR RESULTING IN SIGNIFICANT ADDITIONAL SPENDING.--Under this measure proposing to amend the State Constitution, a proposed amendment or revision to the State Constitution that increases an existing state tax or fee would have to be approved by at least two-thirds of those voters voting in the election in which the amendment or revision is considered. For the purposes of this measure, "existing state tax or fee" means any tax or fee that produces revenue to state government. This measure would also require that a proposed amendment or revision to the State Constitution that would result in significant additional spending by state government must be approved by at least two-thirds of those voters voting in the election in which the amendment or revision is considered. For the purposes of this measure, "significant additional spending" means additional spending in any state fiscal year prior to and including the first state fiscal year of full implementation, in an amount greater than one-tenth of one percent of the total state budget, as established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered. The determination of whether a proposed amendment or revision would result in significant additional spending by state government would be made and certified in accordance with general law. This measure adds to an existing provision of the Florida Constitution, passed by Florida voters in 1996, that

HJR 7037

2006
CS

108 | currently applies the same two-thirds vote requirement only to a
109 | proposed amendment that imposes a new state tax or fee. All
110 | other proposed amendments or revisions presently must be
111 | approved by only a simple majority of those voting on the
112 | proposal. The measure also makes conforming changes in this
113 | section of the State Constitution and repeals obsolete
114 | provisions relating to items on the November 8, 1994, ballot.