

1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 1 and  
 3 the creation of Section 19 of Article VII of the State  
 4 Constitution to limit state government revenues.

5  
 6 Be It Resolved by the Legislature of the State of Florida:

7  
 8 That the following amendment to Section 1 and the creation  
 9 of Section 19 of Article VII of the State Constitution is agreed  
 10 to and shall be submitted to the electors of this state for  
 11 approval or rejection at the next general election or at an  
 12 earlier special election specifically authorized by law for that  
 13 purpose:

14 ARTICLE VII

15 FINANCE AND TAXATION

16 SECTION 1. Taxation; appropriations; state expenses; state  
 17 revenue limitation.—

18 (a) No tax shall be levied except in pursuance of law. No  
 19 state ad valorem taxes shall be levied upon real estate or  
 20 tangible personal property. All other forms of taxation shall be  
 21 preempted to the state except as provided by general law.

22 (b) Motor vehicles, boats, airplanes, trailers, trailer  
 23 coaches and mobile homes, as defined by law, shall be subject to  
 24 a license tax for their operation in the amounts and for the  
 25 purposes prescribed by law, but shall not be subject to ad  
 26 valorem taxes.

27 (c) No money shall be drawn from the treasury except in  
 28 pursuance of appropriation made by law.

29 (d) Provision shall be made by law for raising sufficient  
 30 revenue to defray the expenses of the state for each fiscal  
 31 period.

32 ~~(e) Except as provided herein, state revenues collected~~  
 33 ~~for any fiscal year shall be limited to state revenues allowed~~  
 34 ~~under this subsection for the prior fiscal year plus an~~  
 35 ~~adjustment for growth. As used in this subsection, "growth"~~  
 36 ~~means an amount equal to the average annual rate of growth in~~  
 37 ~~Florida personal income over the most recent twenty quarters~~  
 38 ~~times the state revenues allowed under this subsection for the~~  
 39 ~~prior fiscal year. For the 1995-1996 fiscal year, the state~~  
 40 ~~revenues allowed under this subsection for the prior fiscal year~~  
 41 ~~shall equal the state revenues collected for the 1994-1995~~  
 42 ~~fiscal year. Florida personal income shall be determined by the~~  
 43 ~~legislature, from information available from the United States~~  
 44 ~~Department of Commerce or its successor on the first day of~~  
 45 ~~February prior to the beginning of the fiscal year. State~~  
 46 ~~revenues collected for any fiscal year in excess of this~~  
 47 ~~limitation shall be transferred to the budget stabilization fund~~  
 48 ~~until the fund reaches the maximum balance specified in Section~~  
 49 ~~19(g) of Article III, and thereafter shall be refunded to~~  
 50 ~~taxpayers as provided by general law. State revenues allowed~~  
 51 ~~under this subsection for any fiscal year may be increased by a~~  
 52 ~~two-thirds vote of the membership of each house of the~~  
 53 ~~legislature in a separate bill that contains no other subject~~  
 54 ~~and that sets forth the dollar amount by which the state~~  
 55 ~~revenues allowed will be increased. The vote may not be taken~~  
 56 ~~less than seventy-two hours after the third reading of the bill.~~

57 ~~For purposes of this subsection, "state revenues" means taxes,~~  
 58 ~~fees, licenses, and charges for services imposed by the~~  
 59 ~~legislature on individuals, businesses, or agencies outside~~  
 60 ~~state government. However, "state revenues" does not include:~~  
 61 ~~revenues that are necessary to meet the requirements set forth~~  
 62 ~~in documents authorizing the issuance of bonds by the state;~~  
 63 ~~revenues that are used to provide matching funds for the federal~~  
 64 ~~Medicaid program with the exception of the revenues used to~~  
 65 ~~support the Public Medical Assistance Trust Fund or its~~  
 66 ~~successor program and with the exception of state matching funds~~  
 67 ~~used to fund elective expansions made after July 1, 1994;~~  
 68 ~~proceeds from the state lottery returned as prizes; receipts of~~  
 69 ~~the Florida Hurricane Catastrophe Fund; balances carried forward~~  
 70 ~~from prior fiscal years; taxes, licenses, fees, and charges for~~  
 71 ~~services imposed by local, regional, or school district~~  
 72 ~~governing bodies; or revenue from taxes, licenses, fees, and~~  
 73 ~~charges for services required to be imposed by any amendment or~~  
 74 ~~revision to this constitution after July 1, 1994. An adjustment~~  
 75 ~~to the revenue limitation shall be made by general law to~~  
 76 ~~reflect the fiscal impact of transfers of responsibility for the~~  
 77 ~~funding of governmental functions between the state and other~~  
 78 ~~levels of government. The legislature shall, by general law,~~  
 79 ~~prescribe procedures necessary to administer this subsection.~~

80 SECTION 19. State revenue limit.—

81 (a) DEFINITIONS.—As used in this section, the term:

82 (1) "Adjustment for growth" means an amount equal to the  
 83 sum of one plus one percentage point plus the average for the  
 84 previous five calendar years of the combined annual rate of

85 population change and the annual rate of inflation.

86 (2) "Annual rate of inflation" means the percentage change  
 87 in the average of the monthly Consumer Price Index for a  
 88 calendar year compared to the average of the monthly Consumer  
 89 Price Index for the prior calendar year. "Consumer Price Index"  
 90 means the Consumer Price Index for all urban wage earners and  
 91 clerical workers for the south region, or a successor index, as  
 92 calculated by the United States Department of Labor, Bureau of  
 93 Labor Statistics. The percentage change shall be established in  
 94 the manner prescribed by general law.

95 (3) "Annual rate of population change" means the  
 96 percentage change in population of the state as of July 1  
 97 compared to population of the state as of July 1 of the prior  
 98 year. For purposes of calculating the annual rate of population  
 99 change estimates by the United States Census Bureau shall be  
 100 used. The percentage change shall be established in the manner  
 101 prescribed by general law.

102 (4) "State revenues" means taxes, fees, licenses, fines  
 103 and charges for services imposed by the legislature on  
 104 individuals, businesses, or agencies outside state government.  
 105 However, "state revenues" does not include: revenues that are  
 106 necessary to meet the requirements set forth in documents  
 107 authorizing the issuance of bonds by the state prior to July 1,  
 108 2010; proceeds from the state lottery returned as prizes;  
 109 receipts of the Florida Hurricane Catastrophe Fund and Citizens  
 110 Property Insurance Corporation; receipts of public universities  
 111 and community colleges; balances carried forward from prior  
 112 fiscal years; taxes, licenses, fees, fines and charges for

113 services imposed by local, regional, or school district  
 114 governing bodies; or revenue from taxes, licenses, fees, and  
 115 charges for services required to be imposed by any amendment or  
 116 revision to this constitution after July 1, 2010.

117 (b) STATE REVENUE LIMIT.—Except as provided herein, state  
 118 revenues collected in any fiscal year shall be limited to state  
 119 revenues allowed under this subsection for the prior fiscal year  
 120 multiplied by an adjustment for growth. For the 2012-2013  
 121 fiscal year, the state revenues allowed under this subsection  
 122 for the prior fiscal year shall equal the state revenues  
 123 collected during the 2011-2012 fiscal year.

124 (c) REVENUES IN EXCESS OF THE LIMIT.—State revenues  
 125 collected in any fiscal year in excess of this limitation shall  
 126 be transferred to the budget stabilization fund until the fund  
 127 reaches the maximum balance specified in Section 19(g) of  
 128 Article III, and thereafter shall be returned to taxpayers as  
 129 provided by general law. The revenue limit under this section  
 130 for any one fiscal year may be increased for that fiscal year  
 131 only by a two-thirds vote of the membership of each house of the  
 132 legislature in a separate bill that contains no other subject  
 133 and that sets forth the dollar amount by which the state  
 134 revenues allowed will be increased. The vote may not be taken  
 135 less than seventy-two hours after the third reading of the bill.  
 136 Increases to allowed revenues pursuant to this subsection may  
 137 not be enacted for consecutive fiscal years. Increases to the  
 138 limit pursuant to this subsection may not be considered as  
 139 allowed revenues for determining the revenue limit in subsequent  
 140 fiscal years.

141 (d) REVENUE LIMIT ADJUSTMENT.—The legislature shall  
 142 provide by general law for adjustments to the revenue limit to  
 143 reflect:

144 (1) The fiscal impact of transfers of responsibility for  
 145 the funding of governmental functions between the state and  
 146 other levels of government occurring after January 4, 2011; or

147 (2) The majority approval by the electors voting in a  
 148 statewide general election on a measure to increase or decrease  
 149 the limit. Voter approved changes to the revenue limit may be  
 150 for limited or unlimited time periods.

151 (e) EFFECTIVE DATE.—This section shall first be applicable  
 152 to state fiscal year 2012-2013. The legislature shall adopt  
 153 implementing legislation with an effective date of July 1, 2011.

154  
 155 BE IT FURTHER RESOLVED that the following statement be  
 156 placed on the ballot:

157 CONSTITUTIONAL AMENDMENT

158 ARTICLE VII, SECTION 1

159 STATE GOVERNMENT REVENUE LIMITATIONS.--Proposing an  
 160 amendment to the State Constitution replacing the existing state  
 161 revenue limit based on Florida personal income growth with a new  
 162 state revenue limit based on inflation and population changes;  
 163 requiring revenues collected in excess of the revenue limit to  
 164 be deposited into the budget stabilization fund or returned to  
 165 taxpayers; authorizing the Legislature to allow revenues in  
 166 excess of the revenue limit for one-year periods; authorize  
 167 voters to permit temporary or permanent adjustments to the  
 168 revenue limit; and provide an effective date.