

By Commissioner Evans-Jones

1 A proposal to revise
2 ARTICLE VII, s. 1, Fla. Const.; providing that
3 property owned by an immune or exempt
4 governmental entity is taxable if it is used by
5 a private entity in any manner other than as
6 specified.

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8 It is proposed by the Florida Constitution Revision Commission
9 that:

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11 Section 1. Section 1 of Article VII of the Florida
12 Constitution is revised by amending that section to read:

13 ARTICLE VII

14 FINANCE AND TAXATION

15 SECTION 1. Taxation; appropriations; state expenses;
16 state revenue limitation; taxable uses of governmental
17 property.--

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

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

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

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

1 (e) Except as provided herein, state revenues
2 collected for any fiscal year shall be limited to state
3 revenues allowed under this subsection for the prior fiscal
4 year plus an adjustment for growth. As used in this
5 subsection, "growth" means an amount equal to the average
6 annual rate of growth in Florida personal income over the most
7 recent twenty quarters times the state revenues allowed under
8 this subsection for the prior fiscal year. For the 1995-1996
9 fiscal year, the state revenues allowed under this subsection
10 for the prior fiscal year shall equal the state revenues
11 collected for the 1994-1995 fiscal year. Florida personal
12 income shall be determined by the legislature, from
13 information available from the United States Department of
14 Commerce or its successor on the first day of February prior
15 to the beginning of the fiscal year. State revenues collected
16 for any fiscal year in excess of this limitation shall be
17 transferred to the budget stabilization fund until the fund
18 reaches the maximum balance specified in Section 19(g) of
19 Article III, and thereafter shall be refunded to taxpayers as
20 provided by general law. State revenues allowed under this
21 subsection for any fiscal year may be increased by a
22 two-thirds vote of the membership of each house of the
23 legislature in a separate bill that contains no other subject
24 and that sets forth the dollar amount by which the state
25 revenues allowed will be increased. The vote may not be taken
26 less than seventy-two hours after the third reading of the
27 bill. For purposes of this subsection, "state revenues" means
28 taxes, fees, licenses, and charges for services imposed by the
29 legislature on individuals, businesses, or agencies outside
30 state government. However, "state revenues" does not include:
31 revenues that are necessary to meet the requirements set forth

1 in documents authorizing the issuance of bonds by the state;
2 revenues that are used to provide matching funds for the
3 federal Medicaid program with the exception of the revenues
4 used to support the Public Medical Assistance Trust Fund or
5 its successor program and with the exception of state matching
6 funds used to fund elective expansions made after July 1,
7 1994; proceeds from the state lottery returned as prizes;
8 receipts of the Florida Hurricane Catastrophe Fund; balances
9 carried forward from prior fiscal years; taxes, licenses,
10 fees, and charges for services imposed by local, regional, or
11 school district governing bodies; or revenue from taxes,
12 licenses, fees, and charges for services required to be
13 imposed by any amendment or revision to this constitution
14 after July 1, 1994. An adjustment to the revenue limitation
15 shall be made by general law to reflect the fiscal impact of
16 transfers of responsibility for the funding of governmental
17 functions between the state and other levels of government.
18 The legislature shall, by general law, prescribe procedures
19 necessary to administer this subsection.

20 (f) Property that is owned by an immune or exempt
21 governmental entity becomes taxable if it is used by a private
22 entity in any manner other than exclusively for nonproprietary
23 governmental purposes or charitable, literary, religious,
24 scientific, or educational purposes.