

1 Resolution of the Taxation and Budget Reform Commission
 2 A resolution proposing the creation of Section 19 of
 3 Article VII of the State Constitution to require the
 4 Legislature by general law create a process to review
 5 sales tax exemptions and services not subject to the sales
 6 tax.

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 8 Be It Resolved by the Taxation and Budget Reform Commission:
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10 That the following creation of Section 19 of Article VII of
 11 the State Constitution is agreed to and shall be submitted to
 12 the electors of this state for approval or rejection at the next
 13 general election or at an earlier special election specifically
 14 authorized by law for that purpose:

15 ARTICLE VII

16 FINANCE AND TAXATION

17 SECTION 19. Legislative review of exemptions from the tax
 18 on sales, use, and other transactions and services not subject
 19 to the tax on sales, use, and other transactions.--

20 (a) The legislature, by general law, prior to January 1,
 21 2010, shall establish a procedure to review, except as provided
 22 in subsection (b), each exemption from the tax on sales, use,
 23 and other transactions codified in chapter 212, Florida
 24 Statutes. This procedure shall also include a review of services
 25 not subject to the tax on sales, use, and other transactions.
 26 The legislature shall consider as part of the review whether an
 27 exemption or exclusion of a service meets criteria that are to
 28 be established by general law. This procedure shall be repeated
 29 every twenty years.

30 (b) The review mandated by this section shall not include
 31 a review of exemptions for items purchased for subsequent
 32 resale, intangible personal property, tangible personal property
 33 imported or produced for export, sale of real property, and
 34 purchases of agricultural products for further processing for
 35 resale.

36 (c) The review shall produce recommendations to the
 37 legislature on which exemptions should be retained, repealed, or
 38 modified and which services should be made subject to taxation.
 39 It may also produce recommendations for the creation of new
 40 exemptions from the tax on sales, use, and other transactions
 41 which advance a public purpose as established by law.

42 (d) No exemption shall be repealed or modified and no new
 43 exemption shall be created without a majority vote of each house
 44 of the legislature.

45 (e) Nothing contained in this section shall preclude, or
 46 be construed to limit, a legislator from filing for any
 47 legislative session a bill proposing to repeal, modify, or enact
 48 any exemption from the state general sales and use tax or the
 49 imposition of such tax on the sale of any service.

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 51 BE IT FURTHER RESOLVED that the following statement be
 52 placed on the ballot:

53 CONSTITUTIONAL AMENDMENT

54 ARTICLE VII, SECTION 19

55 LEGISLATIVE REVIEW OF SALES TAX EXEMPTIONS AND SERVICES NOT
 56 SUBJECT TO THE SALES TAX.--This proposed amendment to the State
 57 Constitution requires the Legislature to review sales tax
 58 exemptions and services not subject to the sales tax every 20

59 years. As part of the review, the Legislature must consider
60 whether an exemption or service satisfies criteria to be
61 established by law. The review shall result in recommendations
62 for new exemptions; the repeal, modification, and retention of
63 existing exemptions; and identification of services that should
64 be subject to sales tax.