

# CONSTITUTIONAL AMENDMENT PETITION FORM

**Note:**

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, to knowingly sign more than one petition for an issue. [Fla. Stat. §104.185]
- If all requested information on this form is not completed, the form will not be valid.

Your Name: \_\_\_\_\_

(Please print name as it appears on Voter Information Card)

Your Residential Street Address: \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_ County \_\_\_\_\_

Voter Registration # \_\_\_\_\_ or Date of Birth \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (Month) (Day) (Year)

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

**Ballot Title:** Limiting Local Government Revenues Unless Voters Approve An Increase

**Ballot Summary:** Limits local government to base year's revenues, adjusted for population change and inflation/deflation. Local government cannot impose taxes, assessments, or fees expected to generate revenues exceeding this cap. Collected revenues exceeding the cap cannot be spent and must be treated as revenues in a subsequent year. Voters can approve cap increases. Directs implementing legislation. Defines "local government," "revenues," "fees," etc. Authorizes certain cap adjustments. Affects Articles VII, VIII, IX, XII, as amendment specifies.

**Full Text of the Proposed Constitutional Amendment:**

A new subsection (f) is added to Article VII, Section 1 of the Florida Constitution, and the title of that section is amended, to read:

SECTION 1. Taxation; appropriations; state expenses; state revenue limitation; local government revenue limitation.-- (f) Except as provided herein, the revenues of a local government in any fiscal year shall be limited by the revenue cap established under this subsection. A local government shall not impose taxes, assessments, or fees expected to generate revenues exceeding the revenue cap, as projected by the local government at the adoption of its budget for the fiscal year. Revenues collected by a local government in excess of the revenue cap in any fiscal year shall not be spent and shall be held as separate cash reserves, with such excess revenues and any investment income thereon treated as revenues in the first or second fiscal year commencing after the collection of those excess revenues, as prescribed by general law. The electors residing within the boundaries of a local government may approve an increase in the revenue cap applicable to the fiscal year in which the election for this purpose is conducted and/or in subsequent fiscal years, as provided herein and pursuant to the implementing legislation for this subsection.

(1) As used in this subsection:

- a. "Fee" means any charge imposed by a local government as a condition of providing goods, services, infrastructure, and/or government approvals, including user fees, regulatory fees, and impact fees, as well as any other fees or exactions that the Legislature may choose to include by general law.
- b. "Local government" means a county, municipality, school district, or special district, which has the authority to impose ad valorem taxes. "Local government" does not include a community development district established pursuant to chapter 190, Florida Statutes, or any special district established at the request or with the consent of all landowners in the district for the purpose of providing infrastructure or services to land located within the district.
- c. "Revenues" means all funds received by a local government in payment of taxes, assessments, and fees imposed by that local government, except the following:
  - i. Ad valorem taxes levied by a local government for periods of not longer than two years when authorized by vote of the electors residing within the boundaries of that local government.

(continued on reverse or on following page)

ii. Ad valorem taxes levied by a school district to satisfy the required local effort established by the state as a condition of receiving funding through the Florida Education Finance Program or a successor program; and  
iii. Revenues that are necessary to meet the requirements set forth in documents authorizing a local government's issuance of revenue bonds or certificates of participation, or its issuance of bonds, certificates of indebtedness, or any form of tax anticipation certificates under Article VII, Section 12, including, when required in such documents, those revenues necessary to operate and maintain facilities financed through these instruments.

d. "Revenue cap" means an amount equal to a local government's revenues in the most recent fiscal year concluded immediately prior to the effective date of this subsection, multiplied for each subsequent fiscal year by one plus the sum of the percentage change in population within the local government's boundaries and the percentage change in the consumer price index for urban wage earners and clerical workers for the south region, or a successor index, as calculated by the United States Department of Labor. For school districts, the percentage change in student enrollment shall be used in lieu of the percentage change in population. The stated percentages shall be established annually in the manner prescribed by general law.

e. "Fiscal year" means the twelve-month period over which a local government budgets its spending.

(2) When a local government seeks elector approval to increase the revenue cap, the ballot question shall state the amount by which the local government wishes to increase the cap in each fiscal year and when such elector approval shall expire, which shall be at the end of the final day of the last affected fiscal year. If a ballot question under this subsection is approved by the electors, the revenue cap applicable to the local government shall revert on the day after the stated expiration date to the cap that would have been in place on that day if the ballot question had failed to obtain elector approval.

(3) Local governments created after the effective date of this subsection shall be subject to its provisions, in the manner prescribed by general law.

(4) An adjustment to the revenue cap applicable to a local government may be made, in the manner prescribed by general law, to reflect the fiscal impact of the following events occurring after the effective date of this subsection:

a. A change in federal or state law that increases or decreases a local government's responsibility for the funding of a governmental function;

b. A transfer of responsibility for the funding of a governmental function between or among federal, state, or local governments; and

c. An emergency causing substantial injury or harm to the population and/or to property within the boundaries of a local government, resulting in the declaration of a state of emergency by the governor, where the local government's reserves are otherwise insufficient to respond to the emergency, provided, however, that any adjustment to the revenue cap for this purpose shall extend for no longer than the end of the first fiscal year commencing after the declaration.

(5)a. This subsection shall be effective on the date it is approved by the electorate. In the next regular session of the legislature following the effective date of this subsection, the legislature shall adopt implementing legislation with an effective date of July 1 of the session year, including legislation as necessary to amend chapter 200, Florida Statutes. The implementing legislation shall provide uniform procedures for determining and reporting revenue, both actual and projected, as well as expenditures and reserves. This subsection shall apply to a local government in the first fiscal year commencing at least 12 months after the effective date of the implementing legislation adopted pursuant to this subsection, and in each fiscal year thereafter.

b. This subsection is not intended to modify existing law regarding the legality or validity of any fee imposed by a local government.

c. This subsection affects the operation of Article VII, Section 9; Article VIII, Sections 1 and 2; Article IX, Sections 1 and 4; and Article XII, Section 15.

d. If any part of this subsection, or its application to any person or circumstance, is held invalid, such invalidity shall not affect other parts or applications of this subsection that can be given effect without the invalid provision or application.

X

Signature of Registered Voter

Date

Date Signed

Name and address of paid petition circulator if one was used to obtain signature. [Fla. Stat. §106.19(3)]

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**RETURN  
PETITION TO:**

**Your Dollar, Your Decision**  
P.O. Box 1698  
Tallahassee, FL 32302-1698

For Official Use Only:  
Serial Number: 08-05  
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