

By the Committee on Ethics and Elections; and Senator King

313-1714-00

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Senate Joint Resolution No. ____

A joint resolution proposing an amendment to Sections 5 and 7 of Article XI of the State Constitution, relating to amendment and revision elections, to revise the number of electors required to ratify certain proposed constitutional amendments.

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

That the following amendment to Sections 5 and 7 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI
AMENDMENTS

SECTION 5. Amendment or revision election.--

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

1 (b) Once in the tenth week, and once in the sixth week
2 immediately preceding the week in which the election is held,
3 the proposed amendment or revision, with notice of the date of
4 election at which it will be submitted to the electors, shall
5 be published in one newspaper of general circulation in each
6 county in which a newspaper is published.

7 (c) If the proposed amendment or revision is approved
8 by a majority of those electors voting in the election at
9 which it is submitted for approval or rejection ~~vote of the~~
10 ~~electors~~, it shall be effective as an amendment to or revision
11 of the constitution of the state on the first Tuesday after
12 the first Monday in January following the election, or on such
13 other date as may be specified in the amendment or revision.

14 SECTION 7. Tax or fee limitation.--Notwithstanding
15 Article X, Section 12(d) and Article XI, Section 5(c) of this
16 constitution, no new State tax or fee shall be imposed on or
17 after November 8, 1994 by any amendment to this constitution
18 unless the proposed amendment is approved by not fewer than
19 two-thirds of the voters voting in the election in which such
20 proposed amendment is considered. For purposes of this
21 section, the phrase "new State tax or fee" shall mean any tax
22 or fee which would produce revenue subject to lump sum or
23 other appropriation by the Legislature, either for the State
24 general revenue fund or any trust fund, which tax or fee is
25 not in effect on November 7, 1994 including without limitation
26 such taxes and fees as are the subject of proposed
27 constitutional amendments appearing on the ballot on November
28 8, 1994. This section shall apply to proposed constitutional
29 amendments relating to State taxes or fees which appear on the
30 November 8, 1994 ballot, or later ballots, and any such

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1 proposed amendment which fails to gain the two-thirds vote
2 required hereby shall be null, void and without effect.

3 BE IT FURTHER RESOLVED that, effective January 7, 2003,
4 Section 5 of Article XI of the State Constitution as amended
5 by Revision No. 8 of the 1998 Constitutional Revision
6 Commission is amended to read:

7 ARTICLE XI

8 AMENDMENTS

9 SECTION 5. Amendment or revision election.--

10 (a) A proposed amendment to or revision of this
11 constitution, or any part of it, shall be submitted to the
12 electors at the next general election held more than ninety
13 days after the joint resolution, initiative petition or report
14 of revision commission, constitutional convention or taxation
15 and budget reform commission proposing it is filed with the
16 custodian of state records, unless, pursuant to law enacted by
17 the affirmative vote of three-fourths of the membership of
18 each house of the legislature and limited to a single
19 amendment or revision, it is submitted at an earlier special
20 election held more than ninety days after such filing.

21 (b) Once in the tenth week, and once in the sixth week
22 immediately preceding the week in which the election is held,
23 the proposed amendment or revision, with notice of the date of
24 election at which it will be submitted to the electors, shall
25 be published in one newspaper of general circulation in each
26 county in which a newspaper is published.

27 (c) If the proposed amendment or revision is approved
28 by a majority of those electors voting in the election at
29 which it is submitted for approval or rejection ~~vote of the~~
30 ~~electors~~, it shall be effective as an amendment to or revision
31 of the constitution of the state on the first Tuesday after

1 the first Monday in January following the election, or on such
2 other date as may be specified in the amendment or revision.

3 BE IT FURTHER RESOLVED that the following statement be
4 placed on the ballot:

5 CONSTITUTIONAL AMENDMENT

6 ARTICLE XI, SECTIONS 5 and 7

7 AMENDMENT RATIFICATION ELECTION; VOTE

8 REQUIRED.--Proposing an amendment to the State Constitution to
9 provide that future amendments to the State Constitution be
10 approved by a majority of those voting at the election in
11 which the amendment is considered in order for it to become
12 effective, except that amendments imposing a new state tax or
13 fee will continue to require at least a two-thirds vote of
14 such electors.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 1430

19 Committee Substitute for Senate Joint Resolution 1430 corrects
20 a technical bill drafting error and also insures that the
21 two-thirds super majority vote currently required to pass a
22 constitutional amendment which imposes a new state tax or fee
23 remains unaffected by the changes proposed in the joint
24 resolution.
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