

By the Procedural & Redistricting Council and  
Representatives Pickens and Arza

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

House Joint Resolution

A joint resolution proposing the creation of Section 20 of Article III and the amendment of Section 10 of Article IV and Sections 3 and 5 of Article XI of the State Constitution to authorize the proposal of legislation by initiative, to revise or provide requirements for amending the State Constitution by initiative which relate to signatures, voter approval, and economic impact, and to provide for Supreme Court review of initiative petitions proposing legislation.

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

That the creation of Section 20 of Article III and the amendment of Section 10 of Article IV and Sections 3 and 5 of Article XI of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

ARTICLE III

LEGISLATURE

SECTION 20. Legislation by initiative.--

(a) The power to propose legislation by initiative is reserved to the people. The power may be invoked by filing a petition with the chief elections officer of the state that contains a copy of the proposed legislation, which petition is signed by a number of electors in each of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts

1 respectively and in the state as a whole in the last preceding  
2 election in which presidential electors were chosen.

3 (b) Special laws and general laws of local  
4 application; laws that impose, eliminate, increase, or grant  
5 exemption from taxes; laws that appropriate state funds; laws  
6 that have a significant fiscal impact on counties or  
7 municipalities; laws that provide exemption from public  
8 records or public meetings requirements; laws that provide for  
9 the number or assignment of judges or the jurisdiction of  
10 courts; laws that the legislature is prohibited from passing  
11 or must pass by an extraordinary vote; and laws changing the  
12 boundaries of any municipality, county, or special,  
13 legislative, or congressional district may not be proposed by  
14 initiative.

15 (c) Legislation proposed by initiative must comply  
16 with the requirements of this constitution applicable to laws  
17 enacted by the legislature with respect to single subject and  
18 prohibition of amendment by reference. Laws that are enacted  
19 by initiative shall be subject to the powers of the governor  
20 and the legislature granted by this constitution, as such  
21 powers apply to any law or legislation, and shall expire two  
22 years after the date of taking effect unless reenacted by the  
23 legislature at the regular session immediately preceding the  
24 date of expiration. The enacting clause of every law proposed  
25 by initiative shall read: "Be It Enacted by the People of the  
26 State of Florida by Initiative:".

27 (d) Legislation proposed by initiative shall be  
28 submitted to the electors at the next general election held  
29 more than ninety days after the initiative petition proposing  
30 it is filed with the custodian of state records. The ballot  
31 must include a statement expressing the chief purpose of the

1 proposed legislation, in clear and unambiguous language not  
2 exceeding 75 words in length, and a statement of the economic  
3 impact of the proposed legislation. If the legislation  
4 proposed by initiative is approved by three-fifths of those  
5 electors voting on the proposal, it shall be effective on the  
6 first day of July following the next regular session of the  
7 legislature held after the general election at which the  
8 legislative initiative was approved.

9 (e) The legislature shall establish by general law, no  
10 later than July 1, 2003, procedures to be used in invoking and  
11 approving legislation proposed by initiative and for providing  
12 sufficient prior public notice.

13 ARTICLE IV

14 EXECUTIVE

15 SECTION 10. Attorney General.--The attorney general  
16 shall, as directed by general law, request the opinion of the  
17 justices of the supreme court as to the validity of any  
18 initiative petition proposing legislation circulated pursuant  
19 to Section 20 of Article III or any initiative petition  
20 proposing to amend or revise this constitution circulated  
21 pursuant to Section 3 of Article XI. The justices shall,  
22 subject to their rules of procedure, permit interested persons  
23 to be heard on the questions presented and shall render their  
24 written opinion expeditiously.

25 ARTICLE XI

26 AMENDMENTS

27 SECTION 3. Initiative.--

28 (a) The power to propose the revision or amendment of  
29 any portion or portions of this constitution by initiative is  
30 reserved to the people, provided that, any such revision or  
31 amendment, except for those limiting the power of government

1 to raise revenue, shall embrace but one subject and matter  
2 directly connected therewith. It may be invoked by filing  
3 with the custodian of state records a petition containing a  
4 copy of the proposed revision or amendment, signed by a number  
5 of electors in each of ~~one-half of~~ the congressional districts  
6 of the state, and of the state as a whole, equal to eight  
7 percent of the votes cast in each of such districts  
8 respectively and in the state as a whole in the last preceding  
9 election in which presidential electors were chosen.

10 (b) Notwithstanding subsection (a), any revision or  
11 amendment of this constitution adopted by initiative petition  
12 may be repealed by initiative petition limited to that purpose  
13 only and subject to the same requirements for invoking and  
14 voter approval as were applied to the petition proposing the  
15 revision or amendment to be repealed.

16 SECTION 5. Amendment or revision election.--

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

28 (b) Once in the tenth week, and once in the sixth week  
29 immediately preceding the week in which the election is held,  
30 the proposed amendment or revision, with notice of the date of  
31 election at which it will be submitted to the electors, shall

1 be published in one newspaper of general circulation in each  
2 county in which a newspaper is published.

3 (c)(1) If the proposed amendment or revision is  
4 approved by vote of the electors, it shall be effective as an  
5 amendment to or revision of the constitution of the state on  
6 the first Tuesday after the first Monday in January following  
7 the election, or on such other date as may be specified in the  
8 amendment or revision.

9 (2) Notwithstanding paragraph (1), if the amendment or  
10 revision is proposed by initiative petition, it must be  
11 approved by a vote of two-thirds of the electors voting on the  
12 matter and, if approved, shall be effective in the same manner  
13 as other amendments or revisions of the constitution of the  
14 state become effective.

15 (d) The ballot statement of an amendment or revision  
16 proposed by initiative petition must include a brief statement  
17 of the economic impact of the proposed amendment or revision.  
18 The legislature shall establish by general law the required  
19 content of the economic impact statement.

20 BE IT FURTHER RESOLVED that in accordance with the  
21 requirements of section 101.161, Florida Statutes, the title  
22 and substance of the amendments proposed herein shall appear  
23 on the ballot as follows:

24 LEGISLATION BY INITIATIVE; AMENDMENT OR  
25 REVISION OF STATE CONSTITUTION BY INITIATIVE;  
26 PETITION REVIEW

27 Allows legislation to be proposed by initiative, unless  
28 it is special or local in nature, involves taxes or tax  
29 exemptions, appropriates state funds, has a significant fiscal  
30 impact on counties or municipalities, provides exemption from  
31 public records or public meetings requirements, provides for

1 the number or assignment of judges or the jurisdiction of  
2 courts, is constitutionally prohibited or requires passage by  
3 an extraordinary vote of the Legislature, or changes the  
4 boundaries of any municipality, county, or special,  
5 legislative, or congressional district. Prescribes standards  
6 for such initiatives and requirements to invoke and approve  
7 them. Subjects such legislation to constitutional powers of  
8 the Governor and Legislature with respect to laws or  
9 legislation and to future expiration unless reenacted by the  
10 Legislature. Requires the Legislature to adopt procedures  
11 governing initiatives proposing legislation. Provides for  
12 Supreme Court review of initiative petitions proposing  
13 legislation. Requires signatures for initiative petitions to  
14 amend or revise the State Constitution to be gathered in all,  
15 rather than one half, of the congressional districts and of  
16 the state as a whole. Increases the number of votes required  
17 to approve amendments or revisions to the State Constitution  
18 proposed by initiative petition, but allows repeal of  
19 amendments or revisions to the State Constitution adopted by  
20 initiative petition pursuant to the same requirements as those  
21 for adoption of the amendment or revision to be repealed.  
22 Requires the ballot statement of each initiative proposing  
23 legislation or amendment or revision of the State Constitution  
24 to include a statement of economic impact.

25  
26  
27  
28  
29  
30  
31