

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 state or local
7 government; laws that provide exemption from public records or
8 public meetings requirements; laws that provide for the number
9 or assignment of judges or the jurisdiction of courts; laws
10 that the legislature is prohibited from passing or must pass
11 by an extraordinary vote; and laws changing the boundaries of
12 any municipality, county, or special, legislative, or
13 congressional district may not be proposed by initiative.

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

26 (d) Legislation proposed by initiative shall be
27 submitted to the electors at the next general election held
28 more than ninety days after the initiative petition proposing
29 it is filed with the custodian of state records. The ballot
30 must include a statement expressing the chief purpose of the
31 proposed legislation, in clear and unambiguous language not

1 exceeding 75 words in length, and a statement of the economic
2 impact of the proposed legislation. If the legislation
3 proposed by initiative is approved by three-fifths of those
4 electors voting on the proposal, it shall be effective on the
5 first day of July following the next regular session of the
6 legislature held after the general election at which the
7 legislative initiative was approved.

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

12 ARTICLE IV

13 EXECUTIVE

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

24 ARTICLE XI

25 AMENDMENTS

26 SECTION 3. Initiative.--

27 (a) The power to propose the revision or amendment of
28 any portion or portions of this constitution by initiative is
29 reserved to the people, provided that, any such revision or
30 amendment, except for those limiting the power of government
31 to raise revenue, shall embrace but one subject and matter

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

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

15 SECTION 5. Amendment or revision election.--

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

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

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