

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; however,
21 notwithstanding section 7 of this article, the legislature may
22 amend or repeal legislation approved by vote of the electors
23 under this section only by a vote of three-fifths of the
24 membership of each house of the legislature. Laws that are
25 enacted by initiative shall expire two years after the date of
26 taking effect unless reenacted by the legislature at the
27 regular session immediately preceding the date of expiration.
28 The enacting clause of every law proposed by initiative shall
29 read: "Be It Enacted by the People of the State of Florida by
30 Initiative:".

1 SECTION 3. Initiative.--
2 (a) The power to propose the revision or amendment of
3 any portion or portions of this constitution by initiative is
4 reserved to the people, provided that, any such revision or
5 amendment, except for those limiting the power of government
6 to raise revenue, shall embrace but one subject and matter
7 directly connected therewith. It may be invoked by filing
8 with the custodian of state records a petition containing a
9 copy of the proposed revision or amendment, signed by a number
10 of electors in each of ~~one-half of~~ the congressional districts
11 of the state, and of the state as a whole, equal to eight
12 percent of the votes cast in each of such districts
13 respectively and in the state as a whole in the last preceding
14 election in which presidential electors were chosen.

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17 may be repealed by initiative petition limited to that purpose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20 revision or amendment to be repealed.

21 SECTION 5. Amendment or revision election.--
22 (a) A proposed amendment to or revision of this
23 constitution, or any part of it, shall be submitted to the
24 electors at the next general election held more than ninety
25 days after the joint resolution, initiative petition or report
26 of revision commission, constitutional convention or taxation
27 and budget reform commission proposing it is filed with the
28 custodian of state records, unless, pursuant to law enacted by
29 the affirmative vote of three-fourths of the membership of
30 each house of the legislature and limited to a single
31

1 amendment or revision, it is submitted at an earlier special
2 election held more than ninety days after such filing.

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

9 (c)(1) If the proposed amendment or revision is
10 approved by vote of the electors, it shall be effective as an
11 amendment to or revision of the constitution of the state on
12 the first Tuesday after the first Monday in January following
13 the election, or on such other date as may be specified in the
14 amendment or revision.

15 (2) Notwithstanding paragraph (1), if the amendment or
16 revision is proposed by initiative petition, it must be
17 approved by a vote of two-thirds of the electors voting on the
18 matter and, if approved, shall be effective in the same manner
19 as other amendments or revisions of the constitution of the
20 state become effective.

21 (d) The ballot statement of an amendment or revision
22 proposed by initiative petition must include a brief statement
23 of the economic impact of the proposed amendment or revision.
24 The legislature shall establish by general law the required
25 content of the economic impact statement.

26 BE IT FURTHER RESOLVED that in accordance with the
27 requirements of section 101.161, Florida Statutes, the title
28 and substance of the amendments proposed herein shall appear
29 on the ballot as follows:

30 LEGISLATION BY INITIATIVE; AMENDMENT OR
31 REVISION OF STATE CONSTITUTION BY INITIATIVE;

PETITION REVIEW

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