

Bill No. CS for SJR 940

Amendment No. Barcode 401760

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Smith moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the resolving clause

and insert:

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

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1 four percent of the votes cast in each of such districts
2 respectively and in the state as a whole in the last preceding
3 election in which presidential electors were chosen.

4 (b) Special laws and general laws of local
5 application; laws that impose, eliminate, increase, or grant
6 exemption from taxes; and laws that appropriate state funds
7 may not be proposed by initiative. Legislation proposed by
8 initiative must comply with the requirements of this
9 constitution applicable to laws enacted by the legislature
10 with respect to single subject and prohibition of amendment by
11 reference. Laws that are enacted by initiative shall be
12 subject to the powers of the governor and the legislature
13 granted by this constitution, as such powers apply to any law
14 or legislation, and shall expire two years after the date of
15 taking effect unless reenacted by the legislature at the
16 regular session immediately preceding the date of expiration.
17 The enacting clause of every law proposed by initiative shall
18 read: "Be It Enacted by the People of the State of Florida by
19 Initiative:".

20 (c) Legislation proposed by initiative shall be
21 submitted to the electors at the next general election held
22 more than ninety days after the initiative petition proposing
23 it is filed with the custodian of state records. A statement
24 must appear on the ballot which states the economic impact of
25 each proposal. If the legislation proposed by initiative is
26 approved by three-fifths of those electors voting on the
27 proposal, it shall be effective on the first day of July
28 following the next regular session of the legislature held
29 after the general election at which the legislative initiative
30 was approved.

31 (d) The legislature shall establish by general law, no

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1 later than July 1, 2003, procedures to be used in proposing
2 and voting on legislation proposed by initiative.

ARTICLE IV

EXECUTIVE

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5 SECTION 10. Attorney General.--The attorney general
6 shall, as directed by general law, request the opinion of the
7 justices of the supreme court as to the validity of any
8 initiative petition proposing legislation circulated pursuant
9 to Section 20 of Article III or any initiative petition
10 proposing to amend or revise this constitution circulated
11 pursuant to Section 3 of Article XI. The justices shall,
12 subject to their rules of procedure, permit interested persons
13 to be heard on the questions presented and shall render their
14 written opinion expeditiously.

ARTICLE XI

AMENDMENTS

SECTION 3. Initiative.--

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18 (a) The power to propose the revision or amendment of
19 any portion or portions of this constitution by initiative is
20 reserved to the people, provided that, any such revision or
21 amendment, except for those limiting the power of government
22 to raise revenue, shall embrace but one subject and matter
23 directly connected therewith. It may be invoked by filing
24 with the custodian of state records a petition containing a
25 copy of the proposed revision or amendment, signed by a number
26 of electors in each of ~~one half~~ of the congressional districts
27 of the state, and of the state as a whole, equal to eight
28 percent of the votes cast in each of such districts
29 respectively and in the state as a whole in the last preceding
30 election in which presidential electors were chosen.

31 (b) Notwithstanding subsection (a), any revision or

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1 amendment of this constitution adopted by initiative petition
2 may be repealed by initiative petition limited to that purpose
3 only and subject to the same requirements for invoking and
4 voter approval as were applied to the petition proposing the
5 revision or amendment to be repealed.

6 SECTION 5. Amendment or revision election.--

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

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

24 (c)(1) If the proposed amendment or revision is
25 approved by vote of the electors, it shall be effective as an
26 amendment to or revision of the constitution of the state on
27 the first Tuesday after the first Monday in January following
28 the election, or on such other date as may be specified in the
29 amendment or revision.

30 (2) Notwithstanding paragraph (1), if the amendment or
31 revision is proposed by initiative petition, it must be

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1 approved by a vote of two-thirds of the electors voting on the
2 matter and, if approved, shall be effective in the same manner
3 as other amendments or revisions of the constitution of the
4 state become effective.

5 (d) The ballot statement of an amendment or revision
6 proposed by initiative petition must include a brief statement
7 of the economic impact of the proposed amendment or revision.
8 The legislature shall establish by general law the required
9 content of the economic impact statement.

10 BE IT FURTHER RESOLVED that in accordance with the
11 requirements of section 101.161, Florida Statutes, the title
12 and substance of the amendments proposed herein shall appear
13 on the ballot as follows:

14 LEGISLATION BY INITIATIVE; AMENDMENT OR
15 REVISION OF STATE CONSTITUTION BY INITIATIVE;
16 PETITION REVIEW

17 Allows legislation to be proposed by initiative, unless
18 it is special or local in nature, involves taxes or tax
19 exemptions, or appropriates state funds. Prescribes standards
20 for such initiatives and requirements to invoke and approve
21 them. Subjects such legislation to constitutional powers of
22 the Governor and Legislature with respect to laws or
23 legislation and to future expiration unless reenacted by the
24 Legislature. Requires the Legislature to adopt procedures
25 governing initiatives proposing legislation. Provides for
26 Supreme Court review of initiative petitions proposing
27 legislation. Requires signatures for initiative petitions to
28 amend or revise the State Constitution to be gathered in all,
29 rather than one half, of the congressional districts and of
30 the state as a whole. Increases the number of votes required
31 to approve amendments or revisions to the State Constitution

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1 proposed by initiative petition, but allows repeal of
2 amendments or revisions to the State Constitution adopted by
3 initiative petition pursuant to the same requirements as those
4 for adoption of the amendment or revision to be repealed.
5 Requires the ballot statement of each initiative proposing
6 legislation or amendment or revision of the State Constitution
7 to include a statement of economic impact.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the resolving clause

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14 and insert:

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Senate Joint Resolution

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

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