



HJR 1119

2003

House Joint Resolution

A joint resolution proposing amendments to Section 1 of Article III, Section 10 of Article IV, and Sections 3 and 5 of Article XI, and the creation of Section 20 of Article III, of the State Constitution to provide for enactment of legislation by citizen initiative and to revise certain procedures with respect to proposing constitutional amendments by initiative.

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

That the following amendments to Section 1 of Article III, Section 10 of Article IV, and Sections 3 and 5 of Article XI and the creation of Section 20 of Article III of the State Constitution are 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 III

LEGISLATURE

SECTION 1. Composition.--The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district, both to be elected by the people, but the people reserve to themselves the power to propose and enact laws, such power being called in this article the "initiative," at the polls independently of the legislature.

SECTION 20. Citizen initiatives.--



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31 (a) The power to propose and enact laws by initiative,
32 reserved to the people in Section 1 of Article III, may be
33 invoked by filing with the chief elections officer of the state
34 a petition that contains a copy of the proposed law and that has
35 been signed over a twelve-month period by a number of electors
36 in each of at least one-half of the congressional districts of
37 the state, and in the state as a whole, equal to at least eight
38 percent of the votes cast in each of such districts respectively
39 and in the state as a whole in the last preceding election in
40 which presidential electors were chosen.

41 (b) The initiative petition shall embrace but one subject
42 and must comply with the requirements of this constitution
43 applicable to laws enacted by the legislature with respect to
44 single subject and prohibition of amendment by reference.

45 (c) Once in the tenth week and once in the sixth week
46 immediately preceding the week in which the election is held,
47 the proposed law, with notice of the date of the election at
48 which it will be submitted to the electors, shall be published
49 in one newspaper of general circulation in each county in which
50 a newspaper is published.

51 (d) A proposed law shall be submitted to the electors at
52 the next general election held more than ninety days after the
53 initiative petition is filed with the chief elections officer of
54 the state, and, if three-fifths of the electors voting on such
55 proposal ratify it, such proposal shall become law and take
56 effect on the first day of July following the general election
57 at which such proposal was approved. However, any law initiated
58 by petition under this section which entails expenditures in an
59 amount in excess of available and unappropriated state funds



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60 shall not take effect unless such initiative provides for
61 raising new revenues adequate for its implementation.

62 (e) A law initiated by the people is not subject to the
63 veto power of the governor, nor may it be amended or repealed by
64 the legislature within a period of two years following its
65 effective date except by the affirmative vote of two-thirds of
66 the members of each house of the legislature present at any
67 regular or special session of the legislature. Thereafter, such
68 law may be amended or repealed by majority vote of those present
69 at any such session of the legislature.

70 (f) The initiative may not be used to enact laws
71 prohibited by this constitution for enactment by the
72 legislature; to make or repeal appropriations of public funds;
73 to enact laws that impose, eliminate, increase, or grant any
74 exemption from taxes; to create courts, define the jurisdiction
75 of courts, or describe the rules of courts; to enact laws naming
76 or designating any person to hold a public office; to enact or
77 abrogate special laws and general laws of local application; or
78 to enact any law substantially the same as one defeated in an
79 initiative election held within five years preceding the time
80 the petition is filed with the chief elections officer.

81 (g) The legislature may enact laws and procedures to carry
82 out the provisions of this section and safeguard the initiative
83 process.

84 ARTICLE IV

85 EXECUTIVE

86 SECTION 10. Attorney General.--The attorney general shall,
87 as directed by general law, request the opinion of the justices
88 of the supreme court as to the validity of any initiative
89 petition proposing legislation circulated pursuant to Section 20



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90 of Article III or any initiative petition proposing to amend or
91 revise this constitution circulated pursuant to Section 3 of
92 Article XI. The justices shall, subject to their rules of
93 procedure, permit interested persons to be heard on the
94 questions presented and shall render their written opinion
95 expeditiously.

ARTICLE XI

AMENDMENTS

96
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98 SECTION 3. Initiative.--The power to propose the revision
99 or amendment of any portion or portions of this constitution by
100 initiative is reserved to the people, provided that, any such
101 revision or amendment, except for those limiting the power of
102 government to raise revenue, shall embrace but one subject and
103 matter directly connected therewith. It may be invoked by
104 filing with the custodian of state records a petition containing
105 a copy of the proposed revision or amendment, signed over a
106 twelve-month period by a number of electors in each of at least
107 one half of the congressional districts of the state, and of the
108 state as a whole, equal to at least ten ~~eight~~ percent of the
109 votes cast in each of such districts respectively and in the
110 state as a whole in the last preceding election in which
111 presidential electors were chosen.

112 SECTION 5. Amendment or revision election.--

113 (a) A proposed amendment to or revision of this
114 constitution, or any part of it, shall be submitted to the
115 electors at the next general election held more than ninety days
116 after the joint resolution, initiative petition or report of
117 revision commission, constitutional convention or taxation and
118 budget reform commission proposing it is filed with the
119 custodian of state records, unless, pursuant to law enacted by



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120 the affirmative vote of three-fourths of the membership of each
 121 house of the legislature and limited to a single amendment or
 122 revision, it is submitted at an earlier special election held
 123 more than ninety days after such filing.

124 (b) The legislature shall provide by general law, prior to
 125 the holding of an election pursuant to this section or to
 126 Section 1 of Article III, for the provision of a statement to
 127 the public regarding the probable financial impact of any
 128 amendment proposed by initiative pursuant to section 3 of this
 129 article or to Section 1 of Article III.

130 (c) Once in the tenth week, and once in the sixth week
 131 immediately preceding the week in which the election is held,
 132 the proposed amendment or revision, with notice of the date of
 133 election at which it will be submitted to the electors, shall be
 134 published in one newspaper of general circulation in each county
 135 in which a newspaper is published.

136 (d) If the proposed amendment or revision is approved by
 137 vote of two-thirds of the electors voting on such proposal, it
 138 shall be effective as an amendment to or revision of the
 139 constitution of the state on the first Tuesday after the first
 140 Monday in January following the election, or on such other date
 141 as may be specified in the amendment or revision.

142 BE IT FURTHER RESOLVED that the title and substance of the
 143 amendments proposed herein shall appear on the ballot as
 144 follows:

145 INITIATIVES: PROPOSAL AND ADOPTION OF LAWS;

146 CONSTITUTIONAL AMENDMENTS

147 Proposes amendment of Section 1 of Article III, Section 10
 148 of Article IV, and Sections 3 and 5 of Article XI, and creation
 149 of Section 20 of Article III, of the State Constitution to



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150 reserve to the electors the right to propose law by the
151 initiative process and approve it by referendum. The process
152 would require approval from three-fifths of the electors voting
153 on the issue in order for the proposed law to be adopted; such
154 law would not be subject to the Governor's veto power and could
155 not be amended or repealed by the Legislature in its first 2
156 years without an extraordinary majority vote. Initiatives could
157 not propose laws that the Legislature is prohibited by the State
158 Constitution from adopting, nor could they address
159 appropriations, tax exemptions, courts and their jurisdiction
160 and rules, naming persons to hold public office, special laws
161 and general laws of local application, and any law substantially
162 the same as a proposal defeated during the previous 5 years. The
163 Attorney General would have to seek an advisory opinion from the
164 state Supreme Court on the validity of a proposed law.

165 This proposed amendment also would: require that, for
166 constitutional amendments proposed by initiative, the necessary
167 number of signatures be collected within a 12-month period;
168 increase the number of signatures required; and increase the
169 vote required for ratification from a majority to two-thirds of
170 those voting on the proposal.