

By the Committee on Ethics and Elections; and Senator Cowin

313-2174-03

1                   Senate Joint Resolution No. 1172  
2           A joint resolution proposing an amendment to  
3           Section 5 of Article XI of the State  
4           Constitution to revise requirements for  
5           ratification of proposed amendments to the  
6           State Constitution.

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

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10           That the following amendment to Section 5 of Article XI  
11 of the State Constitution is agreed to and shall be submitted  
12 to the electors of this state for approval or rejection at the  
13 next general election or at an earlier special election  
14 specifically authorized by law for that purpose:

15                   ARTICLE XI

16                   AMENDMENTS

17           SECTION 5. Amendment or revision election.--

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

29           (b) The legislature shall provide by general law,  
30 prior to the holding of an election pursuant to this section,  
31 for the provision of a statement to the public regarding the

1 probable financial impact of any amendment proposed by  
2 initiative pursuant to section 3.

3 (c) 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 (d) The proposed amendment or revision shall become  
10 effective only if approved by vote of the electors, such vote  
11 constituting a majority of the total votes cast at the  
12 election. If the proposed amendment or revision is approved ~~by~~  
13 ~~vote of the electors~~, it shall be effective as an amendment to  
14 or revision of the constitution of the state on the first  
15 Tuesday after the first Monday in January following the  
16 election, or on such other date as may be specified in the  
17 amendment or revision.

18 BE IT FURTHER RESOLVED that the following statement be  
19 placed on the ballot:

20 CONSTITUTIONAL AMENDMENT

21 ARTICLE XI, SECTION 5

22 REQUIREMENTS FOR RATIFICATION OF PROPOSED

23 CONSTITUTIONAL AMENDMENTS.--Proposing an amendment to the  
24 State Constitution to require that a future amendment or  
25 revision to the State Constitution submitted for ratification  
26 after January 4, 2005 must be approved by a majority of the  
27 electors voting on the matter, and that such vote must  
28 constitute a majority of the total votes cast in the election;  
29 however, an amendment authorizing a new State tax or fee must  
30 still be approved by at least two-thirds of the voters voting  
31 in the election in which the proposed amendment is considered.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1172

The committee substitute differs from the original bill in that it: replaces the county majority requirement for passage of a constitutional amendment with a requirement that the majority vote on the amendment constitute a majority of the total votes cast at the election; makes conforming changes to the ballot summary.