

By the Committees on Judiciary; Ethics and Elections; and
Senators Cowin and Posey

308-2380-03

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 relating to the approval of
5 constitutional amendments.

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

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

14 ARTICLE XI

15 AMENDMENTS

16 SECTION 5. Amendment or revision election.--

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

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

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

15 (e) A proposed amendment to or revision of this
16 constitution shall not be approved for placement on the ballot
17 unless it is determined by the Florida Supreme Court that the
18 proposed amendment or revision either seeks to alter, amend,
19 or repeal an existing article or amendment to the
20 constitution, addresses a fundamental right of a citizen of
21 this state, or seeks to create, implement, or otherwise change
22 a basic structure of the state government.

23 BE IT FURTHER RESOLVED that the following amendment be
24 placed on the ballot:

25 CONSTITUTIONAL AMENDMENT

26 ARTICLE XI, SECTION 5

27 APPROVAL OF CONSTITUTIONAL AMENDMENTS.--Proposing an
28 amendment to the State Constitution to prohibit the placement
29 of a proposed constitutional amendment or revision on the
30 ballot if it does not alter, amend, or repeal an existing
31 article or amendment to the constitution, address a

1 fundamental right of a citizen of this state, or seek to
2 create, implement, or otherwise change a basic structure of
3 state government, as determined by the Florida Supreme Court.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill CS/SJR 1172

8 Provides that the Supreme Court shall determine whether, for
9 purposes of placement of on the ballot for consideration by
10 the voters, a constitutional initiative is limited to seeking
11 to alter, amend, or repeal an existing article or revision to
12 the constitution, addressing a fundamental right of a citizen
13 of the state, or seeking to create, implement, or otherwise
14 change a basic structure of state government.
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