

By Senator Atwater

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Senate Joint Resolution No. ____

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 amendment 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 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.--

1 (a) The power to propose and enact laws by initiative,
2 reserved to the people in Section 1 of Article III, may be
3 invoked by filing with the chief elections officer of the
4 state a petition that contains a copy of the proposed law and
5 that has been signed over a twelve-month period by a number of
6 electors in each of at least one-half of the congressional
7 districts of the state, and in the state as a whole, equal to
8 at least eight percent of the votes cast in each of such
9 districts respectively and in the state as a whole in the last
10 preceding election in which presidential electors were chosen.

11 (b) The initiative petition shall embrace but one
12 subject and must comply with the requirements of this
13 constitution applicable to laws enacted by the legislature
14 with respect to single subject and prohibition of amendment by
15 reference.

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

22 (d) A proposed law shall be submitted to the electors
23 at the next general election held more than ninety days after
24 the initiative petition is filed with the chief elections
25 officer of the state, and, if three-fifths of the electors
26 voting on such proposal ratify it, such proposal shall become
27 law and take effect on the first day of July following the
28 general election at which such proposal was approved. However,
29 any law initiated by petition under this section which entails
30 expenditures in an amount in excess of available and
31 unappropriated state funds shall not take effect unless such

1 initiative provides for raising new revenues adequate for its
2 implementation.

3 (e) A law initiated by the people is not subject to
4 the veto power of the governor, nor may it be amended or
5 repealed by the legislature within a period of two years
6 following its effective date except by the affirmative vote of
7 two-thirds of the members of each house of the legislature
8 present at any regular or special session of the legislature.
9 Thereafter, such law may be amended or repealed by majority
10 vote of those present at any such session of the legislature.

11 (f) The initiative may not be used to enact laws
12 prohibited by this constitution for enactment by the
13 legislature; to make or repeal appropriations of public funds;
14 to enact laws that impose, eliminate, increase, or grant any
15 exemption from taxes; to create courts, define the
16 jurisdiction of courts, or describe the rules of courts; to
17 enact laws naming or designating any person to hold a public
18 office; to enact or abrogate special laws and general laws of
19 local application; to amend or repeal any portion of the
20 Declaration of Rights of this constitution; or to enact any
21 law substantially the same as one defeated in an initiative
22 election held within five years preceding the time the
23 petition is filed with the chief elections officer.

24 (g) The legislature may enact laws and procedures to
25 carry out the provisions of this section and safeguard the
26 initiative process.

27 ARTICLE IV

28 EXECUTIVE

29 SECTION 10. Attorney General.--The attorney general
30 shall, as directed by general law, request the opinion of the
31 justices of the supreme court as to the validity of any

1 initiative petition proposing legislation circulated pursuant
2 to Section 20 of Article III or any initiative petition
3 proposing to amend or revise this constitution circulated
4 pursuant to Section 3 of Article XI. The justices shall,
5 subject to their rules of procedure, permit interested persons
6 to be heard on the questions presented and shall render their
7 written opinion expeditiously.

8 ARTICLE XI

9 AMENDMENTS

10 SECTION 3. Initiative.--The power to propose the
11 revision or amendment of any portion or portions of this
12 constitution by initiative is reserved to the people, provided
13 that, any such revision or amendment, except for those
14 limiting the power of government to raise revenue, shall
15 embrace but one subject and matter directly connected
16 therewith. It may be invoked by filing with the custodian of
17 state records a petition containing a copy of the proposed
18 revision or amendment, signed over a twelve-month period by a
19 number of electors in each of at least one half of the
20 congressional districts of the state, and of the state as a
21 whole, equal to at least ten ~~eight~~ percent of the votes cast
22 in each of such districts respectively and in the state as a
23 whole in the last preceding election in which presidential
24 electors were chosen.

25 SECTION 5. Amendment or revision election.--

26 (a) A proposed amendment to or revision of this
27 constitution, or any part of it, shall be submitted to the
28 electors at the next general election held more than ninety
29 days after the joint resolution, initiative petition or report
30 of revision commission, constitutional convention or taxation
31 and budget reform commission proposing it is filed with the

1 custodian of state records, unless, pursuant to law enacted by
2 the affirmative vote of three-fourths of the membership of
3 each house of the legislature and limited to a single
4 amendment or revision, it is submitted at an earlier special
5 election held more than ninety days after such filing.

6 (b) The legislature shall provide by general law,
7 prior to the holding of an election pursuant to this section
8 or to Section 1 of Article III, for the provision of a
9 statement to the public regarding the probable financial
10 impact of any amendment proposed by initiative pursuant to
11 section 3 or to Section 1 of Article III.

12 (c) Once in the tenth week, and once in the sixth week
13 immediately preceding the week in which the election is held,
14 the proposed amendment or revision, with notice of the date of
15 election at which it will be submitted to the electors, shall
16 be published in one newspaper of general circulation in each
17 county in which a newspaper is published.

18 (d) If the proposed amendment or revision is approved
19 by vote of two-thirds of the electors voting on such proposal,
20 it shall be effective as an amendment to or revision of the
21 constitution of the state on the first Tuesday after the first
22 Monday in January following the election, or on such other
23 date as may be specified in the amendment or revision.

24 BE IT FURTHER RESOLVED that the following statement be
25 placed on the ballot;

26 CONSTITUTIONAL AMENDMENT

27 ARTICLE III, SECTIONS 1, 20; ARTICLE IV, SECTION 10;

28 ARTICLE XI, SECTIONS 3, 5

29 INITIATIVES: PROPOSAL AND ADOPTION OF LAWS;

30 CONSTITUTIONAL AMENDMENTS.--Proposing an amendment to the
31 State Constitution that would reserve to the electors the

1 right to propose laws by the initiative process and approve it
2 by referendum. The process would require approval from
3 three-fifths of the electors voting on the issue in order for
4 the proposed law to be adopted; such laws would not be subject
5 to the Governor's veto power and could not be amended or
6 repealed by the Legislature in its first 2 years without an
7 extraordinary majority vote. Initiatives could not propose
8 laws that the Legislature is prohibited by the State
9 Constitution from adopting, nor could they address
10 appropriations, tax exemptions, courts and their jurisdiction
11 and rules, naming persons to hold public office, special laws,
12 and any law substantially the same as a proposal defeated
13 during the previous 5 years. The Attorney General would have
14 to seek an advisory opinion from the state Supreme Court on
15 the validity of a proposed law.

16 This proposed amendment also would: require that, for
17 constitutional amendments proposed by initiative, the
18 necessary number of signatures be collected within a 12-month
19 period; increase the number of signatures required; and
20 increase the vote required for ratification from a majority to
21 two-thirds of those voting on the proposal.

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