

By Senator Smith

14-172A-03

1 Senate Joint Resolution No. ____

2 A joint resolution proposing the creation of

3 Section 20 of Article III and the amendment of

4 Section 10 of Article IV and Sections 3 and 5

5 of Article XI of the State Constitution to

6 authorize the proposal of legislation by

7 initiative, to revise or provide requirements

8 for amending the State Constitution by

9 initiative which relate to signatures, voter

10 approval, and economic impact, and to provide

11 for Supreme Court review of initiative

12 petitions proposing legislation.

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

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16 That the creation of Section 20 of Article III and the

17 amendment of Section 10 of Article IV and Sections 3 and 5 of

18 Article XI of the State Constitution set forth below are

19 agreed to and shall be submitted to the electors of Florida

20 for approval or rejection at the next general election or at

21 an earlier special election specifically authorized by law for

22 that purpose:

23 ARTICLE III

24 LEGISLATURE

25 SECTION 20. Legislation by initiative.--

26 (a) The power to propose legislation by initiative is

27 reserved to the people. The power may be invoked by filing a

28 petition with the chief elections officer of the state that

29 contains a copy of the proposed legislation, which petition is

30 signed by a number of electors in each of the congressional

31 districts of the state, and of the state as a whole, equal to

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) Laws that provide for the number or assignment of
5 judges or the jurisdiction of courts; laws that the
6 legislature is prohibited from passing or must pass by an
7 extraordinary vote; and laws changing the boundaries of any
8 municipality, county, or special, legislative, or
9 congressional district may not be proposed by initiative.

10 (c) Legislation proposed by initiative must comply
11 with the requirements of this constitution applicable to laws
12 enacted by the legislature with respect to single subject and
13 prohibition of amendment by reference. Laws that are enacted
14 by initiative shall be subject to the powers of the governor
15 and the legislature granted by this constitution, as such
16 powers apply to any law or legislation; however,
17 notwithstanding section 7 of this article, the legislature may
18 amend or repeal legislation approved by vote of the electors
19 under this section only by a vote of three-fifths of the
20 membership of each house of the legislature. The enacting
21 clause of every law proposed by initiative shall read: "Be It
22 Enacted by the People of the State of Florida by Initiative:".

23 (d) Legislation proposed by initiative shall be
24 submitted to the electors at the next general election held
25 more than ninety days after the initiative petition proposing
26 it is filed with the custodian of state records. The ballot
27 must include a statement expressing the chief purpose of the
28 proposed legislation, in clear and unambiguous language not
29 exceeding 75 words in length, and a statement of the economic
30 impact of the proposed legislation. If the legislation
31 proposed by initiative is approved by the electors, it shall

1 be effective on the first day of July following the next
2 regular session of the legislature held after the general
3 election at which the legislative initiative was approved.

4 (e) The legislature shall establish by general law, no
5 later than July 1, 2005, procedures to be used in invoking and
6 approving legislation proposed by initiative and for providing
7 sufficient prior public notice.

8 ARTICLE IV

9 EXECUTIVE

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

20 ARTICLE XI

21 AMENDMENTS

22 SECTION 3. Initiative.--

23 (a) The power to propose the revision or amendment of
24 any portion or portions of this constitution by initiative is
25 reserved to the people, provided that, any such revision or
26 amendment, except for those limiting the power of government
27 to raise revenue, shall embrace but one subject and matter
28 directly connected therewith. It may be invoked by filing
29 with the custodian of state records a petition containing a
30 copy of the proposed revision or amendment, signed by a number
31 of electors in each of ~~one half of~~ the congressional districts

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

5 (b) Notwithstanding subsection (a), any revision or
6 amendment of this constitution adopted by initiative petition
7 may be repealed by initiative petition limited to that purpose
8 only and subject to the same requirements for invoking and
9 voter approval as were applied to the petition proposing the
10 revision or amendment to be repealed.

11 SECTION 5. Amendment or revision election.--

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

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

29 (c)(1) If the proposed amendment or revision is
30 approved by vote of the electors, it shall be effective as an
31 amendment to or revision of the constitution of the state on

1 the first Tuesday after the first Monday in January following
2 the election, or on such other date as may be specified in the
3 amendment or revision.

4 (2) Notwithstanding paragraph (1), if the amendment or
5 revision is proposed by initiative petition, it must be
6 approved by a vote of two-thirds of the electors voting on the
7 matter and, if approved, shall be effective in the same manner
8 as other amendments or revisions of the constitution of the
9 state become effective.

10 BE IT FURTHER RESOLVED that the following statement be
11 placed on the ballot:

12 CONSTITUTIONAL AMENDMENT

13 ARTICLE III, SECTION 20; ARTICLE IV,

14 SECTION 10; ARTICLE XI, SECTIONS 3 AND 5

15 LEGISLATION BY INITIATIVE; AMENDMENT OR REVISION OF
16 STATE CONSTITUTION BY INITIATIVE; PETITION REVIEW.--Proposing
17 an amendment to the State Constitution to allow legislation to
18 be proposed by initiative, unless it provides for the number
19 or assignment of judges or the jurisdiction of courts, is
20 constitutionally prohibited or requires passage by an
21 extraordinary vote of the Legislature, or changes the
22 boundaries of any municipality, county, or special,
23 legislative, or congressional district. Prescribes standards
24 for such initiatives and requirements to invoke and approve
25 them. Subjects such legislation to constitutional powers of
26 the Governor and Legislature with respect to laws or
27 legislation. Requires an extraordinary vote of each house of
28 the Legislature to amend or repeal legislation approved by
29 vote of the electors. Requires the Legislature to adopt
30 procedures governing initiatives proposing legislation.
31 Provides for Supreme Court review of initiative petitions

1 proposing legislation. Requires signatures for initiative
2 petitions to amend or revise the State Constitution to be
3 gathered in all, rather than one half, of the congressional
4 districts and of the state as a whole. Increases the number
5 of votes required to approve amendments or revisions to the
6 State Constitution proposed by initiative petition, but allows
7 repeal of amendments or revisions to the State Constitution
8 adopted by initiative petition pursuant to the same
9 requirements as those for adoption of the amendment or
10 revision to be repealed. Requires the ballot statement of
11 each initiative proposing legislation to include a statement
12 of economic impact.

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