

By Senator Posey

24-734-04

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Senate Joint Resolution No. ____

A joint resolution proposing a revision of
Article XI of the State Constitution relating
to amendments to the State Constitution.

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

That the following revision of Article XI of the State
Constitution is 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 XI
AMENDMENTS

SECTION 1. Proposal by legislature.--

(a) Amendment of a section or revision of one or more
articles, or the whole, of this constitution may be proposed
by joint resolution agreed to by three-fifths of the
membership of each house of the legislature. The full text of
the joint resolution and the vote of each member voting shall
be entered on the journal of each house. At least seven days
prior to the final vote in either house, the most recent
version of the text of the proposed amendment or revision
shall be referred to the attorney general who may render an
opinion in writing to the senate and the house of
representatives as to the effect of such amendment or revision
upon other provisions of this constitution and whether the
amendment or revision affects the basic structure of
government, its officers and agencies, their powers and
duties, and the people's constitutional rights.

1 (b) In the event that a court declares the text or
2 ballot summary of an amendment or revision to this
3 constitution proposed by joint resolution of the legislature
4 to be unconstitutional, such decision shall be immediately
5 reviewed by the supreme court. In the event the supreme court
6 declares the text or ballot summary of an amendment or
7 revision to this constitution proposed by joint resolution of
8 the legislature to be unconstitutional, the supreme court
9 shall remand the joint resolution to the legislature for the
10 appropriate change or changes to be made consistent with the
11 opinion of the court. The legislature may, by majority vote of
12 the membership of each house, amend and adopt the joint
13 resolution if then in session or, if not in session, at any
14 time prior to the adjournment sine die of the immediately
15 succeeding regular legislative session.

16 (c) The full text of the joint resolution and the vote
17 of each member voting shall be entered on the journal of each
18 house.

19 (d) The date of furnishing the final text to the
20 attorney general, and the date of receipt of the attorney
21 general's opinion thereon, if any, shall also be noted in the
22 journal of each house. The record in the journal of each house
23 shall constitute conclusive compliance with this provision.

24 (e) Neither the failure of the attorney general to
25 render an opinion concerning a proposed amendment or revision
26 nor the attorney general's failure to do so in a timely
27 fashion shall affect the validity of such proposed amendment
28 or revision or legislative action thereon.

29 SECTION 2. Revision commission.--

30 (a) Within thirty days before the convening of the
31 2017 regular session of the legislature, and each twentieth

1 year thereafter, there shall be established a constitution
2 revision commission composed of the following thirty-seven
3 members:

4 (1) the attorney general of the state;
5 (2) fifteen members selected by the governor;
6 (3) nine members selected by the speaker of the house
7 of representatives and nine members selected by the president
8 of the senate; and

9 (4) three members selected by the chief justice of the
10 supreme court of Florida with the advice of the justices.

11 (b) The governor shall designate one member of the
12 commission as its chair. Vacancies in the membership of the
13 commission shall be filled in the same manner as the original
14 appointments.

15 (c) Each constitution revision commission shall
16 convene at the call of its chair, adopt its rules of
17 procedure, examine the constitution of the state, hold public
18 hearings, and, not later than one hundred eighty days prior to
19 the next general election, file with the custodian of state
20 records its proposal, if any, of a revision of this
21 constitution or any part of it.

22 SECTION 3. Advisory initiative.--The power to advise
23 the legislature by initiative for the purpose of revising any
24 statute or statutes or portion or portions of this
25 constitution is reserved to the people, provided that any such
26 statutory change, revision, or amendment, as determined by the
27 committee of first referral, except for those limiting the
28 power of government to raise revenue, shall embrace but one
29 subject and matter directly connected therewith. It may be
30 invoked by filing with the custodian of state records a
31 petition containing a copy of the proposed revision or

1 amendment, signed by a number of electors in each of one half
2 of the congressional districts of the state, and of the state
3 as a whole, equal to eight percent of the votes cast in each
4 of such districts respectively and in the state as a whole in
5 the last preceding election in which presidential electors
6 were chosen. Upon receipt of the properly invoked advisory
7 initiative, the president of the senate and the speaker of the
8 house of representatives shall refer the advisory initiative
9 to the committee or committees of their respective chambers.
10 It shall then be the duty of the committee of first referral
11 to consider such advisory initiatives and if it determines
12 that such initiative should be implemented, the committee
13 shall determine whether the initiative requires a
14 constitutional revision. If the committee of first referral
15 determines that a constitutional amendment or revision is
16 required, the committee shall cause to be filed in its
17 respective house a joint resolution proposing such amendment
18 or revision and legislation reasonably necessary to implement
19 such initiative contingent on the amendment or revision being
20 adopted by the electors. If the committee of first referral
21 determines that a constitutional amendment or revision is not
22 required, the committee shall cause to be filed legislation
23 reasonably necessary to implement the initiative.
24 ~~Initiative. The power to propose the revision or amendment of~~
25 ~~any portion or portions of this constitution by initiative is~~
26 ~~reserved to the people, provided that, any such revision or~~
27 ~~amendment, except for those limiting the power of government~~
28 ~~to raise revenue, shall embrace but one subject and matter~~
29 ~~directly connected therewith. It may be invoked by filing with~~
30 ~~the custodian of state records a petition containing a copy of~~
31 ~~the proposed revision or amendment, signed by a number of~~

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

6 SECTION 4. Constitutional convention.--

7 (a) The legislature may, by joint resolution adopted
8 by two-thirds of the membership of each house, call a
9 convention to propose a general revision of, or specific
10 amendments to, this constitution, as the legislature in its
11 call may stipulate.

12 (b)~~(a)~~ The people may also ~~power to~~ call a convention
13 to consider a revision of the entire constitution, or specific
14 amendments thereto ~~is reserved to the people~~. It may be
15 invoked by filing with the custodian of state records a
16 petition, containing a declaration that a constitutional
17 convention is desired, signed by a number of electors in each
18 of one half of the congressional districts of the state, and
19 of the state as a whole, equal to fifteen per cent of the
20 votes cast in each such district respectively and in the state
21 as a whole in the last preceding election of presidential
22 electors.

23 (c) The legislature shall provide by law for the
24 election of delegates to a convention called pursuant to
25 subsection (a) or subsection (b), and for the date of
26 convening and the final adjournment date for such convention.

27 (d)~~(b)~~ At the next general election held more than
28 ninety days after the filing of such petition there shall be
29 submitted to the electors of the state the question: "Shall a
30 constitutional convention be held?" If a majority voting on
31 the question votes in the affirmative, at the next succeeding

1 general election there shall be elected from each
2 representative district a member of a constitutional
3 convention. On the twenty-first day following that election,
4 the convention shall sit at the capital, elect officers, adopt
5 rules of procedure, judge the election of its membership, and
6 fix a time and place for its future meetings. Not later than
7 ninety days before the next succeeding general election, the
8 convention shall cause to be filed with the custodian of state
9 records any revision of this constitution proposed by it.

10 SECTION 5. Amendment or revision election.--

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

22 (b) The legislature shall provide by general law,
23 prior to the holding of an election pursuant to this section,
24 for the provision of a statement to the public regarding the
25 probable financial impact of any amendment ~~proposed by~~
26 ~~initiative pursuant to section 3.~~

27 (c) Once in the tenth week, and once in the sixth week
28 immediately preceding the week in which the election is held,
29 the proposed amendment or revision, with notice of the date of
30 election at which it will be submitted to the electors, shall
31

1 be published in one newspaper of general circulation in each
2 county in which a newspaper is published.

3 (d) If the proposed amendment or revision is approved
4 by vote of the electors, it shall be effective as an amendment
5 to or revision of the constitution of the state on the first
6 Tuesday after the first Monday in January following the
7 election, or on such other date as may be specified in the
8 amendment or revision.

9 SECTION 6. Taxation and budget reform commission.--

10 (a) Beginning in 2007 and each twentieth year
11 thereafter, there shall be established a taxation and budget
12 reform commission composed of the following members:

13 (1) eleven members selected by the governor, none of
14 whom shall be a member of the legislature at the time of
15 appointment.

16 (2) seven members selected by the speaker of the house
17 of representatives and seven members selected by the president
18 of the senate, none of whom shall be a member of the
19 legislature at the time of appointment.

20 (3) four non-voting ex officio members, all of whom
21 shall be members of the legislature at the time of
22 appointment. Two of these members, one of whom shall be a
23 member of the minority party in the house of representatives,
24 shall be selected by the speaker of the house of
25 representatives, and two of these members, one of whom shall
26 be a member of the minority party in the senate, shall be
27 selected by the president of the senate.

28 (b) Vacancies in the membership of the commission
29 shall be filled in the same manner as the original
30 appointments.

31

1 (c) At its initial meeting, the members of the
2 commission shall elect a member who is not a member of the
3 legislature to serve as chair and the commission shall adopt
4 its rules of procedure. Thereafter, the commission shall
5 convene at the call of the chair. An affirmative vote of two
6 thirds of the full commission shall be necessary for any
7 revision of this constitution or any part of it to be proposed
8 by the commission.

9 (d) The commission shall examine the state budgetary
10 process, the revenue needs and expenditure processes of the
11 state, the appropriateness of the tax structure of the state,
12 and governmental productivity and efficiency; review policy as
13 it relates to the ability of state and local government to tax
14 and adequately fund governmental operations and capital
15 facilities required to meet the state's needs during the next
16 twenty year period; determine methods favored by the citizens
17 of the state to fund the needs of the state, including
18 alternative methods for raising sufficient revenues for the
19 needs of the state; determine measures that could be
20 instituted to effectively gather funds from existing tax
21 sources; examine constitutional limitations on taxation and
22 expenditures at the state and local level; and review the
23 state's comprehensive planning, budgeting and needs assessment
24 processes to determine whether the resulting information
25 adequately supports a strategic decisionmaking process.

26 (e) The commission shall hold public hearings as it
27 deems necessary to carry out its responsibilities under this
28 section. The commission shall issue a report of the results of
29 the review carried out, and propose to the legislature any
30 recommended statutory changes related to the taxation or
31 budgetary laws of the state. Not later than one hundred eighty

1 days prior to the general election in the second year
2 following the year in which the commission is established, the
3 commission shall file with the custodian of state records its
4 proposal, if any, of a revision of this constitution or any
5 part of it dealing with taxation or the state budgetary
6 process.

7 SECTION 7. Tax or fee limitation.--Notwithstanding
8 Article X, Section 12(d) of this constitution, no new State
9 tax or fee shall be imposed on or after November 8, 1994 by
10 any amendment to this constitution unless the proposed
11 amendment is approved by not fewer than two-thirds of the
12 voters voting in the election in which such proposed amendment
13 is considered. For purposes of this section, the phrase "new
14 State tax or fee" shall mean any tax or fee which would
15 produce revenue subject to lump sum or other appropriation by
16 the Legislature, either for the State general revenue fund or
17 any trust fund, which tax or fee is not in effect on November
18 7, 1994 including without limitation such taxes and fees as
19 are the subject of proposed constitutional amendments
20 appearing on the ballot on November 8, 1994. This section
21 shall apply to proposed constitutional amendments relating to
22 State taxes or fees which appear on the November 8, 1994
23 ballot, or later ballots, and any such proposed amendment
24 which fails to gain the two-thirds vote required hereby shall
25 be null, void and without effect.

26 BE IT FURTHER RESOLVED that the following statement be
27 placed on the ballot:

28 AMENDING THE STATE CONSTITUTION.--Proposes a revision
29 of Article XI of the State Constitution to require submissions
30 of constitutional amendments proposed by the Legislature to
31 the Attorney General at least 7 days prior to final vote by

1 the Legislature; provides that compliance with this
2 requirement shall be established by the journals of each house
3 of the Legislature; permits the Attorney General to render an
4 opinion in writing to the Legislature as to the effect of such
5 amendment or revision upon other provisions of the
6 Constitution and whether the amendment or revision affects the
7 basic structure of government, its officers and agencies,
8 their powers and duties, and the people's constitutional
9 rights; requires review by the Supreme Court of lower court
10 decisions declaring a legislatively proposed constitutional
11 amendment to be unconstitutional; allows the Legislature to
12 develop by majority vote language consistent with the opinion
13 of the Florida Supreme Court if the Florida Supreme Court
14 rejects particular language of the joint resolution proposing
15 the original constitutional amendment; eliminates the ability
16 to amend the State Constitution through the initiative
17 process; allows the ability for the people to propose
18 statutory or constitutional revisions to the Legislature for
19 its consideration through advisory initiatives proposed by a
20 signature process; authorizes the public to convene a
21 constitutional convention on specific amendments to the
22 Constitution; permits the Legislature by a 2/3 vote of the
23 membership of each house to convene a constitutional
24 convention and to limit the subject matter thereof; and
25 requires the Legislature to provide by law for the election of
26 delegates, the convening, and final adjournment date of
27 constitutional conventions called by the people or the
28 Legislature.

29
30
31