

By Senator Campbell

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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 more than one-half of the
26 electors voting on such proposal ratify it, such proposal
27 shall become law and take effect on the first day of July
28 following the general election at which such proposal was
29 approved. However, any law initiated by petition under this
30 section which entails expenditures in an amount in excess of
31 available and unappropriated state funds shall not take effect

1 unless such initiative provides for raising new revenues
2 adequate for its 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 following its effective date
6 except by the affirmative vote of two-thirds of the members of
7 each house of the legislature present at any regular or
8 special session of the legislature.

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

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

25 ARTICLE IV

26 EXECUTIVE

27 SECTION 10. Attorney General.--The attorney general
28 shall, as directed by general law, request the opinion of the
29 justices of the supreme court as to the validity of any
30 initiative petition proposing legislation circulated pursuant
31 to Section 20 of Article III or any initiative petition

1 proposing to amend or revise this constitution circulated
2 pursuant to Section 3 of Article XI. The justices shall render
3 an opinion on whether the proposed legislation complies with
4 the requirements of this constitution and shall specifically
5 identify each law or provision of this constitution which
6 would be affected by the proposed legislation or proposed
7 amendment to or revision of this constitution.The justices
8 shall, subject to their rules of procedure, permit interested
9 persons to be heard on the questions presented and shall
10 render their written opinion expeditiously.

11 ARTICLE XI

12 AMENDMENTS

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

28 SECTION 5. Amendment or revision election.--

29 (a) A proposed amendment to or revision of this
30 constitution, or any part of it, shall be submitted to the
31 electors at the next general election held more than ninety

1 days after the joint resolution, initiative petition or report
2 of revision commission, constitutional convention or taxation
3 and budget reform commission proposing it is filed with the
4 custodian of state records, unless, pursuant to law enacted by
5 the affirmative vote of three-fourths of the membership of
6 each house of the legislature and limited to a single
7 amendment or revision, it is submitted at an earlier special
8 election held more than ninety days after such filing.

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

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

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

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

29 CONSTITUTIONAL AMENDMENT

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

31 ARTICLE XI, SECTIONS 3, 5

1 INITIATIVES: PROPOSAL AND ADOPTION OF LAWS;
2 CONSTITUTIONAL AMENDMENTS.--Proposing an amendment to the
3 State Constitution that would reserve to the electors the
4 right to propose a law by the initiative process and approve
5 it by referendum. The process would require approval from at
6 least one-half of the electors voting on the issue in order
7 for the proposed law to be adopted; such laws would not be
8 subject to the Governor's veto power and could not be amended
9 or repealed by the Legislature without an extraordinary
10 majority vote. Initiatives could not propose laws that the
11 Legislature is prohibited by the State Constitution from
12 adopting, nor could they address appropriations, tax
13 exemptions, courts and their jurisdiction and rules, naming
14 persons to hold public office, special laws, and any law
15 substantially the same as a proposal defeated during the
16 previous 5 years. The Attorney General would have to seek an
17 advisory opinion from the state Supreme Court on the validity
18 of a proposed law or constitutional amendment and the effect
19 of the proposal with regard to other laws or the State
20 Constitution.

21 This proposed amendment also would: require that, for
22 constitutional amendments proposed by initiative, the
23 necessary number of signatures be collected within a 12-month
24 period; increase the number of signatures required; and
25 increase the vote required for ratification from a majority to
26 three-fifths of those voting on the proposal.

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