

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Ryan offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the resolving clause and insert:

5 That the amendments to Sections 3 and 5 of Article XI of
6 the State Constitution set forth below are agreed to and shall
7 be submitted to the electors of Florida for approval or
8 rejection at the general election to be held in November 2004:

9 ARTICLE XI

10 AMENDMENTS

11 SECTION 3. Initiative.--

12 (a) The power to propose the revision or amendment of any
13 portion or portions of this constitution or to propose
14 legislation by initiative is reserved to the people, provided
15 that, any such revision or amendment or legislation, except for
16 those limiting the power of government to raise revenue, shall

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17 | embrace but one subject and matter directly connected therewith.

18 | Each amendment or revision of any portion or portions of this

19 | constitution must also:

20 | (1) Seek to alter, amend, or repeal an existing article of
21 | or amendment to this constitution;

22 | (2) Address a basic right of a citizen of this state; or

23 | (3) Change the basic structure of state government as
24 | established in Article II, Article III, Article IV, or Article
25 | V.

26 | (b) The power to propose the revision or amendment of this
27 | constitution by initiative ~~It~~ may be invoked by filing with the
28 | custodian of state records a petition containing a copy of the
29 | proposed revision or amendment, signed by a number of electors
30 | in each of one half of the congressional districts of the state,
31 | and of the state as a whole, equal to eight percent of the votes
32 | cast in each of such districts respectively and in the state as
33 | a whole in the last preceding election in which presidential
34 | electors were chosen.

35 | (c) The power to propose legislation by initiative may be
36 | invoked by filing with the custodian of state records a petition
37 | containing a copy of the proposed legislation, signed by a
38 | number of electors in each of one half of the congressional
39 | districts of the state, and of the state as a whole, equal to
40 | four percent of the votes cast in each of such districts
41 | respectively and in the state as a whole in the last preceding
42 | election in which presidential electors were chosen.

43 | SECTION 5. Amendment or revision election.--

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44 (a) A proposed amendment to or revision of this
45 constitution, or any part of it, or any legislation proposed by
46 initiative shall be submitted to the electors at the next
47 general election held more than ninety days after the joint
48 resolution, initiative petition or report of revision
49 commission, constitutional convention or taxation and budget
50 reform commission proposing it is filed with the custodian of
51 state records, unless, pursuant to law enacted by the
52 affirmative vote of three-fourths of the membership of each
53 house of the legislature and limited to a single amendment or
54 revision, it is submitted at an earlier special election held
55 more than ninety days after such filing.

56 (b) The legislature shall provide by general law, prior to
57 the holding of an election pursuant to this section, for the
58 provision of a statement to the public regarding the probable
59 financial impact of any amendment or legislation proposed by
60 initiative pursuant to section 3.

61 (c) Once in the tenth week, and once in the sixth week
62 immediately preceding the week in which the election is held,
63 the proposed amendment or revision or the proposed legislation,
64 with notice of the date of election at which it will be
65 submitted to the electors, shall be published in one newspaper
66 of general circulation in each county in which a newspaper is
67 published.

68 (d) If the proposed amendment or revision or the proposed
69 legislation is approved by vote of the electors, it shall be
70 effective as an amendment to or revision of the constitution of
71 the state or as part of the Florida Statutes on the first

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72 Tuesday after the first Monday in January following the
73 election, or on such other date as may be specified in the
74 amendment or revision or legislation.

75 (e) Legislation approved by the voters under this section
76 may not be amended or repealed by the legislature or vetoed by
77 the governor for one year after it goes into effect.

78 BE IT FURTHER RESOLVED that the title and substance of the
79 amendment proposed herein shall appear on the ballot as follows:

80 PROPOSAL OF LEGISLATION BY INITIATIVE; LIMITATION ON
81 TYPES OF CONSTITUTIONAL AMENDMENTS BY INITIATIVE

82 Proposes amendments to Sections 3 and 5 of Article XI of
83 the State Constitution to provide a right of the people to
84 propose legislation by initiative; provides for invoking such
85 power by filing with the custodian of state records a petition
86 containing a copy of the proposed legislation, signed by a
87 number of electors in each of one-half of the congressional
88 districts of the state, and of the state as a whole, equal to
89 four percent of the votes cast in each of such districts
90 respectively and in the state as a whole in the last preceding
91 election in which presidential electors were chosen; provides
92 for submission of such proposal to the electors at the next
93 general election held more than 90 days after the initiative
94 petition proposing it is filed with the custodian of state
95 records; requires a financial impact statement; requires
96 publication in the tenth and sixth weeks immediately preceding
97 the week in which the election is held; provides for taking
98 effect on the first Tuesday after the first Monday in January
99 following the election or on such other date as may be specified

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100 therein; and prohibits the Legislature from amending or
101 repealing and the Governor from vetoing it for 1 year after it
102 goes into effect. Also provides that a constitutional amendment
103 or revision proposed by citizen initiative must alter, amend, or
104 repeal an existing article or amendment to the State
105 Constitution; address a basic right of a citizen of this state;
106 or change the basic structure of state government as established
107 in Article II, Article III, Article IV, or Article V.

108

109 ===== T I T L E A M E N D M E N T =====

110 Remove the entire title and insert:

111 Senate Joint Resolution No. 2396

112 A joint resolution proposing amendments to Sections 3 and
113 5 of Article XI of the State Constitution to provide the
114 people the right to propose legislation by initiative and
115 to limit the type of amendment or revision of the
116 constitution which may be proposed by citizen initiative.