

By the Committee on Ethics and Elections; and Senators
Atwater, Fasano and Campbell

313-2519-04

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Senate Joint Resolution No. 2898

A joint resolution proposing amendments to
Sections 3 and 5 and creating Section 8 of
Article XI of the State Constitution, relating
to proposed amendments to the State
Constitution which impose a significant cost on
state government.

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

That the following amendments to Sections 3 and 5 and
the creation of Section 8 of Article XI of the State
Constitution 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 XI
AMENDMENTS

SECTION 3. Initiative.--The power to propose the
revision or amendment of any portion or portions of this
constitution by initiative is reserved to the people, provided
that, any such revision or amendment, except for those
limiting the power of government to raise revenue as described
in section 7 or an amendment that imposes a significant cost
on state government as described in section 8, shall embrace
but one subject and matter directly connected therewith. It
may be invoked by filing with the custodian of state records a
petition containing a copy of the proposed revision or
amendment, signed by a number of electors in each of one half
of the congressional districts of the state, and of the state
as a whole, equal to eight percent of the votes cast in each

CODING:Words ~~stricken~~ are deletions; words underlined are additions.

1 of such districts respectively and in the state as a whole in
2 the last preceding election in which presidential electors
3 were chosen.

4 SECTION 5. Amendment or revision election.--

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

16 (b) The legislature shall provide by general law,
17 prior to the holding of an election pursuant to this section,
18 for the provision of a statement to the public regarding the
19 probable financial impact of any amendment proposed by
20 initiative pursuant to section 3.

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

27 (d) If the proposed amendment or revision is approved
28 by vote of the electors, it shall be effective as an amendment
29 to or revision of the constitution of the state on the first
30 Tuesday after the first Monday in January following the
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1 election, or on such other date as may be specified in the
2 amendment or revision.

3 (e) Notwithstanding subsection (d), any proposed
4 amendment that imposes a new State tax or fee must be approved
5 by not fewer than two-thirds of the voters voting in the
6 election in which such amendment is considered as required by
7 section 7 or section 8.

8 SECTION 8. Amendment that imposes costs in excess of
9 one million dollars per fiscal year.--Each amendment proposed
10 to this constitution which imposes a cost on state government
11 greater than one million dollars per fiscal year, as estimated
12 in a manner provided by general law, shall impose new State
13 taxes or fees sufficient to fund the implementation of the
14 amendment, including the cost of imposing the new State taxes
15 or fees. The imposition of such new State taxes or fees shall
16 not be deemed a violation of the single-subject requirement of
17 section 3. Each such amendment shall be adopted only if it is
18 approved by not less than two-thirds of the voters voting in
19 the election in which the proposed amendment is considered, as
20 required by section 7. No amendment approved after the
21 effective date of this section shall be construed to require
22 expenditures in excess of the taxes or fees imposed by the
23 amendment, but the legislature may by general law revise the
24 taxes and fees so imposed, provided such authority shall not
25 affect the level of expenditures that would otherwise be
26 required by the amendment. The legislature may, but need not,
27 appropriate funds to implement the purposes of such amendments
28 in amounts greater than the expenditures required under the
29 provisions of this section. A proposed amendment that imposes
30 a cost on state government greater than one million dollars

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1 per fiscal year may not provide for an exemption from this
2 section.

3 BE IT FURTHER RESOLVED that the following statement be
4 placed on the ballot:

5 CONSTITUTIONAL AMENDMENT

6 ARTICLE XI, SECTIONS 3, 5, and 8

7 AMENDMENTS TO THE STATE CONSTITUTION COSTING MORE THAN
8 \$1 MILLION PER FISCAL YEAR.--Proposing amendments to the State
9 Constitution to require that, (1) if a proposed constitutional
10 amendment would impose a cost on state government which is
11 greater than \$1 million per fiscal year, as estimated in a
12 manner provided by general law, the amendment must impose new
13 state taxes or fees to fund implementation of the amendment;
14 (2) any such proposed amendment imposing new state taxes or
15 fees and increasing state spending by more than \$1 million
16 must be approved by at least two-thirds of the voters casting
17 ballots in the election in which the proposed amendment is
18 considered; and (3) any such proposed amendment may not
19 provide for an exemption from these requirements.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Joint Resolution 2898

24 The committee substitute differs from the original bill in
25 that the legislature may by general law revise the taxes and
26 fees imposed provided that it doesn't affect the level of
27 expenditures required by an amendment; and the legislature
28 may, but need not, appropriate more funds to implement the
29 purpose of the amendments than required by the amendment.
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