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House Joint Resolution

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 revision of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2004:

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.

(b) In the event that a court declares the text or ballot summary of an amendment or revision to this constitution

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31 proposed by joint resolution of the legislature to be
 32 unconstitutional, such decision shall be immediately reviewed by
 33 the supreme court. In the event the supreme court declares the
 34 text or ballot summary of an amendment or revision to this
 35 constitution proposed by joint resolution of the legislature to
 36 be unconstitutional, the supreme court shall remand the joint
 37 resolution to the legislature for the appropriate change or
 38 changes to be made consistent with the opinion of the court. The
 39 legislature may, by majority vote of the membership of each
 40 house, amend and adopt the joint resolution if then in session
 41 or, if not in session, at any time prior to the adjournment sine
 42 die of the immediately succeeding regular legislative session.

43 (c) The full text of the joint resolution and the vote of
 44 each member voting shall be entered on the journal of each
 45 house.

46 (d) The date of furnishing the final text to the attorney
 47 general, and the date of receipt of the attorney general's
 48 opinion thereon, if any, shall also be noted in the journal of
 49 each house. The record in the journal of each house shall
 50 constitute conclusive compliance with this provision.

51 (e) Neither the failure of the attorney general to render
 52 an opinion concerning a proposed amendment or revision nor the
 53 attorney general's failure to do so in a timely fashion shall
 54 affect the validity of such proposed amendment or revision or
 55 legislative action thereon.

56 SECTION 2. Revision commission.--

57 (a) Within thirty days before the convening of the 2017
 58 regular session of the legislature, and each twentieth year
 59 thereafter, there shall be established a constitution revision
 60 commission composed of the following thirty-seven members:

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61 (1) the attorney general of the state;
 62 (2) fifteen members selected by the governor;
 63 (3) nine members selected by the speaker of the house of
 64 representatives and nine members selected by the president of
 65 the senate; and

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

68 (b) The governor shall designate one member of the
 69 commission as its chair. Vacancies in the membership of the
 70 commission shall be filled in the same manner as the original
 71 appointments.

72 (c) Each constitution revision commission shall convene at
 73 the call of its chair, adopt its rules of procedure, examine the
 74 constitution of the state, hold public hearings, and, not later
 75 than one hundred eighty days prior to the next general election,
 76 file with the custodian of state records its proposal, if any,
 77 of a revision of this constitution or any part of it.

78 SECTION 3. Advisory initiative.--The power to advise the
 79 legislature by initiative for the purpose of revising any
 80 statute or statutes or portion or portions of this constitution
 81 is reserved to the people, provided that any such statutory
 82 change, revision, or amendment, as determined by the committee
 83 of first referral, except for those limiting the power of
 84 government to raise revenue, shall embrace but one subject and
 85 matter directly connected therewith. It may be invoked by filing
 86 with the custodian of state records a petition containing a copy
 87 of the proposed revision or amendment, signed by a number of
 88 electors in each of one half of the congressional districts of
 89 the state, and of the state as a whole, equal to eight percent
 90 of the votes cast in each of such districts respectively and in

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91 the state as a whole in the last preceding election in which
 92 presidential electors were chosen. Upon receipt of the properly
 93 invoked advisory initiative, the president of the senate and the
 94 speaker of the house of representatives shall refer the advisory
 95 initiative to the committee or committees of their respective
 96 chambers. It shall then be the duty of the committee of first
 97 referral to consider such advisory initiatives and if it
 98 determines that such initiative should be implemented, the
 99 committee shall determine whether the initiative requires a
 100 constitutional revision. If the committee of first referral
 101 determines that a constitutional amendment or revision is
 102 required, the committee shall cause to be filed in its
 103 respective house a joint resolution proposing such amendment or
 104 revision and legislation reasonably necessary to implement such
 105 initiative contingent on the amendment or revision being adopted
 106 by the electors. If the committee of first referral determines
 107 that a constitutional amendment or revision is not required, the
 108 committee shall cause to be filed legislation reasonably
 109 necessary to implement the initiative. Initiative. — The power to
 110 ~~propose the revision or amendment of any portion or portions of~~
 111 ~~this constitution by initiative is reserved to the people,~~
 112 ~~provided that, any such revision or amendment, except for those~~
 113 ~~limiting the power of government to raise revenue, shall embrace~~
 114 ~~but one subject and matter directly connected therewith. It may~~
 115 ~~be invoked by filing with the custodian of state records a~~
 116 ~~petition containing a copy of the proposed revision or~~
 117 ~~amendment, signed by a number of electors in each of one half of~~
 118 ~~the congressional districts of the state, and of the state as a~~
 119 ~~whole, equal to eight percent of the votes cast in each of such~~

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120 ~~districts respectively and in the state as a whole in the last~~
 121 ~~preceding election in which presidential electors were chosen.~~

122 SECTION 4. Constitutional convention.--

123 (a) The legislature may, by joint resolution adopted by
 124 two-thirds of the membership of each house, call a convention to
 125 propose a general revision of, or specific amendments to, this
 126 constitution, as the legislature in its call may stipulate.

127 (b)(a) The people may also ~~power to~~ call a convention to
 128 consider a revision of the entire constitution, or specific
 129 amendments thereto ~~is reserved to the people.~~ It may be invoked
 130 by filing with the custodian of state records a petition,
 131 containing a declaration that a constitutional convention is
 132 desired, signed by a number of electors in each of one half of
 133 the congressional districts of the state, and of the state as a
 134 whole, equal to fifteen per cent of the votes cast in each such
 135 district respectively and in the state as a whole in the last
 136 preceding election of presidential electors.

137 (c) The legislature shall provide by law for the election
 138 of delegates to a convention called pursuant to subsection (a)
 139 or subsection (b), and for the date of convening and the final
 140 adjournment date for such convention.

141 (d)(b) At the next general election held more than ninety
 142 days after the filing of such petition there shall be submitted
 143 to the electors of the state the question: "Shall a
 144 constitutional convention be held?" If a majority voting on the
 145 question votes in the affirmative, at the next succeeding
 146 general election there shall be elected from each representative
 147 district a member of a constitutional convention. On the twenty-
 148 first day following that election, the convention shall sit at
 149 the capital, elect officers, adopt rules of procedure, judge the

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150 election of its membership, and fix a time and place for its
 151 future meetings. Not later than ninety days before the next
 152 succeeding general election, the convention shall cause to be
 153 filed with the custodian of state records any revision of this
 154 constitution proposed by it.

155 SECTION 5. Amendment or revision election.--

156 (a) A proposed amendment to or revision of this
 157 constitution, or any part of it, shall be submitted to the
 158 electors at the next general election held more than ninety days
 159 after the joint resolution, ~~initiative petition~~ or report of
 160 revision commission, constitutional convention, or taxation and
 161 budget reform commission proposing it is filed with the
 162 custodian of state records, unless, pursuant to law enacted by
 163 the affirmative vote of three-fourths of the membership of each
 164 house of the legislature and limited to a single amendment or
 165 revision, it is submitted at an earlier special election held
 166 more than ninety days after such filing.

167 (b) The legislature shall provide by general law, prior to
 168 the holding of an election pursuant to this section, for the
 169 provision of a statement to the public regarding the probable
 170 financial impact of any amendment ~~proposed by initiative~~
 171 ~~pursuant to section 3.~~

172 (c) Once in the tenth week, and once in the sixth week
 173 immediately preceding the week in which the election is held,
 174 the proposed amendment or revision, with notice of the date of
 175 election at which it will be submitted to the electors, shall be
 176 published in one newspaper of general circulation in each county
 177 in which a newspaper is published.

178 (d) If the proposed amendment or revision is approved by
 179 vote of the electors, it shall be effective as an amendment to

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180 or revision of the constitution of the state on the first
 181 Tuesday after the first Monday in January following the
 182 election, or on such other date as may be specified in the
 183 amendment or revision.

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

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

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

190 (2) seven members selected by the speaker of the house of
 191 representatives and seven members selected by the president of
 192 the senate, none of whom shall be a member of the legislature at
 193 the time of appointment.

194 (3) four non-voting ex officio members, all of whom shall
 195 be members of the legislature at the time of appointment. Two of
 196 these members, one of whom shall be a member of the minority
 197 party in the house of representatives, shall be selected by the
 198 speaker of the house of representatives, and two of these
 199 members, one of whom shall be a member of the minority party in
 200 the senate, shall be selected by the president of the senate.

201 (b) Vacancies in the membership of the commission shall be
 202 filled in the same manner as the original appointments.

203 (c) At its initial meeting, the members of the commission
 204 shall elect a member who is not a member of the legislature to
 205 serve as chair and the commission shall adopt its rules of
 206 procedure. Thereafter, the commission shall convene at the call
 207 of the chair. An affirmative vote of two thirds of the full
 208 commission shall be necessary for any revision of this
 209 constitution or any part of it to be proposed by the commission.

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210 (d) The commission shall examine the state budgetary
 211 process, the revenue needs and expenditure processes of the
 212 state, the appropriateness of the tax structure of the state,
 213 and governmental productivity and efficiency; review policy as
 214 it relates to the ability of state and local government to tax
 215 and adequately fund governmental operations and capital
 216 facilities required to meet the state's needs during the next
 217 twenty year period; determine methods favored by the citizens of
 218 the state to fund the needs of the state, including alternative
 219 methods for raising sufficient revenues for the needs of the
 220 state; determine measures that could be instituted to
 221 effectively gather funds from existing tax sources; examine
 222 constitutional limitations on taxation and expenditures at the
 223 state and local level; and review the state's comprehensive
 224 planning, budgeting and needs assessment processes to determine
 225 whether the resulting information adequately supports a
 226 strategic decisionmaking process.

227 (e) The commission shall hold public hearings as it deems
 228 necessary to carry out its responsibilities under this section.
 229 The commission shall issue a report of the results of the review
 230 carried out, and propose to the legislature any recommended
 231 statutory changes related to the taxation or budgetary laws of
 232 the state. Not later than one hundred eighty days prior to the
 233 general election in the second year following the year in which
 234 the commission is established, the commission shall file with
 235 the custodian of state records its proposal, if any, of a
 236 revision of this constitution or any part of it dealing with
 237 taxation or the state budgetary process.

238 SECTION 7. Tax or fee limitation.--Notwithstanding Article
 239 X, Section 12(d) of this constitution, no new State tax or fee

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240 shall be imposed on or after November 8, 1994 by any amendment
 241 to this constitution unless the proposed amendment is approved
 242 by not fewer than two-thirds of the voters voting in the
 243 election in which such proposed amendment is considered. For
 244 purposes of this section, the phrase "new State tax or fee"
 245 shall mean any tax or fee which would produce revenue subject to
 246 lump sum or other appropriation by the Legislature, either for
 247 the State general revenue fund or any trust fund, which tax or
 248 fee is not in effect on November 7, 1994 including without
 249 limitation such taxes and fees as are the subject of proposed
 250 constitutional amendments appearing on the ballot on November 8,
 251 1994. This section shall apply to proposed constitutional
 252 amendments relating to State taxes or fees which appear on the
 253 November 8, 1994 ballot, or later ballots, and any such proposed
 254 amendment which fails to gain the two-thirds vote required
 255 hereby shall be null, void and without effect.

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

258 AMENDING THE STATE CONSTITUTION

259 Proposes a revision of Article XI of the State Constitution
 260 to require submissions of constitutional amendments proposed by
 261 the Legislature to the Attorney General at least 7 days prior to
 262 final vote by the Legislature; provides that compliance with
 263 this requirement shall be established by the journals of each
 264 house of the Legislature; permits the Attorney General to render
 265 an opinion in writing to the Legislature as to the effect of
 266 such amendment or revision upon other provisions of the
 267 Constitution and whether the amendment or revision affects the
 268 basic structure of government, its officers and agencies, their
 269 powers and duties, and the people's constitutional rights;

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270 requires review by the Supreme Court of lower court decisions
271 declaring a legislatively proposed constitutional amendment to
272 be unconstitutional; allows the Legislature to develop by
273 majority vote language consistent with the opinion of the
274 Florida Supreme Court if the Florida Supreme Court rejects
275 particular language of the joint resolution proposing the
276 original constitutional amendment; eliminates the ability to
277 amend the State Constitution through the initiative process;
278 allows the ability for the people to propose statutory or
279 constitutional revisions to the legislature for its
280 consideration through advisory initiatives proposed by a
281 signature process; authorizes the public to convene a
282 constitutional convention on specific amendments to the
283 Constitution; permits the Legislature by a 2/3 vote of the
284 membership of each house to convene a constitutional convention
285 and to limit the subject matter thereof; and requires the
286 Legislature to provide by law for the election of delegates, the
287 convening, and final adjournment date of constitutional
288 conventions called by the people or the Legislature.