

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Ryan offered the following:

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3 **Amendment (with ballot statement and title amendments)**

4 Remove everything after the resolving clause and insert:

5 That the creation of Section 20 of Article III and the  
6 amendment of Section 10 of Article IV and Section 5 of Article  
7 XI of the State Constitution set forth below is agreed to and  
8 shall be submitted to the electors of Florida for approval or  
9 rejection at the general election to be held in November 2006:

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ARTICLE III

11

LEGISLATURE

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SECTION 20. Legislation by initiative.--

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(a)(1) The power to propose legislation by initiative is

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reserved to the people, provided that any such legislation shall  
embrace one subject and matter directly connected therewith.

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This power may be invoked by filing with the custodian of state

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17 records a petition containing a copy of the proposed  
18 legislation.

19 (2) The following subjects may not be proposed by  
20 initiative: special and general laws of local application; laws  
21 that impose, eliminate, increase or grant exemption from taxes;  
22 laws that appropriate state funds; laws requiring counties or  
23 municipalities to spend funds or eliminating their ability to  
24 raise revenues or receive state tax revenue; laws that provide  
25 exemption from public records or public meeting requirements;  
26 laws that provide for the number or assignment of judges or the  
27 jurisdiction of courts; laws that the legislature is prohibited  
28 from passing or must pass by an extraordinary vote; and laws  
29 changing the boundaries of any municipality, county, or special,  
30 legislative, or congressional district.

31 (b)(1) Upon filing with the custodian of state records a  
32 petition signed by a number of electors in the state as a whole  
33 equal to two percent of the votes cast in the state as a whole  
34 in the last preceding election in which presidential electors  
35 were chosen, the proposed legislation shall be brought before  
36 the legislature for enactment at the next regular session held  
37 more than thirty days following submission of the petition as  
38 provided herein. The proposed legislation shall be treated as a  
39 bill subject to section 7 of this article. The enacting clause  
40 of every law proposed by initiative shall read: "Be It Enacted  
41 by the People of the State of Florida by Initiative:".

42 (2) If the legislature fails to enact the proposed  
43 legislation, the proposed legislation may be placed on the  
44 ballot at the next general election held more than ninety days

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45 after a initiative petition proposing legislation is filed with  
46 the custodian of state records signed by a number of electors in  
47 the state equal to four percent of the votes cast in the state  
48 as a whole in the last preceding election in which presidential  
49 electors were chosen.

50 (c) The governor may not veto legislation proposed by  
51 initiative that is approved by the electors. Laws that are  
52 enacted by initiative may be amended or repealed as provided in  
53 this section and shall otherwise be subject to the powers of the  
54 governor and the legislature granted by this constitution, as  
55 such powers apply to any law or legislation. However,  
56 notwithstanding section 7 of this article, the legislature may  
57 amend or repeal legislation approved by vote of the electors for  
58 the first two years after it takes effect only by a vote of  
59 three-fifths of the membership of each house of legislature and  
60 thereafter by a majority vote of the membership of each house of  
61 the legislature.

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

68 (e) If the legislation proposed by initiative is approved  
69 by majority vote of the electors voting on the proposed  
70 legislation, it shall be effective on the first day of July  
71 following the next regular session of the legislature after the

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72 general election at which the legislative initiative was  
73 approved.

74 ARTICLE IV

75 EXECUTIVE

76 SECTION 10. Attorney General.--The attorney general shall,  
77 as directed by general law, request the opinion of the justices  
78 of the supreme court as to the validity of any initiative  
79 petition proposing legislation circulated pursuant to Section 20  
80 of Article III or any initiative petition proposing to amend or  
81 revise this constitution circulated pursuant to Section 3 of  
82 Article XI. The justices shall, subject to their rules of  
83 procedure, permit interested persons to be heard on the  
84 questions presented and shall render their written opinion no  
85 later than April 1 of the year in which the initiative is to be  
86 submitted to the voters pursuant to Section 5 of Article XI.

87 ARTICLE XI

88 AMENDMENTS

89 SECTION 5. Amendment or revision election.--

90 (a) A proposed amendment to or revision of this  
91 constitution, or any part of it, shall be submitted to the  
92 electors at the next general election held more than ninety days  
93 after the joint resolution or report of revision commission,  
94 constitutional convention or taxation and budget reform  
95 commission proposing it is filed with the custodian of state  
96 records, unless, pursuant to law enacted by the affirmative vote  
97 of three-fourths of the membership of each house of the  
98 legislature and limited to a single amendment or revision, it is

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99 submitted at an earlier special election held more than ninety  
100 days after such filing.

101 (b) A proposed amendment or revision of this constitution,  
102 or any part of it, by initiative shall be submitted to the  
103 electors at the general election provided the initiative  
104 petition is filed with the custodian of state records no later  
105 than February 1 of the year in which the general election is  
106 held.

107 (c) The legislature shall provide by general law, prior to  
108 the holding of an election pursuant to this section, for the  
109 provision of a statement to the public regarding the probable  
110 financial impact of any amendment proposed by initiative  
111 pursuant to section 3.

112 (d) Once in the tenth week, and once in the sixth week  
113 immediately preceding the week in which the election is held,  
114 the proposed amendment or revision, with notice of the date of  
115 election at which it will be submitted to the electors, shall be  
116 published in one newspaper of general circulation in each county  
117 in which a newspaper is published.

118 (e) Unless otherwise specifically provided for elsewhere  
119 in this constitution, if the proposed amendment or revision is  
120 approved by vote of at least sixty percent of the electors  
121 voting on the measure, it shall be effective as an amendment to  
122 or revision of the constitution of the state on the first  
123 Tuesday after the first Monday in January following the  
124 election, or on such other date as may be specified in the  
125 amendment or revision.

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

128 LEGISLATION BY INITIATIVE; REQUIRING BROADER PUBLIC  
129 SUPPORT FOR CONSTITUTIONAL AMENDMENTS OR REVISIONS

130 Proposes the creation of Section 20 of Article III and the  
131 amendment of Section 10 of Article IV and Section 5 of Article  
132 XI of the State Constitution to allow legislation to be proposed  
133 by initiative, unless it is special or local in nature, involves  
134 taxes or tax exemptions, appropriates state funds, requires  
135 counties or municipalities to spend funds or eliminates their  
136 ability to raise revenues or receive state tax revenue, provides  
137 exemption from public records or public meetings requirements,  
138 provides for the number or assignment of judges or the  
139 jurisdiction of courts, is constitutionally prohibited or  
140 requires passage by an extraordinary vote of the Legislature, or  
141 changes the boundaries of any municipality, county, or special,  
142 legislative, or congressional district; to prescribe standards  
143 for such initiatives and requirements to invoke and approve  
144 them; to prohibit gubernatorial veto and restrict the  
145 Legislature from amending or repealing such legislation in the  
146 first 2 years after taking effect, except by an extraordinary  
147 vote; to provide for Supreme Court review of initiative  
148 petitions proposing legislation; to require signatures for  
149 initiative petitions to amend or revise the State Constitution  
150 to be gathered in all, rather than one half, of the  
151 congressional districts and of the state as a whole; to allow  
152 repeal of amendments or revisions to the State Constitution  
153 adopted by initiative petition pursuant to the same requirements

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154 as those for adoption of the amendment or revision to be  
155 repealed; and to require that any proposed amendment to or  
156 revision of the State Constitution, whether proposed by the  
157 Legislature, by initiative, or by any other method, must be  
158 approved by at least 60 percent of the voters voting on the  
159 measure.

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

162 Remove the entire title and insert:

163 House Joint Resolution

164 A joint resolution proposing the creation of Section 20 of  
165 Article III and the amendment of Section 10 of Article IV  
166 and Section 5 of Article XI of the State Constitution to  
167 authorize the proposal of legislation by initiative, to  
168 provide for Supreme Court review of initiative petitions  
169 proposing legislation, and to require that any proposed  
170 amendment to or revision of the State Constitution be  
171 approved by at least 60 percent of the electors voting on  
172 the measure.