

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Gelber offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the resolving clause and insert:

5 That the amendments to Sections 3, 5, and 7 of Article XI  
6 of the State Constitution set forth below are agreed to and  
7 shall be submitted to the electors of Florida for approval or  
8 rejection at the general election to be held in November 2006:

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 | Any revision or amendment to this constitution proposed by

19 | initiative shall:

20 |       (1) Amend or repeal an existing section of this  
21 | constitution on the same subject and matter;

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

24 |       (3) Change the basic structure of state government as  
25 | established in Article II, Article III, Article IV, or Article V  
26 | of this constitution, except that no revision or amendment shall  
27 | deprive the branches of government of any existing powers  
28 | granted in these articles.

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

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

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45 election in which presidential electors were chosen. The vote  
46 required for passage of legislation proposed by initiative is a  
47 simple majority of the votes cast on the initiative.

48 (d) Once ten percent of the number of signatures required  
49 to place an amendment or revision to this constitution on the  
50 ballot have been verified, the Attorney General shall, in  
51 conjunction with the request for review of the validity of the  
52 ballot language and compliance with single subject requirements  
53 and as directed by general law, request the opinion of the  
54 justices of the supreme court as to whether the proposed  
55 amendment or revision contains subject matter that is  
56 permissible for such an amendment or revision. The justices  
57 shall, subject to their rules of procedure, permit interested  
58 persons to be heard on the questions presented and shall render  
59 their written opinion expeditiously.

60 SECTION 5. Amendment or revision or proposed legislation  
61 election.--

62 (a) A proposed amendment to or revision of this  
63 constitution, or any part of it, or any legislation proposed by  
64 initiative shall be submitted to the electors at the next  
65 general election held more than ninety days after the joint  
66 resolution or report of revision commission, constitutional  
67 convention or taxation and budget reform commission proposing it  
68 is filed with the custodian of state records, unless, pursuant  
69 to law enacted by the affirmative vote of three-fourths of the  
70 membership of each house of the legislature and limited to a  
71 single amendment or revision, it is submitted at an earlier  
72 special election held more than ninety days after such filing.

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73 (b) A proposed amendment or revision of this constitution,  
74 or any part of it, or proposed legislation by initiative shall  
75 be submitted to the electors at the general election provided  
76 the initiative petition is filed with the custodian of state  
77 records no later than February 1 of the year in which the  
78 general election is held.

79 (c) The legislature shall provide by general law, prior to  
80 the holding of an election pursuant to this section, for the  
81 provision of a statement to the public regarding the probable  
82 financial impact of any amendment or legislation proposed by  
83 initiative pursuant to section 3.

84 (d) Once in the tenth week, and once in the sixth week  
85 immediately preceding the week in which the election is held,  
86 the proposed amendment or revision or the proposed legislation,  
87 with notice of the date of election at which it will be  
88 submitted to the electors, shall be published in one newspaper  
89 of general circulation in each county in which a newspaper is  
90 published.

91 (e) Unless otherwise specifically provided for elsewhere  
92 in this constitution, if the proposed amendment or revision is  
93 approved by vote of at least sixty percent of the electors  
94 voting on the measure, it shall be effective as an amendment to  
95 or revision of the constitution of the state on the first  
96 Tuesday after the first Monday in January following the  
97 election, or on such other date as may be specified in the  
98 amendment or revision.

99 (f) For the first three years following the effective date  
100 of legislation approved by the voters under this section,

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101 legislation passed by initiative may be amended or repealed by  
102 two-thirds vote of the membership of each house of the  
103 legislature.

104 SECTION 7. Tax, ~~or~~ fee, or significant fiscal impact  
105 limitation.--Notwithstanding Article X, Section 12(d) of this  
106 constitution:

107 (a) Any amendment or revision to this constitution that  
108 imposes or authorizes the imposition of a, ~~no~~ new State tax or  
109 fee or increases or authorizes an increase in an existing tax or  
110 fee shall become effective only if ~~be imposed on or after~~  
111 November 8, 1994 by any amendment to this constitution unless  
112 the proposed amendment or revision is approved by not fewer than  
113 two-thirds of the voters voting in the election in which such  
114 proposed amendment or revision is considered. This subsection  
115 shall apply to the imposition or authorization of an existing  
116 tax or fee that is not currently being collected, to an increase  
117 in the rate of an existing tax or fee, and to the modification  
118 of an exemption, exclusion, deduction, credit, or other  
119 mechanism which currently eliminates or reduces the liability of  
120 a person or entity for an existing tax or fee. For purposes of  
121 this section, the phrase "new State tax or fee" means ~~shall mean~~  
122 any tax or fee which would produce revenue subject to lump sum  
123 or other appropriation by the Legislature, either for the State  
124 general revenue fund or any trust fund, which tax or fee is not  
125 in effect on November 7, 1994, including without limitation such  
126 taxes and fees as are the subject of proposed constitutional  
127 amendments appearing on the ballot on November 8, 1994. The  
128 phrase "new tax or fee" also means any tax or fee which would

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129 produce revenue for a county, school district, municipality, or  
130 special district. This section shall apply to proposed  
131 constitutional amendments relating to State taxes or fees which  
132 appear on the November 8, 1994 ballot, or later ballots, and Any  
133 such proposed amendment or revision which fails to gain the two-  
134 thirds vote required hereby shall be null, void, and without  
135 effect.

136 (b) Any amendment or revision to this constitution that  
137 imposes a significant fiscal impact on the state, counties,  
138 school districts, municipalities, or special districts shall  
139 become effective only if the proposed amendment or revision is  
140 approved by not fewer than two-thirds of the voters voting in  
141 the election in which such proposed amendment or revision is  
142 considered. For purposes of this section, the phrase  
143 "significant fiscal impact" means having a collective annual  
144 fiscal impact in an amount greater than one-tenth of one percent  
145 of the total state budget for the state fiscal year ending in  
146 the year prior to the election in which such proposed amendment  
147 or revision is considered. The dollar amount for the  
148 determination of a significant fiscal impact shall be certified  
149 pursuant to the process established in general law. Any such  
150 proposed amendment or revision which fails to gain the two-  
151 thirds vote required hereby shall be null, void, and without  
152 effect.

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

155 CONSTITUTIONAL REVISIONS, AMENDMENTS,  
156 OR LEGISLATION PROPOSED BY INITIATIVE

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157 Proposes an amendment to Section 3 of Article XI of the  
158 State Constitution to provide that a constitutional revision or  
159 amendment proposed by initiative must amend or repeal an  
160 existing section of the State Constitution on the same subject  
161 and matter; must address a basic or fundamental right of a  
162 citizen of this state; or must change the basic structure of  
163 state government as established in Article II, Article III,  
164 Article IV, or Article V of the State Constitution, except that  
165 no revision or amendment may deprive the branches of government  
166 of any existing powers granted in these articles; to provide the  
167 people the power to propose legislation by initiative; to  
168 require the signatures of four percent of the number of electors  
169 in each of one-half of the congressional districts of the state  
170 for placement of proposed legislation on the ballot; to require  
171 a simple majority of the votes cast on legislation; to require  
172 the Attorney General to request the opinion of the Supreme Court  
173 on whether a proposed amendment or revision to the constitution  
174 contains permissible subject matter. Proposes an amendment to  
175 Section 5 of Article XI of the State Constitution to require  
176 that any proposed amendment to or revision of the State  
177 Constitution, whether proposed by the Legislature, by  
178 initiative, or by any other method, must be approved by at least  
179 60 percent of the voters of the state voting on the measure,  
180 rather than by a simple majority; to provide proposal and  
181 passage procedure requirements of legislation proposed by  
182 initiative to be similar to procedure requirements of proposed  
183 amendments or revisions to the constitution; to require at least  
184 a two-thirds vote of each house of the Legislature to amend or

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185 repeal legislation passed by initiative. Proposes an amendment  
 186 to Section 7 of Article XI of the State Constitution to require  
 187 approval by at least two-thirds of the voters of any proposed  
 188 amendment or revision to the State Constitution imposing or  
 189 authorizing imposition of any new tax or fee, increasing or  
 190 authorizing an increase in any existing tax or fee, or imposing  
 191 a significant fiscal impact on the state, counties, school  
 192 districts, municipalities, or special districts; to delete a  
 193 provision limiting application of such voting requirement to  
 194 only state taxes or fees; to expand the definition of the term  
 195 "new tax or fee" to include revenue-producing exactions for  
 196 counties, municipalities, school districts, and special  
 197 districts; and to define the term "significant fiscal impact" to  
 198 mean having a collective annual fiscal impact in an amount  
 199 greater than one-tenth of one percent of the total state budget  
 200 for the state fiscal year ending in the year prior to the  
 201 general election in which such proposed amendment or revision is  
 202 considered.

203  
 204  
 205 ===== T I T L E A M E N D M E N T =====

206 Remove the entire title and insert:  
 207 House Joint Resolution  
 208 A joint resolution proposing amendments to Sections 3, 5,  
 209 and 7 of Article XI of the State Constitution to provide  
 210 the permissible subject matter of revisions or amendments  
 211 to the State Constitution proposed by initiative; to  
 212 provide the power to propose legislation by initiative and



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213 requirements to propose legislation by initiative; to  
214 require that any proposed amendment to or revision of the  
215 State Constitution be approved by at least 60 percent of  
216 the electors voting on the measure; to require approval by  
217 at least two-thirds of the voters of any proposed  
218 amendment or revision to the State Constitution imposing  
219 or authorizing imposition of any new tax or fee,  
220 increasing or authorizing an increase in any existing tax  
221 or fee, or imposing a significant fiscal impact on the  
222 state, counties, school districts, municipalities, or  
223 special districts, and to delete a provision limiting such  
224 voting requirement to only new state taxes or fees.