

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

11 ARTICLE III

12 LEGISLATURE

13 SECTION 20. Legislation by initiative.--

14 (a)(1) The power to propose legislation by initiative is
15 reserved to the people, provided that any such legislation shall
16 embrace one subject and matter directly connected therewith.

Amendment No. (for drafter's use only)

17 This power may be invoked by filing with the custodian of state
18 records a petition containing a copy of the proposed
19 legislation.

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

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

43 (2) If the legislature fails to enact the proposed
44 legislation, the proposed legislation may be placed on the

Amendment No. (for drafter's use only)

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

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

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

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

Amendment No. (for drafter's use only)

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

75 ARTICLE IV

76 EXECUTIVE

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

88 ARTICLE XI

89 AMENDMENTS

90 SECTION 3. Initiative.--

91 (a) The power to propose the revision or amendment of any
92 portion or portions of this constitution by initiative is
93 reserved to the people, provided that, any such revision or
94 amendment, except for those limiting the power of government to
95 raise revenue, shall embrace but one subject and matter directly
96 connected therewith. Any revision or amendment proposed by
97 initiative shall:

98 (1) Amend or repeal an existing section of this
99 constitution on the same subject and matter;

Amendment No. (for drafter's use only)

100 (2) Address a basic or fundamental right of a citizen of
101 this state; or

102 (3) Change the basic structure of state government as
103 established in Article II, Article III, Article IV, or Article V
104 of this constitution, except that no revision or amendment shall
105 deprive the branches of government of any existing powers
106 granted in these articles.

107 (b) The initiative power ~~It~~ may be invoked by filing with
108 the custodian of state records a petition containing a copy of
109 the proposed revision or amendment, signed by a number of
110 electors in each of one half of the congressional districts of
111 the state, and of the state as a whole, equal to eight percent
112 of the votes cast in each of such districts respectively and in
113 the state as a whole in the last preceding election in which
114 presidential electors were chosen.

115 SECTION 5. Amendment or revision election.--

116 (a) A proposed amendment to or revision of this
117 constitution, or any part of it, shall be submitted to the
118 electors at the next general election held more than ninety days
119 after the joint resolution or report of revision commission,
120 constitutional convention or taxation and budget reform
121 commission proposing it is filed with the custodian of state
122 records, unless, pursuant to law enacted by the affirmative vote
123 of three-fourths of the membership of each house of the
124 legislature and limited to a single amendment or revision, it is
125 submitted at an earlier special election held more than ninety
126 days after such filing.

Amendment No. (for drafter's use only)

127 (b) A proposed amendment or revision of this constitution,
128 or any part of it, by initiative shall be submitted to the
129 electors at the general election provided the initiative
130 petition is filed with the custodian of state records no later
131 than February 1 of the year in which the general election is
132 held.

133 (c) The legislature shall provide by general law, prior to
134 the holding of an election pursuant to this section, for the
135 provision of a statement to the public regarding the probable
136 financial impact of any amendment proposed by initiative
137 pursuant to section 3.

138 (d) Once in the tenth week, and once in the sixth week
139 immediately preceding the week in which the election is held,
140 the proposed amendment or revision, with notice of the date of
141 election at which it will be submitted to the electors, shall be
142 published in one newspaper of general circulation in each county
143 in which a newspaper is published.

144 (e) Unless otherwise specifically provided for elsewhere
145 in this constitution, if the proposed amendment or revision is
146 approved by vote of at least sixty percent of the electors
147 voting on the measure, it shall be effective as an amendment to
148 or revision of the constitution of the state on the first
149 Tuesday after the first Monday in January following the
150 election, or on such other date as may be specified in the
151 amendment or revision.

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

154 LEGISLATION BY INITIATIVE; INITIATIVE;

Amendment No. (for drafter's use only)

155 CONSTITUTIONAL AMENDMENTS OR REVISIONS

156 Proposes the creation of Section 20 of Article III and the
157 amendment of Section 10 of Article IV and Section 5 of Article
158 XI of the State Constitution to allow legislation to be proposed
159 by initiative, unless it is special or local in nature, involves
160 taxes or tax exemptions, appropriates state funds, requires
161 counties or municipalities to spend funds or eliminates their
162 ability to raise revenues or receive state tax revenue, provides
163 exemption from public records or public meetings requirements,
164 provides for the number or assignment of judges or the
165 jurisdiction of courts, is constitutionally prohibited or
166 requires passage by an extraordinary vote of the Legislature, or
167 changes the boundaries of any municipality, county, or special,
168 legislative, or congressional district; to prescribe standards
169 for such initiatives and requirements to invoke and approve
170 them; to prohibit gubernatorial veto and restrict the
171 Legislature from amending or repealing such legislation in the
172 first 2 years after taking effect, except by an extraordinary
173 vote; to provide for Supreme Court review of initiative
174 petitions proposing legislation; to require signatures for
175 initiative petitions to amend or revise the State Constitution
176 to be gathered in all, rather than one half, of the
177 congressional districts and of the state as a whole; to allow
178 repeal of amendments or revisions to the State Constitution
179 adopted by initiative petition pursuant to the same requirements
180 as those for adoption of the amendment or revision to be
181 repealed; to provide that a constitutional revision or amendment
182 proposed by initiative must amend or repeal an existing section

321175

Amendment No. (for drafter's use only)

183 of the State Constitution on the same subject and matter; must
 184 address a basic or fundamental right of a citizen of this state;
 185 or must change the basic structure of state government as
 186 established in Article II, Article III, Article IV, or Article V
 187 of the State Constitution, except that no revision or amendment
 188 may deprive the branches of government of any existing powers
 189 granted in these articles; and to require that any proposed
 190 amendment to or revision of the State Constitution, whether
 191 proposed by the Legislature, by initiative, or by any other
 192 method, must be approved by at least 60 percent of the voters
 193 voting on the measure, rather than by a simple majority.

194
 195 ===== T I T L E A M E N D M E N T =====

196 Remove the entire title and insert:

197 House Joint Resolution

198 A joint resolution proposing the creation of Section 20 of
 199 Article III and the amendment of Section 10 of Article IV
 200 and Sections 3 and 5 of Article XI of the State
 201 Constitution to authorize the proposal of legislation by
 202 initiative, to provide for Supreme Court review of
 203 initiative petitions proposing legislation, to provide the
 204 permissible subject matter of revisions or amendments to
 205 the State Constitution proposed by initiative, and to
 206 require that any proposed amendment to or revision of the
 207 State Constitution be approved by at least 60 percent of
 208 the electors voting on the measure.