

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Joyner 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.

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 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

HOUSE AMENDMENT

Bill No. HJR 1727 CS

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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.

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