

By Senator Negrón

28-00012B-12

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Senate Joint Resolution

A joint resolution proposing amendments to Section 5 of Article II and Sections 2, 5, and 6 of Article XI of the State Constitution to abolish the Constitution Revision Commission and Taxation and Budget Reform Commission, which are authorized to propose amendments to the State Constitution.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Section 5 of Article II and Sections 2, 5, and 6 of Article XI of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a ~~constitution revision commission, taxation and budget reform commission,~~ constitutional convention, or statutory body having

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30 only advisory powers.

31 (b) Each state and county officer, before entering upon the  
 32 duties of the office, shall give bond as required by law, and  
 33 shall swear or affirm:

34  
 35 "I do solemnly swear (or affirm) that I will support,  
 36 protect, and defend the Constitution and Government of the  
 37 United States and of the State of Florida; that I am duly  
 38 qualified to hold office under the Constitution of the state;  
 39 and that I will well and faithfully perform the duties of  
 40 ...(title of office)... on which I am now about to enter. So  
 41 help me God.",

42  
 43 and thereafter shall devote personal attention to the duties of  
 44 the office, and continue in office until a successor qualifies.

45 (c) The powers, duties, compensation and method of payment  
 46 of state and county officers shall be fixed by law.

47 ARTICLE XI

48 AMENDMENTS

49 ~~SECTION 2. Revision commission.~~

50 ~~(a) Within thirty days before the convening of the 2017~~  
 51 ~~regular session of the legislature, and each twentieth year~~  
 52 ~~thereafter, there shall be established a constitution revision~~  
 53 ~~commission composed of the following thirty seven members:~~

- 54 ~~(1) the attorney general of the state;~~
- 55 ~~(2) fifteen members selected by the governor;~~
- 56 ~~(3) nine members selected by the speaker of the house of~~  
 57 ~~representatives and nine members selected by the president of~~  
 58 ~~the senate; and~~

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59           ~~(4) three members selected by the chief justice of the~~  
60 ~~supreme court of Florida with the advice of the justices.~~

61           ~~(b) The governor shall designate one member of the~~  
62 ~~commission as its chair. Vacancies in the membership of the~~  
63 ~~commission shall be filled in the same manner as the original~~  
64 ~~appointments.~~

65           ~~(c) Each constitution revision commission shall convene at~~  
66 ~~the call of its chair, adopt its rules of procedure, examine the~~  
67 ~~constitution of the state, hold public hearings, and, not later~~  
68 ~~than one hundred eighty days prior to the next general election,~~  
69 ~~file with the custodian of state records its proposal, if any,~~  
70 ~~of a revision of this constitution or any part of it.~~

71           SECTION 5. Amendment or revision election.-

72           (a) A proposed amendment to or revision of this  
73 constitution, or any part of it, shall be submitted to the  
74 electors at the next general election held more than ninety days  
75 after the joint resolution or report of the revision commission,  
76 ~~constitutional convention or taxation and budget reform~~  
77 ~~commission~~ proposing it is filed with the custodian of state  
78 records, unless, pursuant to law enacted by the affirmative vote  
79 of three-fourths of the membership of each house of the  
80 legislature and limited to a single amendment or revision, it is  
81 submitted at an earlier special election held more than ninety  
82 days after such filing.

83           (b) A proposed amendment or revision of this constitution,  
84 or any part of it, by initiative shall be submitted to the  
85 electors at the general election provided the initiative  
86 petition is filed with the custodian of state records no later  
87 than February 1 of the year in which the general election is

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88 held.

89 (c) The legislature shall provide by general law, prior to  
90 the holding of an election pursuant to this section, for the  
91 provision of a statement to the public regarding the probable  
92 financial impact of any amendment proposed by initiative  
93 pursuant to section 3.

94 (d) Once in the tenth week, and once in the sixth week  
95 immediately preceding the week in which the election is held,  
96 the proposed amendment or revision, with notice of the date of  
97 election at which it will be submitted to the electors, shall be  
98 published in one newspaper of general circulation in each county  
99 in which a newspaper is published.

100 (e) Unless otherwise specifically provided for elsewhere in  
101 this constitution, if the proposed amendment or revision is  
102 approved by vote of at least sixty percent of the electors  
103 voting on the measure, it shall be effective as an amendment to  
104 or revision of the constitution of the state on the first  
105 Tuesday after the first Monday in January following the  
106 election, or on such other date as may be specified in the  
107 amendment or revision.

108 ~~SECTION 6. Taxation and budget reform commission.~~

109 ~~(a) Beginning in 2007 and each twentieth year thereafter,~~  
110 ~~there shall be established a taxation and budget reform~~  
111 ~~commission composed of the following members:~~

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

114 ~~(2) seven members selected by the speaker of the house of~~  
115 ~~representatives and seven members selected by the president of~~  
116 ~~the senate, none of whom shall be a member of the legislature at~~

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117 ~~the time of appointment.~~

118 ~~(3) four non-voting ex officio members, all of whom shall~~  
119 ~~be members of the legislature at the time of appointment. Two of~~  
120 ~~these members, one of whom shall be a member of the minority~~  
121 ~~party in the house of representatives, shall be selected by the~~  
122 ~~speaker of the house of representatives, and two of these~~  
123 ~~members, one of whom shall be a member of the minority party in~~  
124 ~~the senate, shall be selected by the president of the senate.~~

125 ~~(b) Vacancies in the membership of the commission shall be~~  
126 ~~filled in the same manner as the original appointments.~~

127 ~~(c) At its initial meeting, the members of the commission~~  
128 ~~shall elect a member who is not a member of the legislature to~~  
129 ~~serve as chair and the commission shall adopt its rules of~~  
130 ~~procedure. Thereafter, the commission shall convene at the call~~  
131 ~~of the chair. An affirmative vote of two thirds of the full~~  
132 ~~commission shall be necessary for any revision of this~~  
133 ~~constitution or any part of it to be proposed by the commission.~~

134 ~~(d) The commission shall examine the state budgetary~~  
135 ~~process, the revenue needs and expenditure processes of the~~  
136 ~~state, the appropriateness of the tax structure of the state,~~  
137 ~~and governmental productivity and efficiency; review policy as~~  
138 ~~it relates to the ability of state and local government to tax~~  
139 ~~and adequately fund governmental operations and capital~~  
140 ~~facilities required to meet the state's needs during the next~~  
141 ~~twenty year period; determine methods favored by the citizens of~~  
142 ~~the state to fund the needs of the state, including alternative~~  
143 ~~methods for raising sufficient revenues for the needs of the~~  
144 ~~state; determine measures that could be instituted to~~  
145 ~~effectively gather funds from existing tax sources; examine~~

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146 ~~constitutional limitations on taxation and expenditures at the~~  
147 ~~state and local level; and review the state's comprehensive~~  
148 ~~planning, budgeting and needs assessment processes to determine~~  
149 ~~whether the resulting information adequately supports a~~  
150 ~~strategic decisionmaking process.~~

151 ~~(c) The commission shall hold public hearings as it deems~~  
152 ~~necessary to carry out its responsibilities under this section.~~  
153 ~~The commission shall issue a report of the results of the review~~  
154 ~~carried out, and propose to the legislature any recommended~~  
155 ~~statutory changes related to the taxation or budgetary laws of~~  
156 ~~the state. Not later than one hundred eighty days prior to the~~  
157 ~~general election in the second year following the year in which~~  
158 ~~the commission is established, the commission shall file with~~  
159 ~~the custodian of state records its proposal, if any, of a~~  
160 ~~revision of this constitution or any part of it dealing with~~  
161 ~~taxation or the state budgetary process.~~

162 BE IT FURTHER RESOLVED that the following statement be  
163 placed on the ballot:

164 CONSTITUTIONAL AMENDMENT

165 ARTICLE II, SECTION 5

166 ARTICLE XI, SECTIONS 2, 5, AND 6

167 CONSTITUTION REVISION COMMISSION AND TAXATION AND BUDGET  
168 REFORM COMMISSION.—This proposed amendment to the State  
169 Constitution abolishes the Constitution Revision Commission and  
170 the Taxation and Budget Reform Commission, which are authorized  
171 to propose amendments or revisions to the State Constitution.  
172 Members of the commissions are not elected by the people, but  
173 are appointed by the Governor, the President of the Florida  
174 Senate, and the Speaker of the Florida House of Representatives.

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175 With respect to the Constitution Revision Commission, members  
176 are also appointed by the Chief Justice of the Florida Supreme  
177 Court.

178       The State Constitution currently provides for these  
179 commissions to come into existence at 20-year intervals. The  
180 next Constitution Revision Commission is scheduled to convene in  
181 2017, and the next Taxation and Budget Reform Commission is  
182 scheduled to convene in 2027.

183       This amendment does not affect the power of the people to  
184 propose initiatives to revise or amend the State Constitution or  
185 to call a constitutional convention or the power of the  
186 Legislature to propose amendments or revisions to the State  
187 Constitution.