

House Joint Resolution

A joint resolution proposing the creation of Section 28 of Article I and amendment of Section 9 of Article III of the State Constitution to authorize and establish requirements for a citizens' veto referendum and revise the effective dates of laws to conform to the citizens' veto referendum.

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

That the following creation of Section 28 of Article I and amendment of Section 9 of Article III 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 I

DECLARATION OF RIGHTS

SECTION 28. Citizens' veto referendum.—

(a) The citizens' veto is the right of the electors to reject a law or a portion of a law by referendum. The citizens' veto may not be applied to laws making appropriations for salaries of public officers and other current expenses of the state; special laws; or emergency laws necessary for the immediate preservation of the public peace, health, or safety. Any law that is considered an emergency measure must state in a separate section of the law why it is necessary that the law

HJR 1231

2012

28 become immediately operative and must be enacted by a two-thirds
29 vote of the membership of each house of the legislature.

30 (b) A citizens' veto referendum is initiated by submitting
31 a written application containing the full text of the law or
32 portion of the law to the custodian of state records within 10
33 business days after adjournment sine die of the legislative
34 session in which the law was enacted. The application must
35 contain the names, addresses, and signatures of at least fifty
36 registered electors as well as the name, address, and signature
37 of the applicant, who shall be designated to receive any notices
38 related to the processing of the application. The elector who
39 submits the application must sign the application in the
40 presence of the custodian of state records, his or her designee,
41 or a notary public. When the application is filed with the
42 custodian of state records and certified as valid, the effect of
43 the law or portion of the law in question shall be suspended. If
44 a petition is filed against a portion of a law, the remainder of
45 the law is not suspended and shall take effect as provided in
46 Section 9 of Article III or on a later date provided in the law.
47 If it is later determined that the application is invalid, the
48 law or portion of the law subject to the application may take
49 effect immediately, if at least 10 business days have passed
50 since adjournment sine die of the legislative session in which
51 the law was enacted, or on a later date provided in the law.

52 (c) After certification of the application, the custodian
53 of state records shall prepare a petition containing a summary
54 of the subject matter of the application for circulation by the
55 sponsors. All petition signatures must be filed with the

HJR 1231

2012

56 custodian of state records within 90 days after the petition is
 57 released by the custodian of state records for circulation by
 58 the sponsors. If signatures totaling 7.5 percent of the total
 59 number of votes cast in the most recent gubernatorial election
 60 are determined to be valid, the referendum shall be placed on
 61 the ballot by the custodian of state records for approval or
 62 rejection at the next general election. A "yes" vote is a vote
 63 to repeal the law or portion of the law and a "no" vote is a
 64 vote to affirm enactment of the law or portion of the law.

65 (d) If a majority of the votes cast in the referendum
 66 favor rejection of the law or a portion of the law, the law or
 67 portion of the law is repealed upon certification of the results
 68 of the referendum. If a majority of the votes cast in the
 69 referendum oppose rejection of the law or a portion of the law,
 70 the law or portion of the law shall become effective upon
 71 certification of the results of the referendum or on a later
 72 date provided in the law.

73 ARTICLE III

74 LEGISLATURE

75 SECTION 9. Effective date of laws.—Except as provided in
 76 Section 28 of Article I, a ~~Each~~ law may not shall take effect
 77 until 10 days ~~on the sixtieth day~~ after adjournment sine die of
 78 the legislative session ~~of the legislature~~ in which enacted or
 79 on a later date ~~as otherwise provided in the law therein~~. If a
 80 the law is passed over the veto of the governor it shall take
 81 effect on the sixtieth day after adjournment sine die of the
 82 session in which the veto is overridden, on a later date fixed
 83 in the law, or on a date fixed by resolution passed by both

HJR 1231

2012

84 houses of the legislature.

85 BE IT FURTHER RESOLVED that the following statement be
86 placed on the ballot:

87 CONSTITUTIONAL AMENDMENT

88 ARTICLE I, SECTION 28

89 ARTICLE III, SECTION 9

90 CITIZENS' VETO REFERENDUM.—The State Constitution does not
91 currently provide a method for voters to veto or override a law
92 passed by the Legislature. This amendment proposes a citizens'
93 veto, which would allow the voters to reject a law or portion of
94 a law by referendum. The citizens' veto could not be applied to
95 laws making appropriations for salaries of public officers and
96 other current expenses of the state; special laws; or emergency
97 laws necessary for the immediate preservation of the public
98 peace, health, or safety.

99 The process would begin when, within 10 business days after
100 adjournment sine die of the legislative session in which the law
101 was enacted, a written application containing the text of the
102 law or portion of the law is submitted to the custodian of state
103 records containing the names, addresses, and signatures of fifty
104 registered electors as well as the name, address, and signature
105 of the applicant. When the application is filed and certified
106 with the custodian, the law in question is suspended. If it is
107 later determined that the petition is not valid, the law would
108 take effect immediately, if at least 10 business days have
109 passed since the adjournment sine die of the legislative session
110 in which the law was enacted, or on a later date provided in the
111 law.

HJR 1231

2012

112 After certification of the application, the custodian of
113 state records would prepare a petition containing a summary of
114 the subject matter of the application that would be circulated
115 by the sponsors. The sponsors would then have 90 days from the
116 time the petition is released by the custodian to gather
117 signatures that equal 7.5 percent of the total number of votes
118 cast in the most recent gubernatorial election in order to place
119 the referendum on the ballot at the next general election. If a
120 majority of the votes cast in the referendum favor rejection of
121 the law or portion of the law, the law or portion of the law
122 would be repealed upon certification of the results of the
123 referendum. If a majority of votes cast in the referendum oppose
124 rejection of the law or a portion of the law, the law or portion
125 of the law would become effective upon certification of the
126 results of the referendum or on a later date provided in the
127 law.

128 This amendment changes the effective date of laws currently
129 provided in the State Constitution from the 60th day after
130 adjournment sine die of the legislative session in which the law
131 is enacted or as otherwise provided in the law to 10 days after
132 adjournment sine die of the legislative session in which the law
133 is enacted or on a later date provided in the law. It exempts
134 from such effective date requirements laws that are not subject
135 to a citizens' veto.