

By Senator Braynon

36-01143-16

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Senate Joint Resolution

A joint resolution proposing the creation of Section 22 of Article III and the amendment of Section 10 of Article IV of the State Constitution to authorize the proposal and enactment of legislation by initiative and to provide for Supreme Court review of initiative petitions proposing legislation.

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

That the following creation of Section 22 of Article III and the amendment of Section 10 of Article IV 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 III

LEGISLATURE

SECTION 22. Legislation by initiative.-

(a) The power to propose legislation by initiative is reserved to the people. The power may be invoked by filing with the custodian of state records a petition that contains a copy of the proposed legislation, which petition is signed by a number of electors in each congressional district of the state, and of the state as a whole, equal to eight percent of the votes cast in each such district, respectively, and in the state as a whole in the previous election in which presidential electors were chosen.

(b) Laws that provide for the number or assignment of judges or the jurisdiction of courts, laws that the legislature is prohibited from passing or must pass by an extraordinary vote, and laws that change the boundaries of any municipality,

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33 county, or special, legislative, or congressional district may  
34 not be proposed by initiative.

35 (c) Legislation proposed by initiative must comply with the  
36 requirements of this constitution applicable to laws enacted by  
37 the legislature with respect to single subject and prohibition  
38 of amendment by reference. Laws that are enacted by initiative  
39 shall not be subject to the veto power of the governor.  
40 Notwithstanding section 7 of this article, the legislature may  
41 only amend or repeal legislation approved by vote of the  
42 electors under this section by a vote of three-fifths of the  
43 membership of each house of the legislature. The enacting clause  
44 of every law proposed by initiative shall read: "Be It Enacted  
45 by the People of the State of Florida by Initiative:".

46 (d) Legislation proposed by initiative shall be submitted  
47 to the electors at the next general election held more than  
48 ninety days after the initiative petition is filed with the  
49 custodian of state records. The ballot must include a statement  
50 expressing the chief purpose of the proposed legislation, in  
51 clear and unambiguous language not exceeding 75 words in length,  
52 and a statement of the economic impact of the proposed  
53 legislation. If the legislation proposed by initiative is  
54 approved by the electors, it shall be effective on the first day  
55 of July after the next regular session of the legislature.

56 (e) The legislature shall establish by general law, by July  
57 1, 2017, procedures to be used in invoking and approving  
58 legislation proposed by initiative and for providing sufficient  
59 prior public notice.

60 ARTICLE IV

61 EXECUTIVE

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62 SECTION 10. Attorney General.—The attorney general shall,  
63 as directed by general law, request the opinion of the justices  
64 of the supreme court as to the validity of any initiative  
65 petition proposing legislation circulated pursuant to Section 22  
66 of Article III or any initiative petition circulated pursuant to  
67 Section 3 of Article XI. The justices shall, subject to their  
68 rules of procedure, permit interested persons to be heard on the  
69 questions presented and shall render their written opinion no  
70 later than April 1 of the year in which the initiative is to be  
71 submitted to the voters pursuant to Section 5 of Article XI.

72 BE IT FURTHER RESOLVED that the following statement be  
73 placed on the ballot:

74 CONSTITUTIONAL AMENDMENT

75 ARTICLE III, SECTION 22

76 ARTICLE IV, SECTION 10

77 LEGISLATION BY INITIATIVE.—Proposing an amendment to the  
78 State Constitution to allow the proposal of laws by initiative  
79 without legislative or gubernatorial approval; prescribe  
80 requirements for subject matter, proposal, and approval of such  
81 initiatives; requires extraordinary vote of each house of  
82 Legislature to amend or repeal laws approved by voters; requires  
83 Legislature to adopt procedures for initiatives; provides for  
84 Supreme Court review of initiative petitions; and requires  
85 ballot statements for such initiatives to include statement of  
86 economic impact.