

By Senator Torres

15-00231-19

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Senate Joint Resolution

A joint resolution proposing the creation of Section 22 of Article III and an amendment to 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 is 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. This 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 of one half of the congressional districts of the state, and of the state as a whole, equal to four 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

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30 judges or the jurisdiction of courts, laws that the legislature
31 is prohibited from passing or must pass by an extraordinary
32 vote, and laws that change the boundaries of any municipality,
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 which are applicable to laws
37 enacted by the legislature with respect to single subject and
38 prohibition of amendment by reference. Laws that are enacted by
39 initiative are not 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 four-fifths of the
43 membership of each house of the legislature within one year
44 after the effective date of such legislation or by a vote of
45 three-fifths of the membership of each house of the legislature
46 one year or more after the effective date of such legislation.
47 The enacting clause of every law proposed by initiative must
48 read: "Be It Enacted by the People of the State of Florida by
49 Initiative:".

50 (d) Legislation proposed by initiative shall be submitted
51 to the electors at the next general election held more than
52 ninety days after the initiative petition is filed with the
53 custodian of state records. The ballot must include a statement
54 expressing the chief purpose of the proposed legislation, in
55 clear and unambiguous language not exceeding 75 words in length,
56 and a statement of the economic impact of the proposed
57 legislation. If the legislation proposed by initiative is
58 approved by a majority of the electors voting in that election,

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59 it shall be effective on the first day of July after the next
60 regular session of the legislature.

61 (e) The legislature shall establish by general law, by July
62 1, 2021, procedures to be used in invoking and approving
63 legislation proposed by initiative and for providing sufficient
64 prior public notice.

ARTICLE IV

EXECUTIVE

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

77 BE IT FURTHER RESOLVED that the following statement be
78 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 22

ARTICLE IV, SECTION 10

82 LEGISLATION BY INITIATIVE.—Proposing an amendment to the
83 State Constitution to allow the proposal of laws by initiative
84 without legislative or gubernatorial approval; prescribe
85 requirements for subject matter, proposal, and approval of such
86 initiatives; require extraordinary vote of each house of
87 Legislature to amend or repeal laws approved by voters; require

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88 Legislature to adopt procedures for initiatives; provide for
89 Supreme Court review of initiative petitions; and require ballot
90 statements for such initiatives to include statement of economic
91 impact.