

By Commissioner Langley

1 A proposal to create
2 ARTICLE III, s. 26, Fla. Const.; providing for
3 the revision or amendment of statutory law
4 through the initiative process.

5
6 It is proposed by the Florida Constitution Revision Commission
7 that:

8
9 Section 1. Section 26 of Article I of the Florida
10 Constitution is created to read:

11 ARTICLE I

12 DECLARATION OF RIGHTS

13 SECTION 26. Statutory change by citizen initiative.--

14 (a)(1) Subject to the procedure set forth in
15 subsection (b), the power to propose the revision or amendment
16 of any portion or portions of statutory law by initiative is
17 reserved to the people, but any such revision or amendment,
18 except for one limiting the power of government to raise
19 revenue, shall embrace but one subject and matter directly
20 connected therewith. It may be invoked by filing with the
21 secretary of state a petition containing a copy of the
22 proposed revision or amendment, signed by a number of electors
23 in each of one half of the congressional districts of the
24 state, and in the state as a whole, equal to five percent of
25 the votes cast in each of such districts respectively and in
26 the state as a whole in the last preceding election in which
27 presidential electors were chosen.

28 (2) A proposed amendment to or revision of statutory
29 law by initiative, or any part of it, shall be submitted to
30 the electors at the next general election held after the
31 initiative petition proposing it has been filed with the

1 secretary of state and the legislature has failed to act, as
2 provided in subsection (b).

3 (3) Once in the tenth week and once in the sixth week
4 immediately preceding the week of the election at which it
5 shall be submitted to the electors, the proposed amendment or
6 revision, with notice of the date of the election at which it
7 will be submitted to the electors, shall be published in one
8 newspaper of general circulation in each county in which such
9 newspaper is published.

10 (4) If the proposed amendment or revision is approved
11 by a vote of the electors, it shall be effective as an
12 amendment or revision to statutory law on the first Tuesday
13 after the first Monday in January following the election, or
14 on such other date as may be specified in the amendment or
15 revision.

16 (5) An amendment or revision approved by a vote of the
17 electors may not be amended or revised by the legislature for
18 a period of two years after the amendment or revision takes
19 effect unless the action of the legislature is submitted to
20 the electors and approved by them or unless the legislative
21 action is necessary to protect the public health, safety, or
22 welfare. If an amendment or revision approved by a vote of
23 the electors is held unconstitutional by the supreme court of
24 the state or of the United States, the statutory law amended
25 or revised is restored to the status it held before the
26 amendment or revision became effective.

27 (b) The proposed amendment or revision shall be
28 submitted to the legislature at the same time the initiative
29 petition proposing it is filed with the secretary of state.
30 If the legislature fails to enact the proposed amendment or
31 revision at the next regular session after it is submitted or

1 at any special session held after it is submitted but before
2 the next regular session, the proposed amendment or revision
3 shall be placed on the ballot at the next general election
4 following the regular session at which the legislature has
5 failed to act. The legislature may amend the proposed
6 amendment or revision, but, if it does so, the original
7 amendment or revision and the amended amendment or revision
8 shall both be placed on the ballot at the next general
9 election following the regular session at which the
10 legislature has taken its action. In that case, the amendment
11 or revision approved by the electors shall take effect; if
12 both amendments or revisions receive the affirmative vote of
13 the electors, the amendment or revision receiving the higher
14 number of affirmative votes is the amendment or proposal
15 deemed approved. The governor may veto any amendment or
16 revision amended by the legislature but may not veto an
17 amendment or revision enacted without amendment by the
18 legislature. Modifications of an amendment or revision by the
19 legislature to conform to the style of the statutory law or to
20 correct grammatical, spelling, or similar errors are not
21 amendments for the purposes of this subsection.