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

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

(c) After certification of the application, the custodian of state records shall prepare a petition containing a summary of the subject matter of the application for circulation by the sponsors. All petition signatures must be filed with the
custodian of state records within 90 days after the petition is released by the custodian of state records for circulation by the sponsors. If signatures totaling 7.5 percent of the total number of votes cast in the most recent gubernatorial election are determined to be valid, the referendum shall be placed on the ballot by the custodian of state records for approval or rejection at the next general election. A "yes" vote is a vote to repeal the law or portion of the law and a "no" vote is a vote to affirm enactment of the law or portion of the law.

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the votes cast in the referendum favor rejection of the law or a portion of the law, the law or portion of the law is repealed upon certification of the results of the referendum.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

ARTICLE III
LEGISLATURE

SECTION 9. Effective date of laws.—Except as provided in Section 28 of Article I, a law shall take effect until 10 days after adjournment sine die of the legislative session in which enacted or on a later date as otherwise provided in the law therein. If a law is passed over the veto of the governor, it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both
houses of the legislature.

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

CONSTITUTIONAL AMENDMENT
ARTICLE I, SECTION 28
ARTICLE III, SECTION 9

CITIZENS' VETO REFERENDUM.—The State Constitution does not currently provide a method for voters to veto or override a law passed by the Legislature. This amendment proposes a citizens' veto, which would allow the voters to reject a law or portion of a law by referendum. The citizens' veto could 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.

The process would begin when, within 10 business days after adjournment sine die of the legislative session in which the law was enacted, a written application containing the text of the law or portion of the law is submitted to the custodian of state records containing the names, addresses, and signatures of fifty registered electors as well as the name, address, and signature of the applicant. When the application is filed and certified with the custodian, the law in question is suspended. If it is later determined that the petition is not valid, the law would take effect immediately, if at least 10 business days have passed since the adjournment sine die of the legislative session in which the law was enacted, or on a later date provided in the law.
After certification of the application, the custodian of state records would prepare a petition containing a summary of the subject matter of the application that would be circulated by the sponsors. The sponsors would then have 90 days from the time the petition is released by the custodian to gather signatures that equal 7.5 percent of the total number of votes cast in the most recent gubernatorial election in order to place the referendum on the ballot at the next general election. If a majority of the votes cast in the referendum favor rejection of the law or portion of the law, the law or portion of the law would be repealed upon certification of the results of the referendum. If a majority of votes cast in the referendum oppose rejection of the law or a portion of the law, the law or portion of the law would become effective upon certification of the results of the referendum or on a later date provided in the law.

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