

STORAGE NAME: h0571a.jo.doc
DATE: April 11, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUDICIAL OVERSIGHT
ANALYSIS**

BILL #: HJR 571
RELATING TO: Economic Impact Statement for Constitutional Amendments
SPONSOR(S): Representative Johnson
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUDICIAL OVERSIGHT YEAS 11 NAYS 0
- (2) FISCAL POLICY AND RESOURCES
- (3) PROCEDURAL AND REDISTRICTING COUNCIL
- (4)
- (5)

I. SUMMARY:

HJR 571 amends article XI, section 5, Florida Constitution, to require that the Legislature provide by general law for "the provision of a statement to the public regarding the probable financial impact of any proposed revision" to the Florida Constitution prior to the election to determine whether the amendment should be adopted.

Since the joint resolution proposes a constitutional amendment, it must be approved by three-fifths of the membership of each chamber. Once approved by the Legislature, it must be approved at the next general election. If adopted by the voters of the State at the next general election, this amendment to the Florida Constitution would take effect on the first Tuesday after the first Monday in January, 2003.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Article XI of the Florida Constitution governs amendments to the Constitution. A proposed amendment to the Constitution is presented to the voters pursuant to one of the following:

- Joint resolution passed by 3/5 vote of each house of the Legislature;
- Initiative petition;
- Proposal by the Constitution Revision Commission;
- Proposal by the Taxation and Budget Reform Commission; or
- Proposal by a constitutional convention.

See Art. XI, ss. 1-4, 6, Fla. Const.

Pursuant to Art. XI, s. 5, Fla. Const., a proposed amendment is submitted to the voters at the next general election occurring ninety days after the amendments submission to the Secretary of State.

There is currently no requirement for an economic impact statement to be provided to the public prior to a vote on a proposed constitutional amendment. Therefore, constitutional amendments can be approved by the voters who do not know what it will cost to implement the amendment.

C. EFFECT OF PROPOSED CHANGES:

HJR 571 amends article XI, section 5, Florida Constitution, to require that the Legislature provide by general law for "the provision of a statement to the public regarding the probable financial impact of any proposed revision" to the Florida Constitution prior to the election to determine whether the amendment should be adopted. The joint resolution is silent on how the statement should be created and provided to the public. Such issues would have to be dealt with in legislation implementing the amendment.

D. SECTION-BY-SECTION ANALYSIS:

See Section II.C. Effect of Proposed Changes

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

Indeterminate. There may be costs incurred in creating the statement and informing the public of the statement. Such issues would have to be dealt with in the law implementing this joint resolution.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

A mandates analysis is unnecessary to an analysis of a proposed constitutional amendment.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

A mandates analysis is unnecessary to an analysis of a proposed constitutional amendment.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

A mandates analysis is unnecessary to an analysis of a proposed constitutional amendment.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

Art. XI, s. 1, Fla.Const., provides that a constitutional amendment may be proposed by joint resolution of the Legislature. Final passage in the House and Senate requires a three-fifths vote in each house, passage in a committee requires a simple majority vote. If the joint resolution is passed in this session, Art. XI, s. 5, Fla.Const., provides that that the proposed amendment would

be placed before the electorate at the 2002 general election. Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, must be published in one newspaper of general circulation in each county in which a newspaper is published. If the proposed amendment or revision is approved by vote of the electors, it will be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The joint resolution is silent on what form a statement regarding probable financial impact would take or how the probable fiscal impact should be determined. It is also silent on whether the Legislature itself should create the statement or whether the statement should be created by an entity designated by the Legislature. Since amendments to the constitution can be placed on the ballot after the Legislature completes its regular session, review of such amendments during regular session may not always be possible. The Legislature would have to deal with such issues by general law if the joint resolution passes and the amendment is adopted.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON JUDICIAL OVERSIGHT:

Prepared by:

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