

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SJR 940

SPONSOR: Committee on Ethics and Elections and Senator Smith

SUBJECT: Constitutional Amendments; Statutory Initiatives

DATE: February 7, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rubinas</u>	<u>Rubinas</u>	<u>EE</u>	<u>Favorable/CS</u>
2.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

Committee Substitute for Senate Joint Resolution 940 proposes an amendment to the State Constitution to permit citizens to propose legislation by filing a petition with the chief election officer of the state containing the proposed legislation. If the requisite number of signatures are secured, the amendment would require a majority vote of those electors voting on the proposal in order to be adopted. The amendment would further require an economic impact statement to appear on the ballot with the legislative proposal.

The joint resolution also amends Section 5 of Article XI of the State Constitution to increase the number of votes required to approve a constitutional amendment or revision to three-fifths of the electors voting and would require that the ballot statement of a proposed constitutional amendment or revision include a statement of the amendment's economic impact.

The joint resolution substantially amends Art XI, s.5, Fla. Const. and creates Art III, s. 20, Fla. Const. The joint resolution is effective upon approval of a majority of the voters.

II. Present Situation:

The State Constitution does not presently contain a provision to permit citizen initiative to propose legislation.

The Constitution in Article XI does provide opportunity for proposing changes to the Florida Constitution, either by joint resolution of the legislature, initiative petition or revision commission, constitutional convention, or taxation and budget reform commission. A simple majority vote is necessary to pass any such proposed constitutional change.

III. Effect of Proposed Changes:

Committee Substitute for Senate Joint Resolution 940 would create a new Section 20 to Article III of the State Constitution to provide an opportunity for citizens to propose, by initiative, legislation if the proponents obtain by petition the signatures, in each one half of the congressional districts of the state, and of the state as a whole, equal to eight per cent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen. It would further require an economic impact statement to appear on the ballot with each such initiative proposal. A majority vote of those electors voting is required for adoption of such initiative proposal. The joint resolution requires the proposed legislation to meet the constitutional requirements with respect to single subject and prohibition of amendment by reference. The legislature would be required, prior to July 1, 2003, to establish by general law procedures to be used in proposing and voting on legislation proposed by initiative.

The joint resolution also amends Section 5 of Article XI of the State Constitution by requiring proposed amendments or revisions to the constitution to be approved by three-fifths of the electors voting on the issue in order to be adopted. The joint resolution further adds a requirement that a brief statement of the amendment's economic impact must be made part of the ballot statement of a proposed amendment, the content of which shall be prescribed in general law by the Legislature.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending upon the length of the amendment: however, the cost per amendment is estimated to be approximately \$59,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
