

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HJR 49 Increase in Vote Required to Pass Constitutional Amendment or  
Revision Proposed by Initiative

**SPONSOR(S):** Green & others

**TIED BILLS:** **IDEN./SIM. BILLS:** HJR 13, HJR 213

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Constitutional Amendments (Select)</u>	_____	<u>Mitchell</u>	<u>Rubottom</u>
2) <u>Ethics &amp; Elections (Sub.)</u>	_____	_____	_____
3) <u>Committee on Procedures</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

### SUMMARY ANALYSIS

HJR 49 is a joint resolution that proposes an amendment to section 5, article XI, of the State Constitution. The amendment would increase the vote required to pass an amendment to or revision of the State Constitution proposed by citizen initiative. Other methods of amending the State Constitution would not be affected by the bill.

If enacted, the proposed amendment will appear on the November 2004 general election ballot for approval or rejection by the voters of Florida.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

**STORAGE NAME** h0049.ccas.doc  
**DATE** January 26, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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. EFFECT OF PROPOSED CHANGES:

The bill would increase the vote required to pass an amendment to or revision of the State Constitution proposed by citizen initiative from a majority of those electors voting on the issue in the election to *three-fifths* (60%) of those electors voting on the issue in the election.

The bill does not change any of the requirements for getting an initiative placed on the ballot for consideration by the voters.

If enacted by the Legislature, the following language will appear on the November 2004 general election ballot for consideration by the voters of Florida:

#### INCREASE IN VOTE REQUIRED TO PASS CONSTITUTIONAL AMENDMENT OR REVISION PROPOSED BY INITIATIVE

Proposes an amendment to Section 5 of Article XI of the State Constitution to increase the vote required to pass an amendment to or revision of the State Constitution proposed by initiative from the majority of those electors voting on the matter in the election to three-fifths of those electors voting on the matter in the election.

#### C. SECTION DIRECTORY:

None.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: There would be an insignificant cost to verify voter signatures and to prepare an initiative for the ballot. Article XI, s. 5, Fla. Const., requires that each proposed amendment to the State Constitution be published in a newspaper of general circulation in each county two

times prior to the general election. The Division of Elections estimated that the cost of compliance would be approximately \$58,767. <sup>1</sup>

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues: None.
2. Expenditures: None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.**

**D. FISCAL COMMENTS:**

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision: None.
2. Other: The ballot summary and title appear to be sufficiently clear and to provide notice of the amendment's effect. Because the proposed amendment will be made by joint resolution, the single subject requirements of Article XI, Section 3, of the State Constitution do not apply. However, the title cannot be misleading. *Smith v. American Airlines, Inc.*, 606 So.2d 618 (Fla. 1992).

**B. RULE-MAKING AUTHORITY: None.**

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

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<sup>1</sup> The exact cost will depend on the length of each advertisement, according to the Division of Elections.