

# 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.)

Prepared By: Ethics and Elections Committee

BILL: SJR 6

SPONSOR: Senator King and others

SUBJECT: Constitutional Amendments; Passage Requirement

DATE: March 11, 2005

REVISED: 03/15/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rubinas</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/3 amendments</u>
2.	<u></u>	<u></u>	<u>JU</u>	<u></u>
3.	<u></u>	<u></u>	<u>RC</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>

## Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

### I. Summary:

Senate Joint Resolution 6 increases the current affirmative passage requirement for proposed constitutional amendments or revisions, however proposed, (i.e., initiative, legislative joint resolution, Constitutional Revision Commission, Taxation and Budget Reform Commission, and constitutional convention) from a simple majority of those voting on the matter (50 percent plus one vote) to sixty percent (60%) of those voting on the matter.

The joint resolution, if passed by a 3/5ths vote of each chamber of the Legislature, will be voted on at the general election in November 2006.<sup>1</sup> If approved by a majority of those voting on the measure, the new passage rate will take effect on January 2, 2007; it will not impact the 2006 proposed amendments and revisions.

The joint resolution amends Section 5, Article XI, of the Florida Constitution.

<sup>1</sup> A single-subject amendment to the Constitution, however, can be submitted to the voters in a special election, provided each house of the Legislature so requires by a law enacted by an affirmative three-fourths vote. Art. XI, section 5(a), Fla. Const.

**II. Present Situation:**

The Constitution provides that a proposed amendment or revision must pass by a simple majority of electors voting on the measure (50 percent plus one vote).<sup>2</sup>

**III. Effect of Proposed Changes:**

Senate Joint Resolution 6 increases the requisite passage rate for proposed constitutional amendments or revisions, however proposed, (i.e., initiative, legislative joint resolution, Constitutional Revision Commission, Taxation and Budget Reform Commission, and constitutional convention) from a simple majority of those voting on the matter to sixty percent (60%) of those voting on the matter.

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

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

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 \$37,000.

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<sup>2</sup> The actual language in the Constitution provides that a proposed amendment or revision must be approved by “vote of the electors,” defined as “... the majority of those voting on the matter in the election, general or special ...”. Art. XI, s. 5(d); Art. X, s. 12(d), FLA CONST.

**VI. Technical Deficiencies:**

On page 1, line 1, the joint resolution number needs to be inserted.

**VII. Related Issues:**

The 60 percent passage requirement in this joint resolution passed the Senate last year in CS/SJR 2392 by a margin of 37-2. The bill ultimately died on the House calendar.

The joint resolution embodies a recommendation of the Senate Select Committee on Constitutional Amendment Reform (2004).

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

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## VIII. Summary of Amendments:

**Barcode 285876 by Ethics and Elections:**

The words “three-fifths” were replaced with the words “sixty percent” to conform with the House language. (WITH TITLE AMENDMENT)

**Barcode 594282 by Ethics and Elections:**

The words “three-fifths” were replaced with the words “sixty percent” in the ballot statement.

**Barcode 245022 by Ethics and Elections:**

Amendment inserted the number of the joint resolution.

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