

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: Judiciary Committee

BILL: CS/SJR 6

SPONSOR: Judiciary Committee and Senator King and others

SUBJECT: Amendment to Section 5 of Article XI of the State Constitution

DATE: March 31, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rubinas	Rubinas	EE	Fav/3 amendments
2.			RC	Withdrawn
3.	Cibula	Maclure	JU	Fav/CS
4.				
5.				
6.				

I. Summary:

The committee substitute 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 60 percent of those voting on the matter.

The committee substitute, if passed by a three-fifths vote of each chamber of the Legislature, will be voted on at the general election in November 2006.¹ If approved by a majority of those voting on the measure, the new passage rate will take effect on January 2, 2007. This committee substitute will not affect the 2006 proposed amendments and revisions.

The committee substitute amends Section 5, Article XI, of the Florida Constitution.

II. Present Situation:

The five methods by which proposed constitutional amendments may be presented to the voters for approval are through proposal by the Legislature, Constitutional Revision Commission, citizens' initiative, Constitutional Convention, and Taxation and Budget Reform Commission.² Generally, a proposed amendment or revision must pass by a simple majority of electors voting

¹ 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. SECTION 5(a), ART. XI, STATE CONST.

² SECTIONS 1-4 and 6, ART. XI, STATE CONST.

on the measure (50 percent plus one vote).³ An amendment that imposes a new tax or fee must be “approved by not fewer than two-thirds of the voters voting in the election.”⁴

III. **Effect of Proposed Changes:**

The committee substitute 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 60 percent of those voting on the matter.

The provisions of the committee substitute do not affect the existing threshold for passage of amendments that create a new state tax or fee. Under s. 7, Art. XI, State Const., amendments that impose a new state tax or fee must be approved by at least two-thirds of the voters voting in the election in which the amendment is considered.

The committee substitute, if passed by a three-fifths vote of each chamber of the Legislature, will be voted on at the general election in November 2006.⁵ 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 affect the 2006 proposed amendments and revisions.⁶

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.

³ 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.” SECTION 5(e), ART. XI, and s. 12(d), ART. X, STATE CONST.

⁴ SECTION 7, ART. XI, STATE CONST.

⁵ 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. SECTION 5(a), ART. XI, STATE CONST.

⁶ See s. 5(e), ART. XI, STATE CONST.

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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the Department of State, the following constitutional amendments adopted during the last two general elections would have failed under the provisions of the committee substitute:

- Slot Machines, s. 23, Art. X;
- Amendments to Miami-Dade County Home Rule Charter, s. 6, Art. VIII;
- Voluntary Universal Pre-Kindergarten Education, s. 1, Art. IX;
- Florida's Amendment to Reduce Class Size, s. 1, Art. IX; and
- Pregnant Pigs, s. 21, Art. X.

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

VIII. **Summary of Amendments:**

None.

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