

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SJR 1412

INTRODUCER: Ethics and Elections Committee, and Senator Brodeur

SUBJECT: Revisions or Amendments of the State Constitution by Citizen Initiative

DATE: February 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rey</u>	<u>Roberts</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Rey</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SJR 1412 is a joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution to limit revisions or amendments of the State Constitution by citizen initiative to matters relating to procedural subjects or to the structure of the government or of the State Constitution.

The SJR requires three-fifths vote of the membership of each house of the Legislature for passage.¹ Resolutions are not subject to the veto power of the Governor but are filed by the Legislature directly to the Secretary of State.

If approved by three-fifths of the membership of each house of the Legislature, the amendment will be placed on the 2022 general election ballot. If adopted by at least sixty percent of electors voting on the measure at the 2022 general election, the proposed amendment will take effect on January 10, 2023.²

¹ Fla. Const. art. XI, s. 1 (2021).

² Fla. Const. art. XI, s. 5(e) (2021).

II. Present Situation:

Amendments to the State Constitution can be proposed by five distinct methods: 1) joint legislative resolution 2) the Constitutional Revision Commission, 3) citizen's initiative,³ 4) a constitutional convention, or 5) the Taxation and Budget Reform Commission.⁴

The citizen's initiative provision is a self-executing constitutional amendment.⁵ However, the citizen's initiative has and can be refined by statute or administrative rule, provided it is necessary to ensure ballot integrity.⁶ The Division of Elections must pre-approve the petition format prior to a person's or group's circulation of the petition for signatures.⁷ The signatures are submitted to the respective county supervisor of elections, who verifies the validity and registered-electoral status of each signatory.⁸ Each supervisor then certifies the number of valid signatures to the Secretary of State, no later than the February 1 of the year in which the general election is held.⁹

The Division of Elections then compiles and certifies the total number of verified signatures to determine whether the requisite number of signatures has been obtained.¹⁰ If the requisite number of signatures is obtained, the Secretary of State issues a certificate of the ballot position for the proposed amendment and assign, a designating number pursuant to s. 101.161, F.S.¹¹

When the initiative petition meets the criteria pursuant to s. 15.21, F.S., the Secretary of State shall immediately submit it to the Attorney General.¹² The Attorney General, within thirty days of receiving the initiative petition from the Secretary of State, shall petition the Supreme Court, requesting an advisory opinion regarding the compliance of the text in the petition with Section 3 of Article XI of the State Constitution, the petition's validity under the United States Constitution, and the compliance of the proposed ballot title with s. 101.161, F.S.¹³

There is no restriction on the content permitted in amendments or revisions proposed by initiative.

³ Fla. Const. art. XI, s. 3 (2021), provides for citizen initiative to propose amendment or revisions to the Constitution, specifically providing that "[A]ny such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith."

⁴ Fla. Const. art. XI (2021).

⁵ *Browning v. Florida Hometown Democracy, Inc., PAC*, 29 So.3d 1053 (Fla. 2010).

⁶ See *State ex rel. Citizens Proposition for Tax Relief v. Firestone*, 386 So.2d 561 (Fla. 1980); *Smith v. Coalition to reduce Class Size*, 827 So.2d 959 (Fla. 2002).

⁷ Section 100.371, F.S. (2021).

⁸ *Id.*

⁹ Section 100.371(11), F.S. (2021).

¹⁰ Section 100.371 (12), F.S. (2021).

¹¹ *Id.*

¹² Section 15.21, F.S. (2021); The Secretary of State shall immediately submit an initiative petition to the Attorney General if the sponsor has: 1) Registered as political action committee pursuant to s. 106.03, F.S.; 2) Submitted ballot title, substance, and text of the proposed revision or amendment to the Secretary of State pursuant to ss. 100.371, 101.161, F.S.; and 3) Obtained a letter from the Division of Elections confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 25 percent of the number of electors statewide required by s. 3, Art. XI of the State Constitution in one-half of the congressional districts of the state.

¹³ Section 16.061, F.S. (2021).

III. Effect of Proposed Changes:

The SJR proposes limiting the scope of citizen initiatives to include only those proposed amendments or revisions that relate to procedural subjects or to the structure of the government or the State Constitution.

The SJR also provides a ballot statement consisting of a 14-word title and a 36-word summary. The summary reflects the substance of the proposed amendment word for word.

If approved by at least three-fifths of each legislative chamber and by at least sixty percent of the electors voting on the question, the amendment will take effect on the first Tuesday after the first Monday in January following the general election.¹⁴

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:**C. Government Sector Impact:**

Article XI, Section 5(d) of the State Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each

¹⁴ Fla. Const. art. XI, s. 5(e) (2021).

county where a newspaper is published. The amendment must be published once in the tenth week and again in the sixth week immediately preceding the week the election is held. The Division of Elections within the Department of State is also required to provide each supervisor of elections with either booklets or posters displaying the full text of each proposed amendment.¹⁵ The cost to advertise the amendment and procure booklets would be paid from non-recurring General Revenue funds. The Division has not completed an agency analysis for this bill or for the identical House bill at this time. The fiscal impact of this requirement is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends Article XI, s. 3 of the State Constitution.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Ethics and Elections on February 8, 2022:

- Revises the title of the amendment as it would appear on the ballot.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁵ Section 101.171, F.S. (2021).