

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SJR 1430

SPONSOR: Committee on Ethics and Elections and Senator King

SUBJECT: Constitutional amendments

DATE: March 7, 2000 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------|-----------------|-----------|---------------------|
| 1. | <u>Fox</u> | <u>Bradshaw</u> | <u>EE</u> | <u>Favorable/CS</u> |
| 2. | _____ | _____ | <u>RC</u> | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

Committee Substitute for Senate Joint Resolution 1430 (“committee substitute”) proposes changes to the manner in which a constitutional amendment may be approved by the voters. Currently, an amendment submitted to the voters must be approved by a majority vote of *those voting on the amendment*. The committee substitute requires a vote of the *majority of persons voting in the election*, which includes all persons casting a ballot even if they do not specify a preference on the particular amendment.

This committee substitute proposes amendments to Article XI, ss. 5 and 7, Fla. Const.

II. Present Situation:

Most constitutional amendments submitted to the voters must be approved by a majority of the electors *voting on the specific amendment*. Art X., s. 12(d), Fla. Const.; Art. XI, s. 5(c), Fla. Const. Constitutional amendments which impose a new State tax or fee, however, must be approved by two-thirds of the electors *voting in the election in which the proposed amendment is considered*. Art. XI, s. 7, Fla. Const.

III. Effect of Proposed Changes:

The committee substitute provides that future amendments to the State Constitution must be approved by a *majority of those voting in the election* in which the amendment is considered, except that amendments which impose a new state tax or fee will continue to require a two-thirds vote of such electors for ratification.

In the 1990's, 34 out of 38 proposed constitutional amendments have passed. Had the language in the committee substitute been in effect, five of the amendments which passed would have failed:

- Historic Property Tax Exemption and Assessment (1998)

- Local Option for Selection of Judges and Funding of State Courts (1998)
- Cabinet Reorganization (1998)
- Miscellaneous/Technical Revisions (1998)
- Homestead Valuation Limitation (1992)

Since electors sometimes skip races or choose not to cast a vote on a particular amendment, the practical effect of this committee substitute is to require a greater number of “Yes” votes than is currently needed to effect an amendment to the Constitution.

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 on the length of the amendment; however, it is estimated that the cost per amendment averages about \$46,000.

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.
