

# 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.)

BILL: CS/SB 1172

SPONSOR: Committee on Ethics and Elections and Senator Cowin

SUBJECT: Constitution/Amendment Ratification

DATE: April 2, 2003                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Rubinas	EE	Fav/CS
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Committee Substitute for Senate Joint Resolution 1172 amends the requirements for the passage of amendments to the Florida Constitution.

Passage under the committee substitute requires a favorable majority vote of all electors voting *on the measure*; and, such vote must constitute a majority of the total votes cast at the election.

This joint resolution substantially amends Article XI, section 5 of the Florida Constitution.

**II. Present Situation:**

The Florida Constitution provides that passage of an amendment to the Florida Constitution requires a majority vote of all the electors casting ballots *on the measure*. Art. XI, s. 5(d); *see also*, Art. X, s. 12(d).

**III. Effect of Proposed Changes:**

The committee substitute adds a requirement for passage of amendments to the Florida Constitution. In addition to a favorable majority vote of all the electors voting *on the measure*, such vote must constitute a *majority of votes cast at the election*.

Had the new passage requirement in the committee substitute been in place, 5 of the 7 amendments that passed by the narrowest margins over the past decade would have failed of adoption --- including Class Size (2002) and High Speed Rail (2000):

AMENDMENT	VOTE ON THE AMENDMENT	VOTE AS % OF TOTAL VOTERS	RESULT
Class Size (2002)	52.4%	49.6%	FAIL
Pregnant Pigs (2002)	54.8%	50.7%	PASS
High Speed Rail (2000)	52.7%	47.2%	FAIL
Cabinet Reorganization (1998)	55.5%	47.9%	FAIL
Historic Property Tax Exemption (1998)	54.5%	48.4%	FAIL
Miscellaneous (Technical Revisions) (1998)	55.0%	45.9%	FAIL
Everglades Trust Fund (1996)	57.3%	51.9%	PASS

**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 \$35,000.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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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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