

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1877 (PCB PC-03-11) Adoption/Repeal of Constitutional Amendments
SPONSOR(S): Procedures and Hogan
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) No referrals yet			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

The proposed committee bill (PCB) creates a joint resolution that changes the signature gathering requirements for citizen initiatives and approval requirements for all proposed amendments. It requires signatures for initiative petitions to amend the State Constitution to be gathered from three-fifths, rather than one-half, of the state's congressional districts, and of the state as a whole, equal to 10%, rather than 8%, of the votes cast in the last Presidential election. Repeals of any citizen initiatives are subject to the same requirements that were imposed on voter approval of that amendment.

In addition, to adopt any amendment to the State Constitution, the PCB requires a two-thirds vote, rather than a simple majority, of the electors voting in the election.

If adopted, the proposed amendment would appear on the November 2, 2004 ballot.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1877.pr.doc
DATE: April 17, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Article XI, Florida Constitution, governs amendments to the Constitution. A proposed amendment is presented to the voters pursuant to one of the following methods¹:

- Joint resolution passed by 3/5 vote of each house of the Legislature;
- Initiative petition;
- Proposal by the Constitution Revision Commission;
- Proposal by the Taxation and Budget Reform Commission; or
- Proposal by a constitutional convention.

Prior to the 1968 revision of the Florida Constitution, amendments could be proposed only by constitutional convention or through resolutions adopted by the Legislature. Florida adopted the citizen initiative process in 1968.² The first initiative appeared on Florida’s ballot in 1976 and was adopted by the voters.³ From 1976-1998, there have been 94 proposed constitutional amendments on the ballot, 15 of which were proposed by initiative.⁴ Ten of the 15 initiative amendments were approved by Florida’s electors.⁵ During the past six years, there has been an increase in citizen initiatives. In 1996, 37 initiatives were circulated, three of which made the ballot, and in 1998, 27 initiatives were circulated, none of which made the ballot.⁶

Article XI, section 5(c), Florida Constitution, provides:

If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

¹ Art. XI, s. 1, Fla. Const. (legislature); Art. XI, s. 2, Fla. Const. (Revision Commission); Art. XI, s. 3, Fla. Const. (citizen initiative); Art. XI, s. 4, Fla. Const. (constitutional convention); Art. XI, s. 6, Fla. Const. (Taxation and Budget Reform Commission).

² Art. XI, s. 3, Fla. Const.

³ Amendment #1; Art. II, s. 8, Fla. Const. (The so-called “Sunshine Amendment.” Votes For - 1,765,626; Votes Against – 461,940).

⁴ According to statistics provided by the Department of State, Division of Elections.

⁵ Id.

⁶ Id.; While there were no citizen initiatives on the ballot in 1998, there were four amendments proposed by legislative resolution and nine amendments proposed by the Constitutional Revision Convention.

The constitution does not require an amendment or revision to receive any more than a majority of the votes of electors voting on the issue to become effective.

The proposed committee bill (PCB) creates a joint resolution that changes the signature gathering requirements for citizen initiatives. It requires signatures for initiative petitions to amend the State Constitution to be gathered from three-fifths, rather than one-half, of the state's congressional districts, and of the state as a whole, equal to 10%, rather than 8%, of the votes cast in the last Presidential election. A repeal of any citizen initiative is subject to the same requirements that were imposed on the prior voter approval of that amendment. For example, if a citizen initiative was adopted by a *majority* of voters casting ballots in a particular election, it could also be repealed by a *majority* of voters.

In addition, to adopt any amendment to the State Constitution, regardless of its source under section 5(a), Article XI, Florida Constitution, the PCB requires a two-thirds vote, rather than a simple majority, of the electors voting in the election.

If adopted, the joint resolution would appear on the November 2, 2004 ballot. If approved by the voters, the amendments would take effect on the first Tuesday after the first Monday in January 2005.

C. SECTION DIRECTORY:

Not prepared.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. Expenditures: There would be an insignificant cost to verify voter signatures and to prepare an amendment for the ballot. Article XI, s. 5, Florida Constitution, requires that each proposed amendment to the Constitution be published in a newspaper of general circulation in each county two times prior to the general election. The Division of Elections estimates that the cost of compliance would be approximately \$58,767.⁷

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

⁷ The exact cost depends on the length of each advertisement, according to the Division of Elections.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES