

# 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: SB 2400

SPONSOR: Senators Atwater and Smith

SUBJECT: Constitutional Amendments and Revisions; Timing of Initiative Petition Filings/Judicial Review; Special Election

DATE: March 9, 2004

REVISED: 03/12/04

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Rubinas	EE	Fav/1 amendment
2.	Matthews	Lang	JU	Favorable
3.			RC	
4.				
5.				
6.				

## I. Summary:

Senate Bill 2400 authorizes a special election to be held concurrently with the August 31, 2004 primary election, for the purpose of submitting Senate Joint Resolution 2394 to the voters. That joint resolution:

- Moves the deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1 of each general election year, in order for the initiative to be placed on the ballot at the November general election; and
- Establishes a date certain by which the Florida Supreme Court must render its written opinion on an initiative petition's validity --- April 1 of each general election year. Currently, the Court is required to render its decision "expeditiously."

The bill takes effect upon becoming law, but must pass by a three-fourths (3/4ths) vote of each house of the Florida Legislature.

This bill creates unnumbered sections of the Florida Statutes.

## II. Present Situation:

Most proposed constitutional amendments or revisions are submitted to the voters at a general election held more than 90 days after the amendment or revision is filed with the Secretary of

State.<sup>1</sup> The Constitution authorizes the Legislature, however, to mandate an earlier special election to submit an amendment or revision to the electors for their consideration, provided:

- The law is adopted by a three-fourths (3/4ths) affirmative vote of each house;
- The proposed amendment or revision is limited to a single amendment or revision; and,
- The date set for the earlier special election is more than 90 days after the proposed amendment or revision is filed with the Secretary of State.<sup>2</sup>

Staff is aware of at least one other precedential occasion where the Legislature authorized a special election on a joint resolution to coincide with another scheduled election. In 1975, the Legislature authorized Senate Joint Resolution 1061 to be placed before the voters in conjunction with the Presidential Preference Primary of March 1976.<sup>3</sup> That measure sought to establish a limit on local taxes to be used for water management purposes. It passed.

### III. Effect of Proposed Changes:

Senate Bill 2400 authorizes a special election to be held concurrently with the August 31, 2004 primary election, for the purpose of submitting Senate Joint Resolution 2394 to the voters. That joint resolution:

- Moves the deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1 of each general election year, in order for the initiative to be placed on the ballot at the November general election; and
- Establishes a date certain by which the Florida Supreme Court must render its written opinion on an initiative petition's validity --- April 1 of each general election year. Currently, the Court is required to render its decision "expeditiously."

If adopted by the electors at the August 31 special election, the new petition filing deadline (February 1) and judicial review deadline (April 1) will take effect on January 4, 2005; *the new deadlines will not impact any measure appearing on the 2004 general election ballot.*<sup>4</sup>

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>1</sup> Art. XI, s. 5(a), FLA. CONST. Filing deadline means when the constitutionally-prescribed number of geographically-diverse, certified signatures supporting placing the measure on the ballot have been received by the Secretary of State --- in order for the measure to be placed on the general election ballot.

<sup>2</sup> *Id.*

<sup>3</sup> Ch. 75-245, at 702, Laws of Fla.

<sup>4</sup> The default effective date of an approved constitution amendment is the first Tuesday after the first Monday in January following the election, or on such other date may be specified in the amendment or revision. *See* s.5(d), Art. XI, *Fla. Const.*

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

The Constitution provides that a legislatively-authorized special election on a proposed constitutional amendment or revision must occur at least 90 days after the amendment or revision is filed with the Secretary of State. Art. XI, s. 5 (a). Thus, in order to have the special election on August 31, 2004 to coincide with the primary election, Senate Joint Resolution 2394 must be filed with the Secretary of State *no later than June 1, 2004*.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

There may be some additional printing expenses associated with a longer ballot. But, because the special election authorized in the bill is to be run concurrently with the 2004 primary election, the fiscal impact is likely to be minimal. (In the unlikely event that a county does not have to conduct a primary election [no contested legislative primaries and no local elections tied to the primary date], however, the additional localized expense of conducting the special election could be substantial.)

**VI. Technical Deficiencies:**

None. See Amendment #1 traveling with the bill.

**VII. Related Issues:**

This bill is linked to Senate Joint Resolution 2394.

**VIII. Amendments:**

#1 by Ethics and Elections:  
Technical; inserts missing SJR number.