

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 2250

SPONSOR: Committee on Ethics and Elections and Senator Smith

SUBJECT: Constitutional Amendments/Initiative

DATE: March 7, 2002 REVISED: _____

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

I. Summary:

Committee Substitute for Senate Bill 2250 amends provisions of the Florida Election Code relating to constitutional amendments by citizen initiative.

Specifically, the bill:

- Reduces the time from 4 years to 24 months following the date that a signature is made that a petition signature is valid.
- Requires each page of a petition to contain a statement that it is a misdemeanor of the first degree to sign another person's name or a fictitious name to the petition and urging potential signatories not to sign the petition unless they have read and understand the proposed initiatives.
- Requires the sponsors of an amendment to submit the text of the amendment to the Revenue Estimating Conference. The review provides a determination of the estimated fiscal impact on state and local revenues and expenditures. A fiscal impact statement must be drafted and attached to the text of the amendment when it is circulated for signatures.
- Requires the sponsor of an initiative to submit, within 60 days after the date of signing or no later than 5 p.m. on the 180th day before the general election at which the proposed initiative is to be voted, whichever occurs earlier, signed and dated petition forms to the appropriate supervisor of elections for verification.

The bill is effective July 1, 2002.

This bill substantially amends the following sections of the Florida Statutes: 100.371.

II. Present Situation:

Article XI of the Florida Constitution governs amendments to the Constitution. A proposed amendment is presented to the voters pursuant to one of the following methods:¹

- 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 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

The procedure for placing an amendment on the ballot by citizen initiative is provided in s. 100.371, F.S. To obtain ballot position:

- The sponsor of an amendment must register as a political committee pursuant to s. 106.03, F.S., and submit the text of the amendment with the form on which signatures will be obtained; the form must be approved by the Secretary before signatures are obtained;
- The Secretary of State must determine the total number of valid signatures and the distribution from congressional districts;⁷ signatures are valid for four years from the date when made; and,
- The certification of ballot position must be completed at least 90 days before the next general election.

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.

⁷ Art. XI, s. 3, requires that signatures be obtained in at least 1/8 of the state's congressional districts, and of the state as a whole, equal to eight percent of the voters casting ballots in the last Presidential election.

In 2000, 435,329 signatures were required for ballot certification. In 2002, 488,722 signatures will be required. As of March 4, 2002, there are 32 initiatives in circulation and one initiative awaiting certification.

There is currently no requirement for placement of a statement on each page of the petition form indicating it is a misdemeanor of the first degree to sign another person's name or a fictitious name to the petition and urging potential signatories not to sign the petition unless they have read and understand the proposed initiative.

There is currently no requirement in s. 100.371, F.S. that an economic impact statement be provided to the public prior to a vote on a proposed constitutional amendment. Therefore, constitutional amendments may be submitted to the electorate without information on the cost of implementing the amendment.

In the 2001 Legislative session, however, HJR 571 was adopted, which will be placed on the ballot at the 2002 General Election. If approved, Art. XI, s. 5 of the Florida Constitution will be amended to provide:

The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to Section 3.

Pursuant to Art. XI, s. 5, Fla. Const., a proposed amendment shall be submitted to the voters at the next general election occurring ninety days after the amendment's submission to the Secretary of State.

There is currently no requirement in s. 100.371, F.S., for sponsors of proposed initiatives to submit signed and dated petition forms to the appropriate supervisor of elections within 60 days of signing or no later than 5 p.m. on the 180th day before the general election at which the proposed initiative is to be voted, whichever occurs earlier.

III. Effect of Proposed Changes:

Validity of Signatures: The bill amends section 100.371(2), F.S., reducing the viability of petition signatures for purposes of ballot certification from 4 years to 2 years.

Statement on Petition Form: The bill requires each page of a petition to contain a statement that it is a misdemeanor of the first degree to sign another person's name or a fictitious name to the petition and urging potential signatories not to sign the petition unless they have read and understand the proposed initiatives.

Timing for Submission of Signed Petition Forms to Supervisor of Elections: The bill requires the sponsor of an initiative to submit, within 60 days after the date of signing or no later than 5 p.m. on the 180th day before the general election at which the proposed initiative is to be voted, whichever occurs earlier, signed and dated petition forms to the appropriate supervisor of elections for verification.

Fiscal Impact Statement: The bill amends section 100.371(4), F.S., requiring the sponsor of an amendment to submit the text of the amendment to the Revenue Estimating Conference Office for review. The review shall include a determination of the estimated fiscal impact on state and local revenues and expenditures. The drafted fiscal impact statement shall be attached to the text of the amendment when it is circulated for signatures.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

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.
