

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: SJR 2396
SPONSOR: Senators Atwater and Smith
SUBJECT: Constitutional Amendments and Revisions; Initiatives Petition Subjects; Judicial Review
DATE: March 9, 2004 REVISED: 03/11/04 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Joint Resolution 2396 limits the scope of constitutional amendments and revisions that can be placed on the ballot by citizen initiative to include only those proposed measures that:

- Alter, amend, or repeal an existing article or amendment to the Constitution;
- Address a fundamental right of a citizen of Florida; or,
- Seek to create, implement, or otherwise change a basic structure of state government,

as determined by the Florida Supreme Court.

The joint resolution embodies a recommendation of the Senate Select Committee on Constitutional Amendment Reform.

This joint resolution substantially amends Article XI, Section 3 of the Florida Constitution.

II. Present Situation:

The Florida Supreme Court currently reviews initiatives to determine (1) whether the petition satisfies the single-subject requirement of Florida Constitution; and (2) whether the ballot title and summary are printed in clear and unambiguous language as required by statute.¹ There is no limitation or judicial review as to the *subject matter* of a proposed amendment or revision by citizen initiative.

¹ [Advisory Opinion to the Atty. Gen. re: Voluntary Universal Pre-Kindergarten Educ., 824 So.2d 161 \(2002\).](#)

III. Effect of Proposed Changes:

Senate Joint Resolution 2396 limits the scope of citizen initiatives to include only those proposed amendments or revisions that:

- Alter, amend, or repeal an existing article or amendment to the Constitution;
- Address a fundamental right of a citizen of Florida; or,
- Seek to create, implement, or otherwise change a basic structure of state government.

The Florida Supreme Court decides whether a proposed citizen initiative meets one of these criterion in conjunction with its' *single subject* determination.

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:

On page 1, line 1, the resolution number needs to be inserted.

VII. Related Issues:

This joint resolution is linked to SB 2402, authorizing that the measure be submitted to the voters for approval or rejection at a special election to be held in conjunction with the August 31, 2004 primary election.

VIII. Amendments:

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

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
