

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 2398

SPONSOR: Senators Atwater and Smith

SUBJECT: Constitutional Amendments and Revisions; Passage Requirements; Special Election

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>Lang</u>	<u>Lang</u>	<u>JU</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 2398 authorizes a special election to be held concurrently with the August 31, 2004 primary election for the purpose of submitting SJR 2392 to the voters.

Senate Joint Resolution 2392 increases the current affirmative vote requirement for approval of a proposed constitutional amendment or revision, however proposed, from a simple majority of those voting on the amendment to a 3/5, or 60 percent, affirmative vote. Senate Joint Resolution 2392 also adds a new section to the Schedule in the state constitution to provide that the change to a supermajority vote requirement shall take effect upon approval by the electors and shall apply only to an amendment filed after June 1, 2004.

Senate Bill 2398 must be enacted by a 3/4 vote of each house of the Legislature.¹

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

This bill creates unnumbered sections of the Florida Statutes.

II. Present Situation:

Submission to Electors

A proposed amendment to the Constitution may be submitted to the electors at two different times. The default provision is that a proposed amendment is submitted to the electors at the next general election more than 90 days after the proposed amendment is filed.² However, the

¹ Art. XI, s. 5(a), Fla. Const.

² *Id.*

Legislature can move up the date of submission to the electors of a single amendment by enacting a law providing for submission at an earlier special election more than 90 days after the proposed amendment is filed.

At least once in the past, the Legislature has authorized the vote on a joint resolution to amend the constitution to coincide with another scheduled election other than the general election. In 1975 the Legislature authorized SJR 1061 to be placed before the voters in conjunction with the Presidential Preference Primary of March, 1976.³ That measure sought to establish a limit on local taxes to be used for water management purposes and was adopted by the people.

III. Effect of Proposed Changes:

Senate Bill 2398 authorizes a special election to be held concurrently with the August 31, 2004 primary election for the purpose of submitting SJR 2392 to the voters.

Senate Bill 2398 must be enacted by a 3/4 vote of each house of the Legislature.⁴

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:

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.⁵ Thus, in order to have the special election on August 31, 2004 to coincide with the primary election, SJR 2392 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.

³ Ch. 75-245, Laws of Fla. at 702.

⁴ Art. XI, s. 5(a), Fla. Const.

⁵ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be some additional printing expenses associated with a longer ballot. However, because the special election authorized in the bill is to be run concurrently with the 2004 primary election, the fiscal impact likely will be minimal. In the event that a county does not have to conduct a primary election because the county has no contested legislative primaries and no local elections tied to the primary date, 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 2392.

VIII. Amendments:

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