

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.)

Prepared By: Ethics and Elections Committee

BILL: CS/SB 2022

SPONSOR: Ethics and Elections Committee and Senator Posey

SUBJECT: Elections

DATE: April 5, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rubinas	Rubinas	EE	Fav/CS
2.	_____	_____	JU	_____
3.	_____	_____	TA	_____
4.	_____	_____	WM	_____
5.	_____	_____	RC	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 2022 requires the Attorney General to petition the Supreme Court for an advisory opinion on the legality of an initiative petition's financial impact statement. The bill also implements Amendment 2, passed in 2004, requiring initiative petitions to be filed with Secretary of State by February 1 of the year of a general election.

The bill takes affect upon becoming a law.

The bill amends ss. 16.061 and 100.371, Florida Statutes.

II. Present Situation:

Prior to the passage of Amendment 2 in 2004, initiative petitions were required to be filed with the Secretary of State no sooner than 91 days before a general election.¹ The Secretary of State was then required to submit the petition to the Attorney General, who is required to request, within 30 days, an advisory opinion from the Supreme Court on the compliance of the text of the proposed amendment or revision with general law.²

In 2004, 68.4% of Florida voters approved Amendment 2, which requires that initiative petitions must be filed with the Secretary of State by February 1 of the year of a general election, and requires the Florida Supreme Court to render an advisory opinion addressing the validity of the initiative petition by April 1 of that year.³

¹ Section 100.371(1), F.S.

² Section 16.061, F.S.

³ Florida Division of Elections.

III. Effect of Proposed Changes:**Section 1. Initiative petitions. [amending s. 16.061, F.S.]**

Requires the Attorney General to petition the Supreme Court for an advisory opinion regarding the compliance of an initiative petition's financial impact statement or revised financial impact statement with the law regarding the Financial Impact Estimating Conference. The Attorney General must request this opinion within 30 days after receipt of the statement from the Conference.

Section 2. Initiatives; procedure for placement on ballot. [amending s. 100.371, F.S.]

Provides that an initiative petition must be filed with the Secretary of State by February 1 of the year in which the general election is to be held if the amendment proposed by initiative is to be placed on the ballot for the general election. This section also deletes language in conflict with the constitutional amendment that requires initiative petitions to be filed with the Secretary of State by February 1 of the year of the general election.

Section 3.

The bill is effective upon becoming a law.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

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