

**The Florida Senate**  
**PROFESSIONAL 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: Finance and Tax Committee

BILL: SB 6-B

INTRODUCER: Senator Constantine

SUBJECT: Special Elections

DATE: June 11, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill provides that, pursuant to Section 5 of Article XI of the State Constitution, a special election will be held on January 29, 2008, concurrently with Florida’s presidential preference primary. At the special election, the electors of this state will vote on an amendment to the State Constitution, proposed by joint resolution, relating to tangible personal property tax exemptions, assessment of rent-restricted affordable housing and commercial and public-access waterfront property, increased homestead exemptions with grandfather provisions for homesteads better off under the current Save Our Homes provision, and limiting local government authority to increase ad valorem taxes.

The bill creates unnumbered sections of Florida law.

**II. Present Situation:**

Section 5(a) of Article XI of the State Constitution provides:

*“A proposed amendment to or revision of the State Constitution, must be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.” (emphasis added)*

Section 5(d) of Article XI of the State Constitution requires that the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, be published in one newspaper of general circulation in each county in which a newspaper is published once in the tenth week and once in the sixth week immediately preceding the week in which the election is held.

Section 3 of chapter 2007-30, Laws of Florida, moved Florida's presidential preference primary from the second Tuesday in March to the last Tuesday in January of a presidential election year. Florida's next presidential preference primary will be held on January 29, 2008.

### **III. Effect of Proposed Changes:**

Section 1 of the SJR provides that, pursuant to Section 5 of Article XI of the State Constitution, there shall be a special election on January 29, 2008, to be held concurrently with any statewide election held on that date, if any, at which there shall be submitted to the electors of this state for approval or rejection the amendments to the State Constitution proposed in House Joint Resolution 3-B or Senate Joint Resolution 4-B, 2007-B Special Session, whichever is adopted by both houses of the Legislature. The special election will be held concurrently with Florida's presidential preference primary. The subject matter of the joint resolution relates to tangible personal property tax exemptions, assessment of rent-restricted affordable housing and commercial and public-access waterfront property, increased homestead exemptions with grandfather provisions for homesteads better off under the current Save Our Homes provision, and limiting local government authority to increase ad valorem taxes.

Section 2 of the SJR requires that publication of notice shall be in accordance with Section 5 of Article XI of the State Constitution and shall be held as other elections are held.

Section 3 of the SJR appropriates \$60,000 in nonrecurring funds from the General Revenue Fund to the Department of State for fiscal year 2007-2008 for the purpose of advertising the constitutional amendments being submitted to the electors of Florida at the special election called by this act.

Section 4 of the SJR takes effect upon becoming a law if passed by a vote of at least three-fourths of the membership of each house of the Legislature and if HJR 3-B or SJR 4-B, 2007-B Special Session, is adopted by both houses of the Legislature.

### **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:

The SJR appropriates the sum of \$60,000 in nonrecurring funds from the General Revenue Fund to the Department of State for fiscal year 2007-2008 for the purpose of paying for the costs associated with advertising the constitutional amendment, as required by s. 5(d) of Article XI of the State Constitution.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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