

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Finance and Tax Committee

BILL: SB 6-D

INTRODUCER: Senator Constantine

SUBJECT: Special Elections

DATE: October 15, 2007 REVISED: 10/16/2007

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fournier</u>	<u>Johansen</u>	<u>FT</u>	<u>Fav/1 amendment</u>
2.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

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, portability of the Save Our Homes assessment differential, assessment of rent-restricted affordable housing and commercial and public-access waterfront property, an increased homestead exemption, an additional homestead exemption for first-time homestead property owners, a complete homestead exemption for low-income seniors, a limitation on local government authority to increase ad valorem taxes, and a requirement to have an elected property appraiser in each county.

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 this [State] Constitution... shall 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 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 Senate Joint Resolution 2-D or House Joint Resolution 7001-D, 2007D 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, portability of the Save Our Homes assessment differential, assessment of rent-restricted affordable housing and commercial and public-access waterfront property, an increased homestead exemption, an additional homestead exemption for first-time homestead property owners, a complete homestead exemption for low-income seniors, a limitation on local government authority to increase ad valorem taxes, and a requirement to have an elected property appraiser in each county.

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

Section 3 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 provides the bill 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 Senate Joint Resolution 2-D or House Joint Resolution 7001-D, 2007D 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. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill 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 amendments, as required by Section 5(d) of Article XI of the State Constitution.

The Department of State has indicated that the sum of \$60,000 is sufficient to advertise a constitutional amendment with a ballot summary of 75 words. However, if the ballot summary exceeds 75 words, the department will incur an increased, proportional cost based on the number of words in the summary.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

Barcode 654816 by Finance and Tax on October 16, 2007:

This amendment provides an appropriation of \$560,000 in nonrecurring funds for a advertising costs associated with the constitutional amendment.