

Bill No. HB 65-E

Amendment No. Barcode 225618

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

·
·
·
·
·

The Committee on Ethics and Elections recommended the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:
Section 1. Section 15.21, Florida Statutes, is amended to read:

15.21 Initiative petitions; s. 3, Art. XI, State Constitution.--The Secretary of State shall immediately submit an initiative petition to the Attorney General and to the Revenue Estimating Conference if the sponsor has:

- (1) Registered as a political committee pursuant to s. 106.03;
- (2) Submitted the ballot title, substance, and text of the proposed revision or amendment to the Secretary of State pursuant to ss. 100.371 and 101.161; and
- (3) Obtained a letter from the Division of Elections confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have

Bill No. HB 65-E

Amendment No. ____ Barcode 225618

1 verified, forms signed and dated equal to 10 percent of the
2 number of electors statewide and in at least one-fourth of the
3 congressional districts required by s. 3, Art. XI of the State
4 Constitution.

5 Section 2. Effective July 1, 2003, section 16.061,
6 Florida Statutes, is amended to read:

7 16.061 Initiative petitions.--

8 (1) The Attorney General shall, within 30 days after
9 receipt of a proposed revision or amendment to the State
10 Constitution by initiative petition from the Secretary of
11 State, petition the Supreme Court, requesting an advisory
12 opinion regarding the compliance of the text of the proposed
13 amendment or revision with s. 3, Art. XI of the State
14 Constitution and the compliance of the proposed ballot title
15 and substance with s. 101.161 and the compliance of the
16 fiscal-impact statement with ss. 100.371, 100.381, and
17 101.161. The petition may enumerate any specific factual
18 issues which the Attorney General believes would require a
19 judicial determination.

20 (2) A copy of the petition shall be provided to the
21 Secretary of State and the principal officer of the sponsor.

22 (3) Any fiscal-impact statement that the court finds
23 not to be in accordance with s. 100.371, s. 100.381, or s.
24 101.161 shall be remanded solely to the Revenue Estimating
25 Conference for redrafting.

26 Section 3. Present subsection (6) of section 100.371,
27 Florida Statutes, is redesignated as subsection (7) and
28 amended, and a new subsection (6) is added to that section, to
29 read:

30 100.371 Initiatives; procedure for placement on
31 ballot.--

Bill No. HB 65-E

Amendment No. Barcode 225618

1 (6)(a) Within 45 days after receipt of a proposed
2 revision or amendment to the State Constitution by initiative
3 petition from the Secretary of State or, for any initiative
4 approved by the Florida Supreme Court for the general election
5 ballot for 2002, within 45 days after the effective date of
6 this subsection, whichever occurs later, the Revenue
7 Estimating Conference shall complete an analysis and summary
8 analysis of the estimated increase or decrease in any revenues
9 or costs to state or local governments resulting from the
10 proposed initiative. The Revenue Estimating Conference shall
11 provide an opportunity for any proponents or opponents of the
12 initiative to submit information and may solicit information
13 or analysis from any other entities or agencies, including the
14 Office of Economic and Demographic Research.

15 (b)1. Members of the Revenue Estimating Conference
16 shall reach a consensus or majority concurrence on a clear,
17 unambiguous, accurate, and impartial fiscal-impact statement,
18 no more than 50 words in length, containing such language that
19 the statement shall be neither an argument, nor be likely to
20 create prejudice, for or against the proposed measure. Nothing
21 in this subsection prohibits the Revenue Estimating Conference
22 from setting forth a range of potential impacts in the
23 fiscal-impact statement.

24 2. If the members of the Revenue Estimating Conference
25 are unable to agree on the statement required by this
26 subsection, the following statement shall appear on the ballot
27 pursuant to 101.161(1): "The fiscal impact of this measure, if
28 any, cannot be reasonably determined at this time."

29 (c) The fiscal-impact statement must be separately
30 contained and be set forth after the ballot summary as
31 required in s. 101.161(1).

Bill No. HB 65-E

Amendment No. Barcode 225618

1 ~~(7)(6)~~ The Department of State may adopt ~~shall have~~
2 ~~the authority to promulgate~~ rules in accordance with s. 120.54
3 to carry out the provisions of subsections (1)-(5) of this
4 section.

5 Section 4. Section 100.381, Florida Statutes, is
6 created to read:

7 100.381 Constitutional amendments or revisions other
8 than initiatives; fiscal-impact statement.--For any amendment
9 or revision proposed pursuant to Art. XI of the State
10 Constitution other than an initiative, the Revenue Estimating
11 Conference shall prepare a fiscal-impact statement as provided
12 in s. 100.371(6) no later than 60 days before the election on
13 the proposed amendment or revision. The fiscal-impact
14 statement must be separately contained and be set forth after
15 the ballot summary as required in s. 101.161(1).

16 Section 5. Subsection (1) of section 101.161, Florida
17 Statutes, is amended to read:

18 101.161 Referenda; ballots.--

19 (1) Whenever a constitutional amendment or other
20 public measure is submitted to the vote of the people, the
21 substance of such amendment or other public measure shall be
22 printed in clear and unambiguous language on the ballot after
23 the list of candidates, followed by the word "yes" and also by
24 the word "no," and shall be styled in such a manner that a
25 "yes" vote will indicate approval of the proposal and a "no"
26 vote will indicate rejection. The wording of the substance of
27 the amendment or other public measure and the ballot title to
28 appear on the ballot shall be embodied in the joint
29 resolution, constitutional revision commission proposal,
30 constitutional convention proposal, taxation and budget reform
31 commission proposal, or enabling resolution or ordinance.

Bill No. HB 65-E

Amendment No. ____ Barcode 225618

1 Except for amendments and ballot language proposed by joint
2 resolution, the substance of the amendment or other public
3 measure shall be an explanatory statement, not exceeding 75
4 words in length, of the chief purpose of the measure. In
5 addition, the ballot shall include a separate fiscal-impact
6 statement concerning the measure prepared by the Revenue
7 Estimating Conference in accordance with s. 100.371(6) or s.
8 100.381.The ballot title shall consist of a caption, not
9 exceeding 15 words in length, by which the measure is commonly
10 referred to or spoken of.

11 Section 6. Paragraph (a) of subsection (3) of section
12 216.136, Florida Statutes, is amended to read:

13 216.136 Consensus estimating conferences; duties and
14 principals.--

15 (3) REVENUE ESTIMATING CONFERENCE.--

16 (a) Duties.--The Revenue Estimating Conference shall
17 develop such official information with respect to anticipated
18 state and local government revenues as the conference
19 determines is needed for the state planning and budgeting
20 system. Any principal may request the conference to review
21 and estimate revenues for any trust fund. Also, the conference
22 shall prepare fiscal-impact statements for constitutional
23 amendments pursuant to s. 100.371(6).

24 Section 7. If any law that is amended by this act was
25 also amended by a law enacted at the 2002 Regular Session of
26 the Legislature, such laws shall be construed as if they had
27 been enacted at the same session of the Legislature, and full
28 effect should be given to each if that is possible.

29 Section 8. This act does not apply to any
30 constitutional amendment proposed by initiative which has been
31 certified for ballot position by the Secretary of State or to

Bill No. HB 65-E

Amendment No. ____ Barcode 225618

1 any joint resolution filed with the Secretary of State prior
2 to the effective date of this act.

3 Section 9. Except as otherwise expressly provided in
4 this act, this act shall take effect upon becoming a law.

5
6

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10

11 and insert:

12

A bill to be entitled

13

An act relating to constitutional amendments;

14

amending s. 15.21, F.S.; requiring the

15

Secretary of State to submit certain initiative

16

petitions to the Revenue Estimating Conference;

17

amending s. 16.061, F.S.; requiring that the

18

Attorney General petition the Supreme Court to

19

review the estimated-fiscal-impact summary;

20

requiring the court to remand defective

21

fiscal-impact statements to the Revenue

22

Estimating Conference; amending ss. 100.371,

23

101.161, F.S., and creating s. 100.381, F.S.;

24

requiring that the Revenue Estimating

25

Conference provide an analysis of the fiscal

26

impact resulting to state or local governments

27

from any constitutional amendment; authorizing

28

the Revenue Estimating Conference to solicit

29

information regarding a proposed amendment;

30

providing procedures for drafting and voting on

31

a fiscal-impact statement by the Revenue

Bill No. HB 65-E

Amendment No. ____ Barcode 225618

1 Estimating Conference; requiring that a
2 fiscal-impact statement be included on the
3 ballot after the ballot summary of the
4 amendment; amending s. 216.136, F.S.;
5 prescribing additional duties of the Revenue
6 Estimating Conference, to conform; providing
7 for construction of the act in pari materia
8 with laws enacted during the Regular Session of
9 the Legislature; providing exemptions from the
10 fiscal-impact-statement requirement for certain
11 proposed amendments; providing effective dates.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31