

Bill No. HB 65-E

Amendment No.      Barcode 823670

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 The Committee on E&E recommended the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Section 15.21, Florida Statutes, is amended  
18 to read:

19 15.21 Initiative petitions; s. 3, Art. XI, State  
20 Constitution.--The Secretary of State shall immediately submit  
21 an initiative petition to the Attorney General and to the  
22 Revenue Estimating Conference if the sponsor has:

23 (1) Registered as a political committee pursuant to s.  
24 106.03;

25 (2) Submitted the ballot title, substance, and text of  
26 the proposed revision or amendment to the Secretary of State  
27 pursuant to ss. 100.371 and 101.161; and

28 (3) Obtained a letter from the Division of Elections  
29 confirming that the sponsor has submitted to the appropriate  
30 supervisors for verification, and the supervisors have  
31 verified, forms signed and dated equal to 10 percent of the

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1 number of electors statewide and in at least one-fourth of the  
2 congressional districts required by s. 3, Art. XI of the State  
3 Constitution.

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

6 16.061 Proposed constitutional revisions or amendments  
7 ~~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 and 101.161. For all  
17 other proposed revisions or amendments to the State  
18 Constitution, the Attorney General shall, upon the Revenue  
19 Estimating Conference finalizing the fiscal-impact statement,  
20 petition the Supreme Court requesting an advisory opinion  
21 regarding compliance of the text of the fiscal-impact  
22 statement with ss. 100.371, 100.381, and 101.161.The petition  
23 may enumerate any specific factual issues which the Attorney  
24 General believes would require a judicial determination.

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

27 (3) Any fiscal-impact statement that the court finds  
28 not to be in accordance with s. 100.371, s. 100.381, or s.  
29 101.161 shall be remanded solely to the Revenue Estimating  
30 Conference for redrafting.

31 Section 3. Present subsection (6) of section 100.371,

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1 Florida Statutes, is redesignated as subsection (7) and  
2 amended, and a new subsection (6) is added to that section, to  
3 read:

4           100.371 Initiatives; procedure for placement on  
5 ballot.--

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

21           (b)1. Members of the Revenue Estimating Conference  
22 shall reach a consensus or majority concurrence on a clear and  
23 unambiguous fiscal-impact statement, no more than 50 words in  
24 length. Nothing in this subsection prohibits the Revenue  
25 Estimating Conference from setting forth a range of potential  
26 impacts in the fiscal-impact statement. Any fiscal-impact  
27 statement that a court finds not to be in accordance with this  
28 section, s. 100.381, or s. 101.161 shall be remanded solely to  
29 the Revenue Estimating Conference for redrafting. The Revenue  
30 Estimating Conference shall redraft the fiscal-impact  
31 statement within 15 days.

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

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

9           (7)(6) The Department of State may adopt shall have  
10 the authority to promulgate rules in accordance with s. 120.54  
11 to carry out the provisions of subsections (1)-(5) of this  
12 section.

13           Section 4. Section 100.381, Florida Statutes, is  
14 created to read:

15           100.381 Constitutional amendments or revisions other  
16 than initiatives; fiscal-impact statement.--For any amendment  
17 or revision proposed pursuant to Art. XI of the State  
18 Constitution other than an initiative, the Revenue Estimating  
19 Conference shall prepare a fiscal-impact statement as provided  
20 in s. 100.371(6) no later than 80 days before the election on  
21 the proposed amendment or revision. The fiscal-impact  
22 statement must be separately contained and be set forth after  
23 the ballot summary as required in s. 101.161(1).

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

26           101.161 Referenda; ballots.--

27           (1) Whenever a constitutional amendment or other  
28 public measure is submitted to the vote of the people, the  
29 substance of such amendment or other public measure shall be  
30 printed in clear and unambiguous language on the ballot after  
31 the list of candidates, followed by the word "yes" and also by

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1 the word "no," and shall be styled in such a manner that a  
2 "yes" vote will indicate approval of the proposal and a "no"  
3 vote will indicate rejection. The wording of the substance of  
4 the amendment or other public measure and the ballot title to  
5 appear on the ballot shall be embodied in the joint  
6 resolution, constitutional revision commission proposal,  
7 constitutional convention proposal, taxation and budget reform  
8 commission proposal, or enabling resolution or ordinance.  
9 Except for amendments and ballot language proposed by joint  
10 resolution, the substance of the amendment or other public  
11 measure shall be an explanatory statement, not exceeding 75  
12 words in length, of the chief purpose of the measure. In  
13 addition, the ballot shall include a separate fiscal-impact  
14 statement concerning the measure prepared by the Revenue  
15 Estimating Conference in accordance with s. 100.371(6) or s.  
16 100.381.The ballot title shall consist of a caption, not  
17 exceeding 15 words in length, by which the measure is commonly  
18 referred to or spoken of.

19 Section 6. Paragraph (a) of subsection (3) of section  
20 216.136, Florida Statutes, is amended to read:

21 216.136 Consensus estimating conferences; duties and  
22 principals.--

23 (3) REVENUE ESTIMATING CONFERENCE.--

24 (a) Duties.--The Revenue Estimating Conference shall  
25 develop such official information with respect to anticipated  
26 state and local government revenues as the conference  
27 determines is needed for the state planning and budgeting  
28 system. Any principal may request the conference to review  
29 and estimate revenues for any trust fund. Also, the conference  
30 shall prepare fiscal-impact statements for constitutional  
31 amendments pursuant to s. 100.371(6).

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

6           Section 8. This act does not apply to any  
7 constitutional amendment proposed by initiative which has been  
8 certified for ballot position by the Secretary of State or to  
9 any joint resolution filed with the Secretary of State prior  
10 to the effective date of this act.

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

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

16 And the title is amended as follows:

17           Delete everything before the enacting clause

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19 and insert:

20                           A bill to be entitled  
21           An act relating to constitutional amendments;  
22           amending s. 15.21, F.S.; requiring the  
23           Secretary of State to submit certain initiative  
24           petitions to the Revenue Estimating Conference;  
25           amending s. 16.061, F.S.; requiring that the  
26           Attorney General petition the Supreme Court to  
27           review the estimated-fiscal-impact statement;  
28           requiring the court to remand defective  
29           fiscal-impact statements to the Revenue  
30           Estimating Conference; amending ss. 100.371,  
31           101.161, F.S., and creating s. 100.381, F.S.;

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1 requiring that the Revenue Estimating  
2 Conference provide an analysis of the fiscal  
3 impact resulting to state or local governments  
4 from any constitutional amendment; authorizing  
5 the Revenue Estimating Conference to solicit  
6 information regarding a proposed amendment;  
7 providing procedures for drafting and voting on  
8 a fiscal-impact statement by the Revenue  
9 Estimating Conference; requiring that a  
10 fiscal-impact statement be included on the  
11 ballot after the ballot summary of the  
12 amendment; requiring a court to remand  
13 defective fiscal-impact statements to the  
14 Revenue Estimating Conference; amending s.  
15 216.136, F.S.; prescribing additional duties of  
16 the Revenue Estimating Conference, to conform;  
17 providing for construction of the act in pari  
18 materia with laws enacted during the Regular  
19 Session of the Legislature; providing  
20 exemptions from the fiscal-impact-statement  
21 requirement for certain proposed amendments;  
22 providing effective dates.

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