

By the Committee on Ethics and Elections; and Senators Pruitt
and Sanderson

313-2412-02

1 A bill to be entitled
2 An act relating to constitutional amendments;
3 amending s. 15.21, F.S.; requiring the
4 Secretary of State to submit certain initiative
5 petitions to the Revenue Estimating Conference;
6 amending s. 16.061, F.S.; requiring that the
7 Attorney General petition the Supreme Court to
8 review the estimated-fiscal-impact summary;
9 requiring the court to remand defective
10 fiscal-impact statements to the Revenue
11 Estimating Conference; amending ss. 100.371,
12 101.161, F.S., and creating s. 100.381, F.S.;
13 requiring that the Revenue Estimating
14 Conference provide an analysis of the fiscal
15 impact resulting to state or local governments
16 from any constitutional amendment; authorizing
17 the Revenue Estimating Conference to solicit
18 information regarding a proposed amendment;
19 providing procedures for drafting and voting on
20 a fiscal-impact statement by the Revenue
21 Estimating Conference; requiring that a
22 fiscal-impact statement be included on the
23 ballot after the ballot summary of the
24 amendment; amending s. 216.136, F.S.;
25 prescribing additional duties of the Revenue
26 Estimating Conference, to conform; providing
27 for construction of the act in pari materia
28 with laws enacted during the Regular Session of
29 the Legislature; providing exemptions from the
30 fiscal-impact-statement requirement for certain
31 proposed amendments; providing effective dates.

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 15.21, Florida Statutes, is amended
4 to read:

5 15.21 Initiative petitions; s. 3, Art. XI, State
6 Constitution.--The Secretary of State shall immediately submit
7 an initiative petition to the Attorney General and to the
8 Revenue Estimating Conference if the sponsor has:

9 (1) Registered as a political committee pursuant to s.
10 106.03;

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

14 (3) Obtained a letter from the Division of Elections
15 confirming that the sponsor has submitted to the appropriate
16 supervisors for verification, and the supervisors have
17 verified, forms signed and dated equal to 10 percent of the
18 number of electors statewide and in at least one-fourth of the
19 congressional districts required by s. 3, Art. XI of the State
20 Constitution.

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

23 16.061 Initiative petitions.--

24 (1) The Attorney General shall, within 30 days after
25 receipt of a proposed revision or amendment to the State
26 Constitution by initiative petition from the Secretary of
27 State, petition the Supreme Court, requesting an advisory
28 opinion regarding the compliance of the text of the proposed
29 amendment or revision with s. 3, Art. XI of the State
30 Constitution and the compliance of the proposed ballot title
31 and substance with s. 101.161 and the compliance of the

1 fiscal-impact statement with ss. 100.371, 100.381, and
2 101.161. The petition may enumerate any specific factual
3 issues which the Attorney General believes would require a
4 judicial determination.

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

7 (3) Any fiscal-impact statement that the court finds
8 not to be in accordance with s. 100.371, s. 100.381, or s.
9 101.161 shall be remanded solely to the Revenue Estimating
10 Conference for redrafting.

11 Section 3. Present subsection (6) of section 100.371,
12 Florida Statutes, is redesignated as subsection (7) and
13 amended, and a new subsection (6) is added to that section, to
14 read:

15 100.371 Initiatives; procedure for placement on
16 ballot.--

17 (6)(a) Within 45 days after receipt of a proposed
18 revision or amendment to the State Constitution by initiative
19 petition from the Secretary of State or, for any initiative
20 approved by the Florida Supreme Court for the general election
21 ballot for 2002, within 45 days after the effective date of
22 this subsection, whichever occurs later, the Revenue
23 Estimating Conference shall complete an analysis and summary
24 analysis of the estimated increase or decrease in any revenues
25 or costs to state or local governments resulting from the
26 proposed initiative. The Revenue Estimating Conference shall
27 provide an opportunity for any proponents or opponents of the
28 initiative to submit information and may solicit information
29 or analysis from any other entities or agencies, including the
30 Office of Economic and Demographic Research.

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1 (b)1. Members of the Revenue Estimating Conference
2 shall reach a consensus or majority concurrence on a clear,
3 unambiguous, accurate, and impartial fiscal-impact statement,
4 no more than 50 words in length, containing such language that
5 the statement shall be neither an argument, nor be likely to
6 create prejudice, for or against the proposed measure. Nothing
7 in this subsection prohibits the Revenue Estimating Conference
8 from setting forth a range of potential impacts in the
9 fiscal-impact statement.

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

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

18 (7)(6) The Department of State may adopt ~~shall have~~
19 ~~the authority to promulgate~~ rules in accordance with s. 120.54
20 to carry out the provisions of subsections (1)-(5) of this
21 section.

22 Section 4. Section 100.381, Florida Statutes, is
23 created to read:

24 100.381 Constitutional amendments or revisions other
25 than initiatives; fiscal-impact statement.--For any amendment
26 or revision proposed pursuant to Art. XI of the State
27 Constitution other than an initiative, the Revenue Estimating
28 Conference shall prepare a fiscal-impact statement as provided
29 in s. 100.371(6) no later than 60 days before the election on
30 the proposed amendment or revision. The fiscal-impact

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1 statement must be separately contained and be set forth after
2 the ballot summary as required in s. 101.161(1).

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

5 101.161 Referenda; ballots.--

6 (1) Whenever a constitutional amendment or other
7 public measure is submitted to the vote of the people, the
8 substance of such amendment or other public measure shall be
9 printed in clear and unambiguous language on the ballot after
10 the list of candidates, followed by the word "yes" and also by
11 the word "no," and shall be styled in such a manner that a
12 "yes" vote will indicate approval of the proposal and a "no"
13 vote will indicate rejection. The wording of the substance of
14 the amendment or other public measure and the ballot title to
15 appear on the ballot shall be embodied in the joint
16 resolution, constitutional revision commission proposal,
17 constitutional convention proposal, taxation and budget reform
18 commission proposal, or enabling resolution or ordinance.
19 Except for amendments and ballot language proposed by joint
20 resolution, the substance of the amendment or other public
21 measure shall be an explanatory statement, not exceeding 75
22 words in length, of the chief purpose of the measure. In
23 addition, the ballot shall include a separate fiscal-impact
24 statement concerning the measure prepared by the Revenue
25 Estimating Conference in accordance with s. 100.371(6) or s.
26 100.381.The ballot title shall consist of a caption, not
27 exceeding 15 words in length, by which the measure is commonly
28 referred to or spoken of.

29 Section 6. Paragraph (a) of subsection (3) of section
30 216.136, Florida Statutes, is amended to read:

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1 216.136 Consensus estimating conferences; duties and
2 principals.--

3 (3) REVENUE ESTIMATING CONFERENCE.--

4 (a) Duties.--The Revenue Estimating Conference shall
5 develop such official information with respect to anticipated
6 state and local government revenues as the conference
7 determines is needed for the state planning and budgeting
8 system. Any principal may request the conference to review
9 and estimate revenues for any trust fund. Also, the conference
10 shall prepare fiscal-impact statements for constitutional
11 amendments pursuant to s. 100.371(6).

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

17 Section 8. This act does not apply to any
18 constitutional amendment proposed by initiative which has been
19 certified for ballot position by the Secretary of State or to
20 any joint resolution filed with the Secretary of State prior
21 to the effective date of this act.

22 Section 9. Except as otherwise expressly provided in
23 this act, this act shall take effect upon becoming a law.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 68-E
4 The committee substitute differs from the original bill in
5 that it: affects all categories of constitutional amendments,
6 i.e., initiatives, as well as joint resolutions,
7 constitutional revision commission proposals, tax and budget
8 reform commission proposals, and constitutional convention
9 proposals; provides that initiative petitions are presented to
10 the Revenue Estimating Conference by the Secretary of State
11 for fiscal analysis when sponsors have signatures totaling 10%
12 of number of electors statewide in at least 1/4 of the
13 congressional districts; provides that for initiative
14 proposals the Revenue Estimating Conference has 45 days to
15 prepare the fiscal analysis; for joint resolutions and other
16 constitutional amendments requires the Revenue Estimating
17 Conference to prepare a fiscal impact statement no later than
18 60 days before the general election; provides that the Revenue
19 Estimating Conference provide an opportunity for
20 proponents/opponents to submit information to them and permits
21 the Revenue Estimating Conference to solicit other sources of
22 information; provides that the Revenue Estimating Conference
23 must reach consensus or majority concurrence on a clear,
24 unambiguous, accurate, and impartial fiscal impact statement
25 no more than 50 words in length; directs that the fiscal
26 impact statement can't be argument, or be likely to create
27 prejudice for or against the proposed amendment; authorizes
28 the Revenue Estimating Conference to set forth a range of
29 potential fiscal impact; provides that if there is no
30 agreement, the Revenue Estimating Conference issues the
31 following statement: "The fiscal impact of this measure, if
 any, cannot be reasonably determined at this time."; excludes
 from this act initiatives that have been certified for ballot
 position by the Secretary of State or any joint resolution
 filed with the Secretary of State prior to the effective date
 of this act; provides that effective July 1, 2003, the fiscal
 impact statements prepared by the Revenue Estimating
 Conference are required to be reviewed by the Florida Supreme
 Court and if the court strikes down the fiscal impact
 statement it must remand the fiscal impact statement to the
 Revenue Estimating Conference for re-drafting of the
 statement.