

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 statement;
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; requiring a court to remand
25 defective fiscal-impact statements to the
26 Revenue Estimating Conference; amending s.
27 216.136, F.S.; prescribing additional duties of
28 the Revenue Estimating Conference, to conform;
29 providing for construction of the act in pari
30 materia with laws enacted during the Regular
31 Session of the Legislature; providing

1 exemptions from the fiscal-impact-statement
2 requirement for certain proposed amendments;
3 providing effective dates.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Section 15.21, Florida Statutes, is amended
8 to read:

9 15.21 Initiative petitions; s. 3, Art. XI, State
10 Constitution.--The Secretary of State shall immediately submit
11 an initiative petition to the Attorney General and to the
12 Revenue Estimating Conference if the sponsor has:

13 (1) Registered as a political committee pursuant to s.
14 106.03;

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

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

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

27 16.061 Proposed constitutional revisions or amendments
28 ~~initiative petitions.~~--

29 (1) The Attorney General shall, within 30 days after
30 receipt of a proposed revision or amendment to the State
31 Constitution by initiative petition from the Secretary of

1 State, petition the Supreme Court, requesting an advisory
2 opinion regarding the compliance of the text of the proposed
3 amendment or revision with s. 3, Art. XI of the State
4 Constitution and the compliance of the proposed ballot title
5 and substance with s. 101.161 and the compliance of the
6 fiscal-impact statement with ss. 100.371 and 101.161. For all
7 other proposed revisions or amendments to the State
8 Constitution, the Attorney General shall, upon the Revenue
9 Estimating Conference finalizing the fiscal-impact statement,
10 petition the Supreme Court requesting an advisory opinion
11 regarding compliance of the text of the fiscal-impact
12 statement with ss. 100.371, 100.381, and 101.161.The petition
13 may enumerate any specific factual issues which the Attorney
14 General believes would require a judicial determination.

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

17 (3) Any fiscal-impact statement that the court finds
18 not to be in accordance with s. 100.371, s. 100.381, or s.
19 101.161 shall be remanded solely to the Revenue Estimating
20 Conference for redrafting.

21 Section 3. Present subsection (6) of section 100.371,
22 Florida Statutes, is redesignated as subsection (7) and
23 amended, and a new subsection (6) is added to that section, to
24 read:

25 100.371 Initiatives; procedure for placement on
26 ballot.--

27 (6)(a) Within 45 days after receipt of a proposed
28 revision or amendment to the State Constitution by initiative
29 petition from the Secretary of State or, for any initiative
30 approved by the Florida Supreme Court for the general election
31 ballot for 2002, within 45 days after the effective date of

1 this subsection, whichever occurs later, the Revenue
2 Estimating Conference shall complete an analysis and fiscal
3 impact statement to be placed on the ballot of the estimated
4 increase or decrease in any revenues or costs to state or
5 local governments resulting from the proposed initiative. The
6 Revenue Estimating Conference shall provide an opportunity for
7 any proponents or opponents of the initiative to submit
8 information and may solicit information or analysis from any
9 other entities or agencies, including the Office of Economic
10 and Demographic Research.

11 (b)1. Members of the Revenue Estimating Conference
12 shall reach a consensus or majority concurrence on a clear and
13 unambiguous fiscal-impact statement, no more than 50 words in
14 length. Nothing in this subsection prohibits the Revenue
15 Estimating Conference from setting forth a range of potential
16 impacts in the fiscal-impact statement. Any fiscal-impact
17 statement that a court finds not to be in accordance with this
18 section, s. 100.381, or s. 101.161 shall be remanded solely to
19 the Revenue Estimating Conference for redrafting. The Revenue
20 Estimating Conference shall redraft the fiscal-impact
21 statement within 15 days.

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

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

30 (7)(6) The Department of State may adopt shall have
31 the authority to promulgate rules in accordance with s. 120.54

1 to carry out the provisions of subsections (1)-(5) of this
2 section.

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

5 100.381 Constitutional amendments or revisions other
6 than initiatives; fiscal-impact statement.--For any amendment
7 or revision proposed pursuant to Art. XI of the State
8 Constitution other than an initiative, the Revenue Estimating
9 Conference shall prepare a fiscal-impact statement as provided
10 in s. 100.371(6) no later than 80 days before the election on
11 the proposed amendment or revision. The fiscal-impact
12 statement must be separately contained and be set forth after
13 the ballot summary as required in s. 101.161(1).

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

16 101.161 Referenda; ballots.--

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

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

9 Section 6. Paragraph (a) of subsection (3) of section
10 216.136, Florida Statutes, is amended to read:

11 216.136 Consensus estimating conferences; duties and
12 principals.--

13 (3) REVENUE ESTIMATING CONFERENCE.--

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

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

27 Section 8. This act does not apply to any
28 constitutional amendment proposed by initiative which has been
29 certified for ballot position by the Secretary of State or to
30 any joint resolution filed with the Secretary of State prior
31 to the effective date of this act.

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