

Bill No. HB 1883

Amendment No. Barcode 965450

CHAMBER ACTION

Senate

House

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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 16.061, Florida Statutes, is amended to read:

16.061 Initiative petitions ~~Proposed constitutional revisions or amendments.--~~

(1) The Attorney General shall, within 30 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, petition the Supreme Court, requesting an advisory opinion regarding the compliance of the text of the proposed amendment or revision with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and substance with s. 101.161. The Attorney General shall, within 30 days after receipt of the initiative petition's fiscal impact statement or revised fiscal impact statement from the Revenue Estimating Conference, or immediately after

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1 receipt if received less than 120 days before the election at
 2 which the question of ratifying the amendment will be
 3 presented, petition the Supreme Court requesting an advisory
 4 opinion regarding compliance of the statement with s.
 5 100.371(6). ~~and the compliance of the fiscal impact statement~~
 6 ~~with ss. 100.371 and 101.161. For all other proposed revisions~~
 7 ~~or amendments to the State Constitution, the Attorney General~~
 8 ~~shall, upon the Revenue Estimating Conference finalizing the~~
 9 ~~fiscal impact statement, petition the Supreme Court requesting~~
 10 ~~an advisory opinion regarding compliance of the text of the~~
 11 ~~fiscal impact statement with ss. 100.371, 100.381, and~~
 12 ~~101.161.~~ The petition may enumerate any specific factual
 13 issues which the Attorney General believes would require a
 14 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 2. Subsections (2), (6), and (7) of section
 22 100.371, Florida Statutes, are amended to read:

23 100.371 Initiatives; procedure for placement on the
 24 ballot.--

25 (2) Such certification shall be issued when the
 26 Secretary of State has received verification certificates from
 27 the supervisors of elections indicating that the requisite
 28 number and distribution of valid signatures of electors have
 29 been submitted to and verified by the supervisors. Every
 30 signature shall be dated when made and shall be valid for a
 31 period of 18 months ~~4 years~~ following the ~~such~~ date of

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1 signature certification to the Secretary of State, provided
2 all other requirements of law are satisfied ~~complied with.~~

3 (6)(a) Within 45 days after receipt of a proposed
4 revision or amendment to the State Constitution by initiative
5 petition from the Secretary of State, or within 30 days after
6 such receipt if receipt occurs 120 days or less before the
7 election at which the question of ratifying the amendment will
8 be presented, ~~for any initiative approved by the Florida~~
9 ~~Supreme Court for the general election ballot for 2002, within~~
10 ~~45 days after the effective date of this subsection, whichever~~
11 ~~occurs later~~, the Revenue Estimating Conference shall complete
12 an analysis and fiscal impact statement to be placed on the
13 ballot of the estimated increase or decrease in any revenues
14 or costs to state or local governments resulting from the
15 proposed initiative. The Revenue Estimating Conference shall
16 provide an opportunity for any proponents or opponents of the
17 initiative to submit information and may solicit information
18 or analysis from any other entities or agencies, including the
19 Office of Economic and Demographic Research.

20 (b)1. Members of the Revenue Estimating Conference
21 shall reach a consensus or majority concurrence on a clear and
22 unambiguous fiscal impact statement, no more than 50 words in
23 length and immediately submit the statement to the Attorney
24 General. 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 s. 101.161(1): "The fiscal impact of this measure,
5 if any, cannot be reasonably determined at this time."

6 3. Any fiscal impact statement that the Supreme Court
7 finds not to be in accordance with this subsection shall be
8 remanded solely to the Revenue Estimating Conference for
9 redrafting, provided the court's advisory opinion is rendered
10 at least 75 days before the election at which the question of
11 ratifying the amendment will be presented. The Revenue
12 Estimating Conference shall prepare and adopt a revised fiscal
13 impact statement no later than 5 p.m. on the 15th day after
14 the date of the court's opinion.

15 4. If, by 5 p.m. on the 55th day before the election,
16 the Supreme Court has not issued an advisory opinion approving
17 a fiscal impact statement prepared by the Revenue Estimating
18 Conference for an initiative amendment that otherwise meets
19 the legal requirements for ballot placement, the following
20 statement shall appear on the ballot pursuant to s.
21 101.161(1): "Due to time constraints, the fiscal impact of
22 this measure, if any, could not be included on the ballot."

23 5. If, by 5 p.m. on the 55th day before the general
24 election, the Supreme Court has not issued an advisory opinion
25 approving a fiscal impact statement prepared by the Revenue
26 Estimating Conference for an initiative amendment that
27 otherwise meets the legal requirements for ballot placement at
28 the general election, the following statement shall appear on
29 the advance general election absentee ballot pursuant to s.
30 101.161(1): "Due to time constraints, the fiscal impact of
31 this measure, if any, could not be included on the ballot."

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1 6.a. In addition to the financial impact statement
2 required by this subsection, the Revenue Estimating Conference
3 shall draft an initiative financial information statement.
4 The initiative financial information statement should describe
5 in greater detail than the financial impact statement any
6 projected increase or decrease in revenues or costs that the
7 state or local governments would likely experience if the
8 ballot measure were approved. The sponsor of an initiative
9 amendment may also draft an initiative financial information
10 statement that includes the sponsor's estimated increase or
11 decrease in any revenues or costs to state or local
12 governments resulting from the proposed initiative. Where
13 appropriate, the initiative financial information statements
14 may include both estimated dollar amounts and a description
15 placing the estimated dollar amounts into context. The
16 initiative financial information statements must include both
17 a summary of not more than 500 words and more detailed
18 information that includes the assumptions that were made to
19 develop the fiscal impacts, work papers, and any other
20 information deemed relevant by the Revenue Estimating
21 Conference or amendment sponsor.

22 b. The Department of State shall have printed, and
23 shall furnish to each supervisor of elections, a copy of the
24 summary from the initiative financial information statements.
25 The supervisors shall have the summary from the initiative
26 financial information statements available at each polling
27 place and at their main office upon request.

28 c. The Secretary of State shall make available on the
29 Internet the initiative financial information statements in
30 their entirety. In addition, each supervisor of elections
31 with a web site shall post the summary from the initiative

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1 financial information statements on their web site.

2 ~~(c) The fiscal impact statement must be separately~~
3 ~~contained and be set forth after the ballot summary as~~
4 ~~required in s. 101.161(1).~~

5 (7) The Department of State may adopt rules in
6 accordance with s. 120.54 to carry out the provisions of
7 subsections (1)-(5) of this section.

8 Section 3. Section 100.381, Florida Statutes, is
9 repealed.

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

12 101.161 Referenda; ballots.--

13 (1) Whenever a constitutional amendment or other
14 public measure is submitted to the vote of the people, the
15 substance of such amendment or other public measure shall be
16 printed in clear and unambiguous language on the ballot after
17 the list of candidates, followed by the word "yes" and also by
18 the word "no," and shall be styled in such a manner that a
19 "yes" vote will indicate approval of the proposal and a "no"
20 vote will indicate rejection. The wording of the substance of
21 the amendment or other public measure and the ballot title to
22 appear on the ballot shall be embodied in the joint
23 resolution, constitutional revision commission proposal,
24 constitutional convention proposal, taxation and budget reform
25 commission proposal, or enabling resolution or ordinance.
26 Except for amendments and ballot language proposed by joint
27 resolution, the substance of the amendment or other public
28 measure shall be an explanatory statement, not exceeding 75
29 words in length, of the chief purpose of the measure. In
30 addition, the ballot shall include following the ballot
31 summary a separate fiscal impact statement concerning the

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1 measure prepared by the Revenue Estimating Conference in
2 accordance with s. 100.371(6) ~~or s. 100.381~~. The ballot title
3 shall consist of a caption, not exceeding 15 words in length
4 by which the measure is commonly referred to or spoken of.

5 Section 5. Paragraph (a) of subsection (4) of section
6 101.62, Florida Statutes, is amended to read:

7 101.62 Request for absentee ballots.--

8 (4)(a) To each absent qualified elector overseas who
9 has requested an absentee ballot, the supervisor of elections
10 shall, not fewer than 35 days before the first primary
11 election, mail an absentee ballot. Not fewer than 45 days
12 before the second primary and general election, the supervisor
13 of elections shall mail an advance absentee ballot to those
14 persons requesting ballots for such elections. The advance
15 absentee ballot for the second primary shall be the same as
16 the first primary absentee ballot as to the names of
17 candidates, except that for any offices where there are only
18 two candidates, those offices and all political party
19 executive committee offices shall be omitted. Except as
20 provided in ss. ~~s.~~ 99.063(4) and 100.371(6)(b)5., the advance
21 absentee ballot for the general election shall be as specified
22 in s. 101.151, except that in the case of candidates of
23 political parties where nominations were not made in the first
24 primary, the names of the candidates placing first and second
25 in the first primary election shall be printed on the advance
26 absentee ballot. The advance absentee ballot or advance
27 absentee ballot information booklet shall be of a different
28 color for each election and also a different color from the
29 absentee ballots for the first primary, second primary, and
30 general election. The supervisor shall mail an advance
31 absentee ballot for the second primary and general election to

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1 each qualified absent elector for whom a request is received
2 until the absentee ballots are printed. The supervisor shall
3 enclose with the advance second primary absentee ballot and
4 advance general election absentee ballot an explanation
5 stating that the absentee ballot for the election will be
6 mailed as soon as it is printed; and, if both the advance
7 absentee ballot and the absentee ballot for the election are
8 returned in time to be counted, only the absentee ballot will
9 be counted. The Department of State may prescribe by rule the
10 requirements for preparing and mailing absentee ballots to
11 absent qualified electors overseas.

12 Section 6. For the purpose of incorporating the
13 amendments of sections 100.371 and 101.161, Florida Statutes,
14 in references thereto, section 15.21, Florida Statutes, is
15 reenacted to read:

16 15.21 Initiative petitions; s. 3, Art. XI, State
17 Constitution.--The Secretary of State shall immediately submit
18 an initiative petition to the Attorney General and to the
19 Revenue Estimating Conference if the sponsor has:

20 (1) Registered as a political committee pursuant to s.
21 106.03;

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

25 (3) Obtained a letter from the Division of Elections
26 confirming that the sponsor has submitted to the appropriate
27 supervisors for verification, and the supervisors have
28 verified, forms signed and dated equal to 10 percent of the
29 number of electors statewide and in at least one-fourth of the
30 congressional districts required by s. 3, Art. XI of the State
31 Constitution.

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1 Section 7. For the purpose of incorporating amendments
2 to section 100.371, Florida Statutes, in references thereto,
3 paragraph (a) of subsection (3) of section 216.136, Florida
4 Statutes, is reenacted to read:

5 216.136 Consensus estimating conferences; duties and
6 principals.--

7 (3) REVENUE ESTIMATING CONFERENCE.--

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

16 Section 8. The Secretary of State shall immediately
17 submit to the Revenue Estimating Conference any active
18 initiative petition that met the requirements of section
19 15.21, Florida Statutes, before the effective date of this
20 act.

21 Section 9. This act does not apply to any
22 constitutional amendment proposed by initiative which has been
23 certified for ballot position by the Secretary of State before
24 the effective date of this act.

25 Section 10. This act shall take effect July 2, 2003.
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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete everything before the enacting clause
31

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1 and insert:

2 An act relating to constitutional amendments;
3 amending s. 16.061, F.S.; requiring the
4 Attorney General to immediately petition the
5 Supreme Court for review of certain fiscal
6 impact statements; deleting duties of the
7 Attorney General with respect to constitutional
8 amendments proposed other than by initiative;
9 amending s. 100.371, F.S.; reducing the period
10 for which initiative petition signatures remain
11 valid; revising times within which the Revenue
12 Estimating Conference must complete its
13 analysis and fiscal impact statement for
14 amendments proposed by initiative; prescribing
15 ballot language to be used if a fiscal impact
16 statement is not timely approved by the Supreme
17 Court; requiring the Revenue Estimating
18 Conference and authorizing the amendment
19 sponsor to produce a financial information
20 statement and summary; providing for
21 distribution and publication of the financial
22 information statement and summary; repealing s.
23 100.381, F.S., relating to fiscal impact
24 statement requirements for amendments proposed
25 other than by initiative; amending s. 101.161,
26 F.S.; prescribing placement of the fiscal
27 impact statement on the ballot; amending s.
28 101.62, F.S., relating to absentee ballots, to
29 conform; reenacting ss. 15.21, 216.136(3)(a),
30 F.S., to conform to the changes by this act;
31 providing procedures for commencing the fiscal

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1 impact statement development and review process
2 for certain proposed initiatives; exempting
3 certain proposed initiatives from the fiscal
4 impact statement requirement; providing an
5 effective date.

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