



HB 1883

2003

1 A bill to be entitled

2 An act relating to financial impact statements for
3 proposed constitutional amendments; amending s. 15.21,
4 F.S.; requiring the Secretary of State to submit certain
5 proposed constitutional amendments to the Financial Impact
6 Estimating Conference; amending s. 16.061, F.S., as
7 amended; revising the time period for the Attorney General
8 to petition the Supreme Court for review of certain
9 financial impact statements; deleting duties of the
10 Attorney General with respect to constitutional amendments
11 proposed other than by initiative; conforming provisions
12 to changes made by the act; amending s. 100.371, F.S.;
13 creating the Financial Impact Estimating Conference;
14 providing membership; providing duties; deleting certain
15 duties of the Revenue Estimating Conference; providing for
16 the creation of an initiative financial information
17 statement; providing duties of the Department of State
18 with respect to printing and providing copies of the
19 initiative financial information statement; requiring the
20 Secretary of State and the Office of Economic and
21 Demographic Research to make such statement available on-
22 line; amending ss. 101.161 and 216.136, F.S.; conforming
23 provisions to changes made by the act; repealing s.
24 100.381, F.S., relating to fiscal impact statements for
25 constitutional amendments or revisions other than
26 initiatives; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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HB 1883

2003

30 Section 1. Section 15.21, Florida Statutes, is amended to
 31 read:

32 15.21 Initiative petitions; s. 3, Art. XI, State
 33 Constitution.--The Secretary of State shall immediately submit
 34 an initiative petition to the Attorney General and to the
 35 Financial Impact Revenue Estimating Conference if the sponsor
 36 has:

37 (1) Registered as a political committee pursuant to s.
 38 106.03;

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

42 (3) Obtained a letter from the Division of Elections
 43 confirming that the sponsor has submitted to the appropriate
 44 supervisors for verification, and the supervisors have verified,
 45 forms signed and dated equal to 10 percent of the number of
 46 electors statewide and in at least one-fourth of the
 47 congressional districts required by s. 3, Art. XI of the State
 48 Constitution.

49 Section 2. Section 16.061, Florida Statutes, as amended by
 50 section 2 of chapter 2002-390, Laws of Florida, is amended to
 51 read:

52 16.061 Initiative petitions.--

53 (1) The Attorney General shall, within 35 ~~30~~ days after
 54 receipt of a proposed revision or amendment to the State
 55 Constitution by initiative petition from the Secretary of State,
 56 petition the Supreme Court, requesting an advisory opinion
 57 regarding the compliance of the text of the proposed amendment
 58 or revision with s. 3, Art. XI of the State Constitution and the
 59 compliance of the proposed ballot title and substance with s.



HB 1883

2003

60 101.161 and the compliance of the financial ~~fiscal~~ impact
 61 statement with ss. 100.371 and 101.161. ~~For all other proposed~~
 62 ~~revisions or amendments to the State Constitution, the Attorney~~
 63 ~~General shall, upon the Revenue Estimating Conference finalizing~~
 64 ~~the fiscal impact statement, petition the Supreme Court~~
 65 ~~requesting an advisory opinion regarding compliance of the text~~
 66 ~~of the fiscal impact statement with ss. 100.371, 100.381, and~~
 67 ~~101.161.~~ The petition may enumerate any specific factual issues
 68 which the Attorney General believes would require a judicial
 69 determination.

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

72 (3) Any financial ~~fiscal~~ impact statement that the court
 73 finds not to be in accordance with s. 100.371, ~~s. 100.381,~~ or s.
 74 101.161 shall be remanded solely to the Financial Impact Revenue
 75 Estimating Conference for redrafting.

76 Section 3. Subsection (6) of section 100.371, Florida
 77 Statutes, is amended to read:

78 100.371 Initiatives; procedure for placement on ballot.--

79 (6)(a) Within 25 ~~45~~ days after receipt of a proposed
 80 revision or amendment to the State Constitution by initiative
 81 petition from the Secretary of State ~~or, for any initiative~~
 82 ~~approved by the Florida Supreme Court for the general election~~
 83 ~~ballot for 2002, within 45 days after the effective date of this~~
 84 ~~subsection, whichever occurs later, the Financial Impact Revenue~~
 85 Estimating Conference shall complete an analysis and financial
 86 ~~fiscal~~ impact statement to be placed on the ballot of the
 87 estimated increase or decrease in any revenues or costs to state
 88 or local governments resulting from the proposed initiative. The
 89 Financial Impact Estimating Conference shall submit the



HB 1883

2003

90 financial impact statement to the Attorney General and the
 91 Secretary of State.

92 (b)1. The Financial Impact Revenue Estimating Conference
 93 shall provide an opportunity for any proponents or opponents of
 94 the initiative to submit information and may solicit information
 95 or analysis from any other entities or agencies, including the
 96 Office of Economic and Demographic Research. All meetings of the
 97 Financial Impact Estimating Conference shall be open to the
 98 public as provided in chapter 286.

99 2. The principals of the Financial Impact Estimating
 100 Conference shall be the Executive Office of the Governor, the
 101 Executive Office of the Chief Financial Officer, the coordinator
 102 of the Office of Economic and Demographic Research, and
 103 professional staff of the Senate and House of Representatives
 104 who have appropriate expertise in the subject matter of the
 105 initiative, or their designees. A Financial Impact Estimating
 106 Conference may be appointed for each initiative.

107 3.(b)1. Members of the Financial Impact Revenue Estimating
 108 Conference shall reach a ~~consensus or~~ majority agreement
 109 ~~concurrence~~ on a clear and unambiguous financial fiscal impact
 110 statement, no more than 50 words in length. Nothing in this
 111 subsection prohibits the Financial Impact Revenue Estimating
 112 Conference from setting forth a range of potential impacts in
 113 the financial fiscal impact statement. Any financial fiscal
 114 impact statement that a court finds not to be in accordance with
 115 this section, ~~s. 100.381,~~ or s. 101.161 shall be remanded solely
 116 to the Financial Impact Revenue Estimating Conference for
 117 redrafting. The Financial Impact Revenue Estimating Conference
 118 shall redraft the financial fiscal impact statement within 15
 119 days.



HB 1883

2003

120 ~~4.2-~~ If the members of the Financial Impact Revenue
121 Estimating Conference are unable to agree on the statement
122 required by this subsection, the following statement shall
123 appear on the ballot pursuant to s. 101.161(1): "The financial
124 ~~fiscal~~ impact of this measure, if any, cannot be reasonably
125 determined at this time."

126 (c) The financial ~~fiscal~~ impact statement must be
127 separately contained in and be set forth after the ballot
128 summary as required in s. 101.161(1).

129 (d)1. In addition to the financial impact statement
130 required by paragraph (a), the Financial Impact Estimating
131 Conference shall draft an initiative financial information
132 statement. The initiative financial information statement should
133 describe in greater detail than the financial impact statement
134 any projected increase or decrease in revenues, costs,
135 expenditures, or indebtedness that the state would likely
136 experience if the ballot measure were approved by state voters.
137 Where appropriate, the initiative financial information
138 statement may include both estimated dollar amounts and a
139 description placing the estimated dollar amounts into context.
140 The initiative financial information statement must include both
141 a summary of not more than 500 words and more detailed
142 information that includes the assumptions that were made to
143 develop the fiscal impacts, work papers, and any other
144 information deemed relevant by the Financial Impact Estimating
145 Conference.

146 2. The Department of State shall have printed, and shall
147 furnish to each supervisor of elections, a copy of the summary
148 from the initiative financial information statement. The
149 supervisors shall include the summary from the initiative



HB 1883

2003

150 financial information statement with the publication or mailing
 151 required by s. 101.20.

152 3. The Secretary of State and the Office of Economic and
 153 Demographic Research shall make available on-line the entire
 154 initiative financial information statement.

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

157 101.161 Referenda; ballots.--

158 (1) Whenever a constitutional amendment or other public
 159 measure is submitted to the vote of the people, the substance of
 160 such amendment or other public measure shall be printed in clear
 161 and unambiguous language on the ballot after the list of
 162 candidates, followed by the word "yes" and also by the word
 163 "no," and shall be styled in such a manner that a "yes" vote
 164 will indicate approval of the proposal and a "no" vote will
 165 indicate rejection. The wording of the substance of the
 166 amendment or other public measure and the ballot title to appear
 167 on the ballot shall be embodied in the joint resolution,
 168 constitutional revision commission proposal, constitutional
 169 convention proposal, taxation and budget reform commission
 170 proposal, or enabling resolution or ordinance. Except for
 171 amendments and ballot language proposed by joint resolution, the
 172 substance of the amendment or other public measure shall be an
 173 explanatory statement, not exceeding 75 words in length, of the
 174 chief purpose of the measure. In addition, the ballot shall
 175 include a separate financial ~~fiscal~~ impact statement concerning
 176 the measure prepared by the Financial Impact Revenue Estimating
 177 Conference in accordance with s. 100.371(6) ~~or s. 100.381~~. The
 178 ballot title shall consist of a caption, not exceeding 15 words



HB 1883

2003

179 in length, by which the measure is commonly referred to or
180 spoken of.

181 Section 5. Paragraph (a) of subsection (3) of section
182 216.136, Florida Statutes, is amended to read:

183 216.136 Consensus estimating conferences; duties and
184 principals.--

185 (3) REVENUE ESTIMATING CONFERENCE.--

186 (a) *Duties*.--The Revenue Estimating Conference shall
187 develop such official information with respect to anticipated
188 state and local government revenues as the conference determines
189 is needed for the state planning and budgeting system. Any
190 principal may request the conference to review and estimate
191 revenues for any trust fund. ~~Also, the conference shall prepare~~
192 ~~fiscal impact statements for constitutional amendments pursuant~~
193 ~~to s. 100.371(6).~~

194 Section 6. Section 100.381, Florida Statutes, is repealed.

195 Section 7. This act shall take effect upon becoming a law.