

Bill No. CS for CS for SB 1700, 1st Eng.

Amendment No. ____ Barcode 191990

CHAMBER ACTION

Senate

House

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Senator Klein moved the following amendment:

Senate Amendment (with title amendment)

On page 3, line 5, through
page 10, line 20, delete those lines

and insert:

16.061 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 and the compliance of the
financial ~~fiscal~~ impact statement with ss. 100.371 and
101.161. For all other proposed revisions or amendments to the
State Constitution, the Attorney General shall, upon the
Financial Impact Revenue Estimating Conference finalizing the

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1 financial ~~fiscal~~ impact statement, petition the Supreme Court
2 requesting an advisory opinion regarding compliance of the
3 text of the financial ~~fiscal~~ impact statement with ss.
4 100.371, 100.381, and 101.161. The petition may enumerate any
5 specific factual issues ~~that~~ ~~which~~ the Attorney General
6 believes would require a judicial determination.

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

9 (3) Any financial ~~fiscal~~ impact statement that the
10 court finds not to be in accordance with s. 100.371, s.
11 100.381, or s. 101.161 shall be remanded solely to the
12 Financial Impact ~~Revenue~~ Estimating Conference for redrafting.

13 Section 3. Subsections (6) and (7) of section 100.371,
14 Florida Statutes, are amended to 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, within 30 days after
20 such receipt if receipt occurs 120 days or less before the
21 election at which the question of ratifying the amendment will
22 be presented for any initiative approved by the Florida
23 Supreme Court for the general election ballot for 2002, within
24 45 days after the effective date of this subsection, whichever
25 occurs later, the Financial Impact ~~Revenue~~ Estimating
26 Conference shall complete an analysis and financial ~~fiscal~~
27 impact statement to be placed on the ballot of the estimated
28 increase or decrease in any revenues or costs to state or
29 local governments resulting from the proposed amendment or
30 revision initiative. The Financial Impact Estimating
31 Conference shall submit the financial impact statement to the

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1 Attorney General and Secretary of State.

2 (b)1. The Financial Impact ~~Revenue~~ Estimating
3 Conference shall provide an opportunity for any proponents or
4 opponents of a proposed amendment or revision of the State
5 Constitution ~~the initiative~~ to submit information and may
6 solicit information or analysis from any other entities or
7 agencies, including the Office of Economic and Demographic
8 Research. All meetings of the Financial Impact Estimating
9 Conference shall be open to the public as provided in chapter
10 286.

11 2. The Financial Impact Estimating Conference is
12 established to review, analyze, and estimate the financial
13 impact of proposed amendments to or revisions of the State
14 Constitution. The Financial Impact Estimating Conference shall
15 consist of four principals: one person from the Executive
16 Office of the Governor; the coordinator of the Office of
17 Economic and Demographic Research, or his or her designee; one
18 person from the professional staff of the Senate; and one
19 person from the professional staff of the House of
20 Representatives. Each principal shall have appropriate fiscal
21 expertise in the subject matter of the initiative. A Financial
22 Impact Estimating Conference may be appointed for each
23 initiative.

24 3.(b)1. Principals ~~Members~~ of the Financial Impact
25 ~~Revenue~~ Estimating Conference shall reach a consensus or
26 majority concurrence on a clear and unambiguous financial
27 fiscal impact statement, no more than ~~75~~ 50 words in length
28 and immediately submit the statement to the Attorney General.
29 Nothing in this subsection prohibits the Financial Impact
30 ~~Revenue~~ Estimating Conference from setting forth a range of
31 potential impacts in the financial ~~fiscal~~ impact statement.

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1 Any financial ~~fiscal~~ impact statement that a court finds not
2 to be in accordance with this section, s. 100.381, or s.
3 101.161 shall be remanded solely to the Financial Impact
4 ~~Revenue~~ Estimating Conference for redrafting. The Financial
5 Impact ~~Revenue~~ Estimating Conference shall redraft the
6 financial ~~fiscal~~ impact statement within 15 days.

7 4.2. If the members of the Financial Impact ~~Revenue~~
8 Estimating Conference are unable to agree on the statement
9 required by this subsection, or if the Supreme Court has
10 rejected the initial submission by the Financial Impact
11 Estimating Conference and no redraft has been approved by the
12 Supreme Court by 5 p.m. on the 75th day before the election,
13 the following statement shall appear on the ballot pursuant to
14 s. 101.161(1): "The financial ~~fiscal~~ impact of this measure,
15 if any, cannot be reasonably determined at this time."

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

19 (d)1. Any financial impact statement that the Supreme
20 Court finds not to be in accordance with this subsection shall
21 be remanded solely to the Financial Impact Estimating
22 Conference for redrafting, provided the court's advisory
23 opinion is rendered at least 75 days before the election at
24 which the question of ratifying the amendment will be
25 presented. The Financial Impact Estimating Conference shall
26 prepare and adopt a revised financial impact statement no
27 later than 5 p.m. on the 15th day after the date of the
28 court's opinion.

29 2. If, by 5 p.m. on the 75th day before the election,
30 the Supreme Court has not issued an advisory opinion on the
31 initial financial impact statement prepared by the Financial

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1 Impact Estimating Conference for an amendment or revision that
2 otherwise meets the legal requirements for ballot placement,
3 the financial impact statement shall be deemed approved for
4 placement on the ballot.

5 3. In addition to the financial impact statement
6 required by this subsection, the Financial Impact Estimating
7 Conference shall draft a financial information statement. The
8 financial information statement should describe in greater
9 detail than the financial impact statement any projected
10 increase or decrease in revenues or costs that the state or
11 local governments would likely experience if the ballot
12 measure were approved. If appropriate, the financial
13 information statement may include both estimated dollar
14 amounts and a description placing the estimated dollar amounts
15 into context. The financial information statement must include
16 both a summary of not more than 500 words and additional
17 detailed information that includes the assumptions that were
18 made to develop the financial impacts, workpapers, and any
19 other information deemed relevant by the Financial Impact
20 Estimating Conference.

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

27 5. The Secretary of State and the Office of Economic
28 and Demographic Research shall make available on the Internet
29 each financial information statement in its entirety. In
30 addition, each supervisor of elections whose office has a
31 website shall post the summary from each financial information

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1 statement on the website. Each supervisor shall include the
 2 Internet addresses for the information statements on the
 3 Secretary of State's and the Office of Economic and
 4 Demographic Research's websites in the publication or mailing
 5 required by s. 101.20.

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

9 Section 4. Section 100.381, Florida Statutes, is
 10 amended to read:

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

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

23 101.161 Referenda; ballots.--

24 (1) Whenever a constitutional amendment or other
 25 public measure is submitted to the vote of the people, the
 26 substance of such amendment or other public measure shall be
 27 printed in clear and unambiguous language on the ballot after
 28 the list of candidates, followed by the word "yes" and also by
 29 the word "no," and shall be styled in such a manner that a
 30 "yes" vote will indicate approval of the proposal and a "no"
 31 vote will indicate rejection. The wording of the substance of

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1 the amendment or other public measure and the ballot title to
2 appear on the ballot shall be embodied in the joint
3 resolution, constitutional revision commission proposal,
4 constitutional convention proposal, taxation and budget reform
5 commission proposal, or enabling resolution or ordinance.
6 Except for amendments and ballot language proposed by joint
7 resolution, the substance of the amendment or other public
8 measure shall be an explanatory statement, not exceeding 75
9 words in length, of the chief purpose of the measure. In
10 addition, for every proposed amendment or revision of the
11 State Constitution, the ballot shall include, following the
12 ballot summary, a separate financial ~~fiscal~~ impact statement
13 concerning the measure prepared by the Financial Impact
14 ~~Revenue~~ Estimating Conference in accordance with s. 100.371(6)
15 or s. 100.381. The ballot title shall consist of a caption,
16 not exceeding 15 words in length, by which the measure is
17 commonly referred to or spoken of.

18 Section 6. Paragraph (a) of subsection (4) of section
19 101.62, Florida Statutes, is amended to read:

20 101.62 Request for absentee ballots.--

21 (4)(a) To each absent qualified elector overseas who
22 has requested an absentee ballot, the supervisor of elections
23 shall, not fewer than 35 days before the first primary
24 election, mail an absentee ballot. Not fewer than 45 days
25 before the second primary and general election, the supervisor
26 of elections shall mail an advance absentee ballot to those
27 persons requesting ballots for such elections. The advance
28 absentee ballot for the second primary shall be the same as
29 the first primary absentee ballot as to the names of
30 candidates, except that for any offices where there are only
31 two candidates, those offices and all political party

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1 executive committee offices shall be omitted. Except as
2 provided in ss. 99.063(4) and 100.371(6), the advance
3 absentee ballot for the general election shall be as specified
4 in s. 101.151, except that in the case of candidates of
5 political parties where nominations were not made in the first
6 primary, the names of the candidates placing first and second
7 in the first primary election shall be printed on the advance
8 absentee ballot. The advance absentee ballot or advance
9 absentee ballot information booklet shall be of a different
10 color for each election and also a different color from the
11 absentee ballots for the first primary, second primary, and
12 general election. The supervisor shall mail an advance
13 absentee ballot for the second primary and general election to
14 each qualified absent elector for whom a request is received
15 until the absentee ballots are printed. The supervisor shall
16 enclose with the advance second primary absentee ballot and
17 advance general election absentee ballot an explanation
18 stating that the absentee ballot for the election will be
19 mailed as soon as it is printed; and, if both the advance
20 absentee ballot and the absentee ballot for the election are
21 returned in time to be counted, only the absentee ballot will
22 be counted. The Department of State may prescribe by rule the
23 requirements for preparing and mailing absentee ballots to
24 absent qualified electors overseas.

25 Section 7. Paragraph (a) of subsection (3) of section
26 216.136, Florida Statutes, is amended to read:

27 216.136 Consensus estimating conferences; duties and
28 principals.--

29 (3) REVENUE ESTIMATING CONFERENCE.--

30 (a) Duties.--The Revenue Estimating Conference shall
31 develop such official information with respect to anticipated

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1 | state and local government revenues as the conference
 2 | determines is needed for the state planning and budgeting
 3 | system. Any principal may request the conference to review
 4 | and estimate revenues for any trust fund. ~~Also, the conference~~
 5 | ~~shall prepare fiscal impact statements for constitutional~~
 6 | ~~amendments pursuant to s. 100.371(6).~~

7 | Section 8. The Secretary of State shall immediately
 8 | submit to the Financial Impact Estimating Conference any
 9 | active initiative petition that met the requirements of
 10 | section 15.21, Florida Statutes, or any joint resolution filed
 11 | with the Secretary of State before the effective date of this
 12 | act.

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

16 | And the title is amended as follows:

17 | On page 1, line 7, through
 18 | page 2, line 10, delete those lines

20 | and insert:

21 | Impact Estimating Conference; amending s.
 22 | 16.061, F.S.; requiring the Attorney General to
 23 | immediately petition the Supreme Court for
 24 | review of certain financial impact statements;
 25 | amending s. 100.371, F.S.; revising the times
 26 | within which the Financial Impact Estimating
 27 | Conference must complete its analysis and
 28 | financial impact statement for proposed
 29 | amendments or revisions; providing for open
 30 | meetings; establishing the Financial Impact
 31 | Estimating Conference for certain purposes;

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1 specifying principals of the conference;
2 revising criteria for financial impact
3 statements; providing for redrafting of such
4 statements by the conference under certain
5 circumstances; requiring the Financial Impact
6 Estimating Conference to produce a financial
7 information statement and summary; specifying
8 statement requirements; providing for
9 distribution and publication of the financial
10 information statement and summary; amending s.
11 100.381, F.S.; conforming to changes made by
12 the act; amending s. 101.161, F.S.; prescribing
13 placement of the financial impact statement on
14 the ballot; amending s. 101.62, F.S., relating
15 to absentee ballots, to conform; amending s.
16 216.136, F.S.; conforming provisions to changes
17 made by the act; providing procedures for
18 commencing the financial impact statement
19 development and review process for certain
20 proposed amendments or revisions; providing an
21 effective

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