

Bill No. CS for CS for SB 1700, 2nd Eng.

Amendment No. ____ Barcode 203634

CHAMBER ACTION

Senate

House

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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

On page 2, line 30, through page 11, line 5, delete those lines

and insert:

Section 2. 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 financial impact statement or revised financial impact

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

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

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

22 Section 3. Subsections (6) and (7) of section 100.371,
 23 Florida Statutes, are amended to read:

24 100.371 Initiatives; procedure for placement on
 25 ballot.--

26 (6)(a) Within 45 days after receipt of a proposed
 27 revision or amendment to the State Constitution by initiative
 28 petition from the Secretary of State or, within 30 days after
 29 such receipt if receipt occurs 120 days or less before the
 30 election at which the question of ratifying the amendment will
 31 be presented for any initiative approved by the Florida

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1 ~~Supreme Court for the general election ballot for 2002, within~~
2 ~~45 days after the effective date of this subsection, whichever~~
3 ~~occurs later~~ , the Financial Impact Revenue Estimating
4 Conference shall complete an analysis and financial fiscal
5 impact statement to be placed on the ballot of the estimated
6 increase or decrease in any revenues or costs to state or
7 local governments resulting from the proposed initiative. The
8 Financial Impact Estimating Conference shall submit the
9 financial impact statement to the Attorney General and the
10 Secretary of State.

11 (b)1. The Financial Impact Revenue Estimating
12 Conference shall provide an opportunity for any proponents or
13 opponents of the initiative to submit information and may
14 solicit information or analysis from any other entities or
15 agencies, including the Office of Economic and Demographic
16 Research. All meetings of the Financial Impact Estimating
17 Conference shall be open to the public as provided in chapter
18 286.

19 2. The Financial Impact Estimating Conference is
20 established to review, analyze, and estimate the financial
21 impact of amendments to or revisions of the State Constitution
22 proposed by initiative. The Financial Impact Estimating
23 Conference shall consist of four principals: one person from
24 the Executive Office of the Governor, the coordinator of the
25 Office of Economic and Demographic Research or his or her
26 designee, one person from the professional staff of the
27 Senate, and one person from the professional staff of the
28 House of Representatives. Each principal must have appropriate
29 expertise in the subject matter of the initiative. A Financial
30 Impact Estimating Conference may be appointed for each
31 initiative.

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1 ~~3.(b)1. Principals Members~~ of the Financial Impact
2 ~~Revenue~~ Estimating Conference shall reach a ~~consensus or~~
3 majority concurrence on a clear and unambiguous financial
4 ~~fiscal~~ impact statement, no more than 75 ~~50~~ words in length
5 and immediately submit the statement to the Attorney General.
6 Nothing in this subsection prohibits the Financial Impact
7 ~~Revenue~~ Estimating Conference from setting forth a range of
8 potential impacts in the financial ~~fiscal~~ impact statement.
9 Any financial ~~fiscal~~ impact statement that a court finds not
10 to be in accordance with this section, ~~s. 100.381, or s.~~
11 ~~101.161~~ shall be remanded solely to the Financial Impact
12 ~~Revenue~~ Estimating Conference for redrafting. The Financial
13 ~~Impact Revenue~~ Estimating Conference shall redraft the
14 financial ~~fiscal~~ impact statement within 15 days.

15 ~~4.2.~~ If the members of the Financial Impact Revenue
16 Estimating Conference are unable to agree on the statement
17 required by this subsection, the following statement shall
18 appear on the ballot pursuant to s. 101.161(1): "The financial
19 ~~fiscal~~ impact of this measure, if any, cannot be reasonably
20 determined at this time."

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

24 ~~(d)1.~~ Any financial impact statement that the Supreme
25 Court finds to be not in accordance with this subsection shall
26 be remanded solely to the Financial Impact Estimating
27 Conference for redrafting, provided the court's advisory
28 opinion is rendered at least 75 days before the election at
29 which the question of ratifying the amendment will be
30 presented. The Financial Impact Estimating Conference shall
31 prepare and adopt a revised financial impact statement no

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1 later than 5 p.m. on the 15th day after the date of the
2 court's opinion.

3 2. If, by 5 p.m. on the 55th day before the election,
4 the Supreme Court has not issued an advisory opinion approving
5 a financial impact statement prepared by the Financial Impact
6 Estimating Conference for an initiative amendment that
7 otherwise meets the legal requirements for ballot placement,
8 the financial impact statement shall be deemed approved for
9 placement on the ballot.

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

26 4. The Department of State shall have printed, and
27 shall furnish to each supervisor of elections, a copy of the
28 summary from the initiative financial information statement.
29 The supervisors shall have the summary from the initiative
30 financial information statement available at each polling
31 place and at the main office of the supervisor of elections

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1 for review upon request.

2 5. The Secretary of State and the Office of Economic
3 and Demographic Research shall make available online the
4 initiative financial information statement in its entirety. In
5 addition, each supervisor of elections whose office has an
6 Internet website shall post the summary from each initiative
7 financial information statement on the website. Each
8 supervisor shall include the Internet addresses for the
9 information statements on the Secretary of State's and the
10 Office of Economic and Demographic Research's websites in the
11 publication or mailing required by s. 101.20.

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

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

17 101.161 Referenda; ballots.--

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

31 Except for amendments and ballot language proposed by joint

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1 resolution, the substance of the amendment or other public
2 measure shall be an explanatory statement, not exceeding 75
3 words in length, of the chief purpose of the measure. In
4 addition, for any amendment proposed by initiative, the ballot
5 shall include, following the ballot summary, a separate
6 financial ~~fiscal~~ impact statement concerning the measure
7 prepared by the Financial Impact ~~Revenue~~ Estimating Conference
8 in accordance with s. 100.371(6) ~~or s. 100.381~~. The ballot
9 title shall consist of a caption, not exceeding 15 words in
10 length, by which the measure is commonly referred to or spoken
11 of.

12 Section 5. Paragraph (a) of subsection (4) of section
13 101.62, Florida Statutes, is amended to read:

14 101.62 Request for absentee ballots.--

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

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

19 Section 6. Paragraph (a) of subsection (3) of section
20 216.136, Florida Statutes, is amended to read:

21 216.136 Consensus estimating conferences; duties and
22 principals.--

23 (3) REVENUE ESTIMATING CONFERENCE.--

24 (a) Duties.--The Revenue Estimating Conference shall
25 develop such official information with respect to anticipated
26 state and local government revenues as the conference
27 determines is needed for the state planning and budgeting
28 system. Any principal may request the conference to review and
29 estimate revenues for any trust fund. ~~Also, the conference~~
30 ~~shall prepare fiscal impact statements for constitutional~~
31 ~~amendments pursuant to s. 100.371(6).~~

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1 Section 7. The Secretary of State shall immediately
2 submit to the Financial Impact Estimating Conference any
3 active initiative petition that met the requirements of s.
4 15.21, Florida Statutes, before the effective date of this
5 act.

6 Section 8. Section 100.381, Florida Statutes, is
7 repealed.

8 Section 9. This act shall take effect upon becoming a
9 law.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 1, line 7, after the semicolon to page 2, line
15 7 delete that language

16
17

and insert:

18 amending s. 16.061, F.S.; requiring the
19 Attorney General to petition the Supreme Court
20 for an advisory opinion of certain financial
21 impact statements; deleting duties of the
22 Attorney General with respect to constitutional
23 amendments proposed other than by initiative;
24 conforming provisions to changes made by the
25 act; amending s. 100.371, F.S.; requiring the
26 Financial Impact Estimating Conference to
27 complete a financial impact statement for
28 certain purposes; requiring the conference to
29 submit the statement to the Attorney General
30 and the Secretary of State; requiring meetings
31 of the conference to be open to the public;

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1 establishing the Financial Impact Estimating
2 Conference for certain purposes; specifying
3 principals of the conference; revising criteria
4 for financial impact statements; providing for
5 remand and redrafting of financial impact
6 statements found by the Supreme Court to be not
7 in compliance; providing for redrafting of such
8 statements by the conference under certain
9 circumstances; providing for revised financial
10 impact statements under certain circumstances;
11 specifying approval of financial impact
12 statements for which the Supreme Court has not
13 issued an advisory opinion of approval by a
14 time certain; requiring the conference to draft
15 an initiative financial information statement
16 and summary; specifying statement requirements;
17 requiring the Department of State to print and
18 furnish copies of a summary of such statement
19 to supervisors of elections; requiring
20 supervisors of elections to make such summaries
21 available at polling places; requiring the
22 Secretary of State and the Office of Economic
23 and Demographic Research to make such statement
24 and summary available online; providing
25 requirements; amending s. 101.161, F.S.;
26 requiring constitutional amendments proposed by
27 initiative to include a financial impact
28 statement following the ballot summary;
29 amending s. 101.62, F.S., relating to absentee
30 ballots, to conform; amending s. 216.136, F.S.,
31 relating to consensus estimating conferences,

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1 to conform; requiring the Secretary of State to
2 submit to the Financial Impact Estimating
3 Conference certain active initiative petitions;
4 repealing s. 100.381, F.S., relating to fiscal
5 impact statements for constitutional amendments
6 or revisions other than initiatives; providing
7 an effective date.

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