

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Johnson offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove page 2, line 30, through page 10, line 28, and  
5 insert:

6 Section 2. Section 16.061, Florida Statutes, is amended to  
7 read:

8 16.061 Initiative petitions ~~Proposed constitutional~~  
9 ~~revisions or amendments.~~ --

10 (1) The Attorney General shall, within 30 days after  
11 receipt of a proposed revision or amendment to the State  
12 Constitution by initiative petition from the Secretary of State,  
13 petition the Supreme Court, requesting an advisory opinion  
14 regarding the compliance of the text of the proposed amendment  
15 or revision with s. 3, Art. XI of the State Constitution and the  
16 compliance of the proposed ballot title and substance with s.

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17 | ~~101.161 and the compliance of the fiscal impact statement with~~  
18 | ~~ss. 100.371 and 101.161. For all other proposed revisions or~~  
19 | ~~amendments to the State Constitution, the Attorney General~~  
20 | ~~shall, upon the Revenue Estimating Conference finalizing the~~  
21 | ~~fiscal impact statement, petition the Supreme Court requesting~~  
22 | ~~an advisory opinion regarding compliance of the text of the~~  
23 | ~~fiscal impact statement with ss. 100.371, 100.381, and 101.161.~~  
24 | The petition may enumerate any specific factual issues that  
25 | ~~which~~ the Attorney General believes would require a judicial  
26 | determination.

27 |       (2) A copy of the petition shall be provided to the  
28 | Secretary of State and the principal officer of the sponsor.

29 |       (3) Any fiscal impact statement that the court finds not  
30 | to be in accordance with s. 100.371, ~~s. 100.381, or s. 101.161~~  
31 | shall be remanded solely to the Financial Impact Revenue  
32 | Estimating Conference for redrafting.

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

35 |       100.371 Initiatives; procedure for placement on ballot.--

36 |       (6)(a) Within 45 days after receipt of a proposed revision  
37 | or amendment to the State Constitution by initiative petition  
38 | from the Secretary of State or within 30 days after such receipt  
39 | if receipt occurs 120 days or less before the election at which  
40 | the question of ratifying the amendment will be presented, ~~for~~  
41 | ~~any initiative approved by the Florida Supreme Court for the~~  
42 | ~~general election ballot for 2002, within 45 days after the~~  
43 | ~~effective date of this subsection, whichever occurs later, the~~  
44 | Financial Impact Revenue Estimating Conference shall complete an

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45 analysis and financial ~~fiscal~~ impact statement to be placed on  
46 the ballot of the estimated increase or decrease in any revenues  
47 or costs to state or local governments resulting from the  
48 proposed initiative. The Financial Impact Estimating Conference  
49 shall submit the financial impact statement to the Attorney  
50 General and Secretary of State.

51 (b)1. The Financial Impact Revenue Estimating Conference  
52 shall provide an opportunity for any proponents or opponents of  
53 the initiative to submit information and may solicit information  
54 or analysis from any other entities or agencies, including the  
55 Office of Economic and Demographic Research. All meetings of the  
56 Financial Impact Estimating Conference shall be open to the  
57 public as provided in chapter 286.

58 2. The Financial Impact Estimating Conference is  
59 established to review, analyze, and estimate the financial  
60 impact of amendments to or revisions of the State Constitution  
61 proposed by initiative. The Financial Impact Estimating  
62 Conference shall consist of four principals: one person from the  
63 Executive Office of the Governor; the coordinator of the Office  
64 of Economic and Demographic Research, or his or her designee;  
65 one person from the professional staff of the Senate; and one  
66 person from the professional staff of the House of  
67 Representatives. Each principal shall have appropriate fiscal  
68 expertise in the subject matter of the initiative. A Financial  
69 Impact Estimating Conference may be appointed for each  
70 initiative.

71 3.~~(b)1.~~ Principals ~~Members~~ of the Financial Impact Revenue  
72 Estimating Conference shall reach a consensus or majority

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73 concurrence on a clear and unambiguous financial ~~fiscal~~ impact  
74 statement, no more than 75 ~~50~~ words in length, and immediately  
75 submit the statement to the Attorney General. Nothing in this  
76 subsection prohibits the Financial Impact Revenue Estimating  
77 Conference from setting forth a range of potential impacts in  
78 the financial ~~fiscal~~ impact statement. Any financial ~~fiscal~~  
79 impact statement that a court finds not to be in accordance with  
80 this section, ~~s. 100.381, or s. 101.161~~ shall be remanded solely  
81 to the Financial Impact Revenue Estimating Conference for  
82 redrafting. The Financial Impact Revenue Estimating Conference  
83 shall redraft the financial ~~fiscal~~ impact statement within 15  
84 days.

85 4.2. If the members of the Financial Impact Revenue  
86 Estimating Conference are unable to agree on the statement  
87 required by this subsection or if the Supreme Court has rejected  
88 the initial submission by the Financial Impact Estimating  
89 Conference and no redraft has been approved by the Supreme Court  
90 by 5 p.m. on the 75th day before the election, the following  
91 statement shall appear on the ballot pursuant to s. 101.161(1):  
92 "The financial ~~fiscal~~ impact of this measure, if any, cannot be  
93 reasonably determined at this time."

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

97 (d)1. Any financial impact statement that the Supreme  
98 Court finds not to be in accordance with this subsection shall  
99 be remanded solely to the Financial Impact Estimating Conference  
100 for redrafting, provided the court's advisory opinion is

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101 rendered at least 75 days before the election at which the  
102 question of ratifying the amendment will be presented. The  
103 Financial Impact Estimating Conference shall prepare and adopt a  
104 revised financial impact statement no later than 5 p.m. on the  
105 15th day after the date of the court's opinion.

106 2. If, by 5 p.m. on the 75th day before the election, the  
107 Supreme Court has not issued an advisory opinion on the initial  
108 financial impact statement prepared by the Financial Impact  
109 Estimating Conference for an initiative amendment that otherwise  
110 meets the legal requirements for ballot placement, the financial  
111 impact statement shall be deemed approved for placement on the  
112 ballot.

113 3. In addition to the financial impact statement required  
114 by this subsection, the Financial Impact Estimating Conference  
115 shall draft an initiative financial information statement. The  
116 initiative financial information statement should describe in  
117 greater detail than the financial impact statement any projected  
118 increase or decrease in revenues or costs that the state or  
119 local governments would likely experience if the ballot measure  
120 were approved. If appropriate, the initiative financial  
121 information statement may include both estimated dollar amounts  
122 and a description placing the estimated dollar amounts into  
123 context. The initiative financial information statement must  
124 include both a summary of not more than 500 words and additional  
125 detailed information that includes the assumptions that were  
126 made to develop the financial impacts, workpapers, and any other  
127 information deemed relevant by the Financial Impact Estimating  
128 Conference.

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129       4. The Department of State shall have printed, and shall  
130 furnish to each supervisor of elections, a copy of the summary  
131 from the initiative financial information statements. The  
132 supervisors shall have the summary from the initiative financial  
133 information statements available at each polling place and at  
134 the main office of the supervisor of elections upon request.

135       5. The Secretary of State and the Office of Economic and  
136 Demographic Research shall make available on the Internet each  
137 initiative financial information statement in its entirety. In  
138 addition, each supervisor of elections whose office has a  
139 website shall post the summary from each initiative financial  
140 information statement on the website. Each supervisor shall  
141 include the Internet addresses for the information statements on  
142 the Secretary of State's and the Office of Economic and  
143 Demographic Research's websites in the publication or mailing  
144 required by s. 101.20.

145       (7) The Department of State may adopt rules in accordance  
146 with s. 120.54 to carry out the provisions of subsections (1)-  
147 (6) ~~(1)-(5)~~ of this section.

148       Section 4. Section 100.381, Florida Statutes, is repealed.

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

151       101.161 Referenda; ballots.--

152       (1) Whenever a constitutional amendment or other public  
153 measure is submitted to the vote of the people, the substance of  
154 such amendment or other public measure shall be printed in clear  
155 and unambiguous language on the ballot after the list of  
156 candidates, followed by the word "yes" and also by the word

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

176 Section 6. Paragraph (a) of subsection (4) of section  
177 101.62, Florida Statutes, is amended to read:

178 101.62 Request for absentee ballots.--

179 (4)(a) To each absent qualified elector overseas who has  
180 requested an absentee ballot, the supervisor of elections shall,  
181 not fewer than 35 days before the first primary election, mail  
182 an absentee ballot. Not fewer than 45 days before the second  
183 primary and general election, the supervisor of elections shall  
184 mail an advance absentee ballot to those persons requesting

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185 ballots for such elections. The advance absentee ballot for the  
186 second primary shall be the same as the first primary absentee  
187 ballot as to the names of candidates, except that for any  
188 offices where there are only two candidates, those offices and  
189 all political party executive committee offices shall be  
190 omitted. Except as provided in ss. ~~s.~~ 99.063(4) and 100.371(6),  
191 the advance absentee ballot for the general election shall be as  
192 specified in s. 101.151, except that in the case of candidates  
193 of political parties where nominations were not made in the  
194 first primary, the names of the candidates placing first and  
195 second in the first primary election shall be printed on the  
196 advance absentee ballot. The advance absentee ballot or advance  
197 absentee ballot information booklet shall be of a different  
198 color for each election and also a different color from the  
199 absentee ballots for the first primary, second primary, and  
200 general election. The supervisor shall mail an advance absentee  
201 ballot for the second primary and general election to each  
202 qualified absent elector for whom a request is received until  
203 the absentee ballots are printed. The supervisor shall enclose  
204 with the advance second primary absentee ballot and advance  
205 general election absentee ballot an explanation stating that the  
206 absentee ballot for the election will be mailed as soon as it is  
207 printed; and, if both the advance absentee ballot and the  
208 absentee ballot for the election are returned in time to be  
209 counted, only the absentee ballot will be counted. The  
210 Department of State may prescribe by rule the requirements for  
211 preparing and mailing absentee ballots to absent qualified  
212 electors overseas.

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213 Section 7. Paragraph (a) of subsection (3) of section  
214 216.136, Florida Statutes, is amended to read:

215 216.136 Consensus estimating conferences; duties and  
216 principals.--

217 (3) REVENUE ESTIMATING CONFERENCE.--

218 (a) Duties.--The Revenue Estimating Conference shall  
219 develop such official information with respect to anticipated  
220 state and local government revenues as the conference determines  
221 is needed for the state planning and budgeting system. Any  
222 principal may request the conference to review and estimate  
223 revenues for any trust fund. ~~Also, the conference shall prepare~~  
224 ~~fiscal impact statements for constitutional amendments pursuant~~  
225 ~~to s. 100.371(6).~~

226 Section 8. The Secretary of State shall immediately submit  
227 to the Financial Impact Estimating Conference any active  
228 initiative petition that met the requirements of s. 15.21,  
229 Florida Statutes, before the effective date of this act.

230  
231 ===== T I T L E A M E N D M E N T =====

232 Remove page 1, line 7, through page 2, line 6, and insert:  
233 Impact Estimating Conference; amending s. 16.061, F.S.;  
234 requiring the Attorney General to immediately petition the  
235 Supreme Court for review of certain financial impact  
236 statements; deleting duties of the Attorney General with  
237 respect to constitutional amendments proposed other than  
238 by initiative; amending s. 100.371, F.S.; revising the  
239 times within which the Financial Impact Estimating  
240 Conference must complete its analysis and financial impact

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241 statement for amendments proposed by initiative; providing  
242 for open meetings; establishing the Financial Impact  
243 Estimating Conference for certain purposes; specifying  
244 principals of the conference; revising criteria for  
245 financial impact statements; providing for redrafting of  
246 such statements by the conference under certain  
247 circumstances; requiring the Financial Impact Estimating  
248 Conference to produce a financial information statement  
249 and summary; specifying statement requirements; providing  
250 for distribution and publication of the financial  
251 information statement and summary; repealing s. 100.381,  
252 F.S., relating to fiscal impact statement requirements for  
253 amendments or revisions; proposed other than by  
254 initiative; amending s. 101.161, F.S.; prescribing  
255 placement of the financial impact statement on the ballot;  
256 amending s. 101.62, F.S., relating to requests for  
257 absentee ballots, to conform; amending s. 216.136, F.S.;  
258 conforming provisions to changes made by the act;  
259 providing procedures for commencing the financial impact  
260 statement development and review process for certain  
261 proposed initiatives; providing

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