

By Senator Cowin

20-557A-04

1 A bill to be entitled
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 and
30 216.136(3)(a), F.S., to conform to changes made
31 by the act; providing procedures for commencing

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

4
5 Be It Enacted by the Legislature of the State of Florida:

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

9 16.061 Initiative Petitions ~~Proposed constitutional~~
10 ~~revisions or amendments.--~~

11 (1) The Attorney General shall, within 30 days after
12 receipt of a proposed revision or amendment to the State
13 Constitution by initiative petition from the Secretary of
14 State, petition the Supreme Court, requesting an advisory
15 opinion regarding the compliance of the text of the proposed
16 amendment or revision with s. 3, Art. XI of the State
17 Constitution and the compliance of the proposed ballot title
18 and substance with s. 101.161. The Attorney General shall,
19 within 30 days after receipt of the initiative petition's
20 fiscal impact statement or revised fiscal impact statement
21 from the Revenue Estimating Conference, or immediately after
22 receipt if received less than 120 days before the election at
23 which the question of ratifying the amendment will be
24 presented, petition the Supreme Court requesting an advisory
25 opinion regarding compliance of the statement with s.
26 100.371(6) and the compliance of the fiscal impact statement
27 with ss. 100.371 and 101.161. For all other proposed revisions
28 or amendments to the State Constitution, the Attorney General
29 shall, upon the Revenue Estimating Conference finalizing the
30 fiscal impact statement, petition the Supreme Court requesting
31 an advisory opinion regarding compliance of the text of the

1 ~~fiscal impact statement with ss. 100.371, 100.381, and~~
2 ~~101.161.~~ The petition may enumerate any specific factual
3 issues that ~~which~~ the Attorney General believes would require
4 a judicial determination.

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

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

11 Section 2. Subsections (2), (6), and (7) of section
12 100.371, Florida Statutes, are amended to read:

13 100.371 Initiatives; procedure for placement on
14 ballot.--

15 (2) Such certification shall be issued when the
16 Secretary of State has received verification certificates from
17 the supervisors of elections indicating that the requisite
18 number and distribution of valid signatures of electors have
19 been submitted to and verified by the supervisors. Every
20 signature shall be dated when made and shall be valid for a
21 period of 18 months ~~4 years~~ following the ~~such~~ date of
22 signature certification to the Secretary of State, provided
23 all other requirements of law are satisfied ~~complied with~~.

24 (6)(a) Within 45 days after receipt of a proposed
25 revision or amendment to the State Constitution by initiative
26 petition from the Secretary of State, or within 30 days after
27 such receipt if receipt occurs 120 days or less before the
28 election at which the question of ratifying the amendment will
29 be presented, ~~for any initiative approved by the Florida~~
30 ~~Supreme Court for the general election ballot for 2002, within~~
31 ~~45 days after the effective date of this subsection, whichever~~

1 ~~occurs later~~, the Revenue Estimating Conference shall complete
2 an analysis and fiscal impact statement to be placed on the
3 ballot of the estimated increase or decrease in any revenues
4 or costs to state or local governments resulting from the
5 proposed initiative. The Revenue Estimating Conference shall
6 provide an opportunity for any proponents or opponents of the
7 initiative to submit information and may solicit information
8 or analysis from any other entities or agencies, including the
9 Office of Economic and Demographic Research.

10 (b)1. Members of the Revenue Estimating Conference
11 shall reach a consensus or majority concurrence on a clear and
12 unambiguous fiscal impact statement, no more than 50 words in
13 length and immediately submit the statement to the Attorney
14 General. Nothing in this subsection prohibits the Revenue
15 Estimating Conference from setting forth a range of potential
16 impacts in the fiscal impact statement. ~~Any fiscal impact~~
17 ~~statement that a court finds not to be in accordance with this~~
18 ~~section, s. 100.381, or s. 101.161 shall be remanded solely to~~
19 ~~the Revenue Estimating Conference for redrafting. The Revenue~~
20 ~~Estimating Conference shall redraft the fiscal impact~~
21 ~~statement within 15 days.~~

22 2. If the members of the Revenue Estimating Conference
23 are unable to agree on the statement required by this
24 subsection, the following statement shall appear on the ballot
25 pursuant to s. 101.161(1): "The fiscal impact of this measure,
26 if any, cannot be reasonably determined at this time."

27 3. Any fiscal impact statement that the Supreme Court
28 finds not to be in accordance with this subsection shall be
29 remanded solely to the Revenue Estimating Conference for
30 redrafting, provided the court's advisory opinion is rendered
31 at least 75 days before the election at which the question of

1 ratifying the amendment will be presented. The Revenue
2 Estimating Conference shall prepare and adopt a revised fiscal
3 impact statement no later than 5 p.m. on the 15th day after
4 the date of the court's opinion.

5 4. If, by 5 p.m. on the 55th day before the election,
6 the Supreme Court has not issued an advisory opinion approving
7 a fiscal impact statement prepared by the Revenue Estimating
8 Conference for an initiative amendment that otherwise meets
9 the legal requirements for ballot placement, the following
10 statement must appear on the ballot pursuant to s. 101.161(1):
11 "Due to time constraints, the fiscal impact of this measure,
12 if any, could not be included on the ballot."

13 5.a. In addition to the financial impact statement
14 required by this subsection, the Revenue Estimating Conference
15 shall draft an initiative financial information statement.
16 The initiative financial information statement should describe
17 in greater detail than the financial impact statement any
18 projected increase or decrease in revenues or costs that the
19 state or local governments would likely experience if the
20 ballot measure were approved. The sponsor of an initiative
21 amendment may also draft an initiative financial information
22 statement that includes the sponsor's estimated increase or
23 decrease in any revenues or costs to the state or local
24 governments resulting from the proposed initiative. If
25 appropriate, the initiative financial information statements
26 may include both estimated dollar amounts and a description
27 placing the estimated dollar amounts into context. The
28 initiative financial information statements must include both
29 a summary of not more than 500 words and additional detailed
30 information that includes the assumptions that were made to
31 develop the fiscal impacts, work papers, and any other

1 information deemed relevant by the Revenue Estimating
2 Conference or amendment sponsor.

3 b. The Department of State shall have printed, and
4 shall furnish to each supervisor of elections, a copy of the
5 summary from the initiative financial information statements.
6 The supervisors shall have the summary from the initiative
7 financial information statements available at each polling
8 place and at their main office upon request.

9 c. The Secretary of State shall make available on the
10 Internet the initiative financial information statements in
11 their entirety. In addition, each supervisor of elections
12 whose office has a website shall post the summary from the
13 initiative financial information statements on the website.

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

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

20 Section 3. Section 100.381, Florida Statutes, is
21 repealed.

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

24 101.161 Referenda; ballots.--

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

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

17 Section 5. Paragraph (a) of subsection (4) of section
18 101.62, Florida Statutes, is amended to read:

19 101.62 Request for absentee ballots.--

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

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

24 Section 6. For the purpose of incorporating the
25 amendments made by this act to sections 100.371 and 101.161,
26 Florida Statutes, in references thereto, section 15.21,
27 Florida Statutes, is reenacted to read:

28 15.21 Initiative petitions; s. 3, Art. XI, State
29 Constitution.--The Secretary of State shall immediately submit
30 an initiative petition to the Attorney General and to the
31 Revenue Estimating Conference if the sponsor has:

1 (1) Registered as a political committee pursuant to s.
2 106.03;

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

6 (3) Obtained a letter from the Division of Elections
7 confirming that the sponsor has submitted to the appropriate
8 supervisors for verification, and the supervisors have
9 verified, forms signed and dated equal to 10 percent of the
10 number of electors statewide and in at least one-fourth of the
11 congressional districts required by s. 3, Art. XI of the State
12 Constitution.

13 Section 7. For the purpose of incorporating the
14 amendments made by this act to section 100.371, Florida
15 Statutes, in references thereto, paragraph (a) of subsection
16 (3) of section 216.136, Florida Statutes, is reenacted to
17 read:

18 216.136 Consensus estimating conferences; duties and
19 principals.--

20 (3) REVENUE ESTIMATING CONFERENCE.--

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

29 Section 8. The Secretary of State shall immediately
30 submit to the Revenue Estimating Conference any active
31 initiative petition that met the requirements of section

1 15.21, Florida Statutes, before the effective date of this
2 act.

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

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7 SENATE SUMMARY

8 Requires the Attorney General to immediately petition the
9 Supreme Court for review of certain fiscal impact
10 statements. Deletes duties of the Attorney General
11 regarding constitutional amendments proposed other than
12 by initiative. Decreases the period in which initiative
13 petition signatures remain valid. Revises times by which
14 the Revenue Estimating Conference must complete its
15 analysis and fiscal impact statement for amendments
16 proposed by initiative. Prescribes ballot language to be
17 used if a fiscal impact statement is not timely approved
18 by the Supreme Court. Requires the Revenue Estimating
19 Conference and authorizes the amendment sponsor to
20 produce a financial information statement and summary.
21 Provides for distribution and publication of the
22 financial information statement and summary. Repeals
23 requirements for fiscal impact statements for amendments
24 proposed other than by initiative. Prescribes placement
25 of the fiscal impact statement on the ballot. Provides
26 procedures for commencing the fiscal impact statement
27 development and review process for certain proposed
28 initiatives. (See bill for details.)
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