

By the Committee on Ethics and Elections; and Senators Cowin
and Bullard

313-2303-04

1 A bill to be entitled
2 An act relating to financial impact statements
3 for proposed constitutional amendments;
4 amending s. 15.21, F.S.; requiring the
5 Secretary of State to submit certain proposed
6 constitutional amendments to the Financial
7 Impact Estimating Conference; amending s.
8 16.061, F.S.; requiring the Attorney General to
9 immediately petition the Supreme Court for
10 review of certain financial impact statements;
11 deleting duties of the Attorney General with
12 respect to constitutional amendments proposed
13 other than by initiative; amending s. 100.371,
14 F.S.; revising the times within which the
15 Financial Impact Estimating Conference must
16 complete its analysis and financial impact
17 statement for amendments proposed by
18 initiative; providing for open meetings;
19 establishing the Financial Impact Estimating
20 Conference for certain purposes; specifying
21 principals of the conference; revising criteria
22 for financial impact statements; providing for
23 redrafting of such statements by the conference
24 under certain circumstances; requiring the
25 Financial Impact Estimating Conference to
26 produce a financial information statement and
27 summary; specifying statement requirements;
28 providing for distribution and publication of
29 the financial information statement and
30 summary; repealing s. 100.381, F.S., relating
31 to fiscal impact statement requirements for

1 amendments proposed other than by initiative;
2 amending s. 101.161, F.S.; prescribing
3 placement of the financial impact statement on
4 the ballot; amending s. 101.62, F.S., relating
5 to absentee ballots, to conform; amending s.
6 216.136, F.S.; conforming provisions to changes
7 made by the act; providing procedures for
8 commencing the financial impact statement
9 development and review process for certain
10 proposed initiatives; providing an effective
11 date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 15.21, Florida Statutes, is amended
16 to read:

17 15.21 Initiative petitions; s. 3, Art. XI, State
18 Constitution.--The Secretary of State shall immediately submit
19 an initiative petition to the Attorney General and to the
20 Financial Impact Revenue Estimating Conference if the sponsor
21 has:

22 (1) Registered as a political committee pursuant to s.
23 106.03;

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

27 (3) Obtained a letter from the Division of Elections
28 confirming that the sponsor has submitted to the appropriate
29 supervisors for verification, and the supervisors have
30 verified, forms signed and dated equal to 10 percent of the
31 number of electors statewide and in at least one-fourth of the

1 congressional districts required by s. 3, Art. XI of the State
2 Constitution.

3 Section 2. Section 16.061, Florida Statutes, is
4 amended to read:

5 16.061 Initiative petitions ~~Proposed constitutional~~
6 ~~revisions or amendments.--~~

7 (1) The Attorney General shall, within 30 days after
8 receipt of a proposed revision or amendment to the State
9 Constitution by initiative petition from the Secretary of
10 State, petition the Supreme Court, requesting an advisory
11 opinion regarding the compliance of the text of the proposed
12 amendment or revision with s. 3, Art. XI of the State
13 Constitution and the compliance of the proposed ballot title
14 and substance with s. 101.161 ~~and the compliance of the fiscal~~
15 ~~impact statement with ss. 100.371 and 101.161. For all other~~
16 ~~proposed revisions or amendments to the State Constitution,~~
17 ~~the Attorney General shall, upon the Revenue Estimating~~
18 ~~Conference finalizing the fiscal impact statement, petition~~
19 ~~the Supreme Court requesting an advisory opinion regarding~~
20 ~~compliance of the text of the fiscal impact statement with ss.~~
21 ~~100.371, 100.381, and 101.161.~~The petition may enumerate any
22 specific factual issues that ~~which~~ the Attorney General
23 believes would require a judicial determination.

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

26 (3) Any fiscal impact statement that the court finds
27 not to be in accordance with s. 100.371, ~~s. 100.381, or s.~~
28 ~~101.161~~ shall be remanded solely to the Financial Impact
29 ~~Revenue~~ Estimating Conference for redrafting.

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

1 100.371 Initiatives; procedure for placement on
2 ballot.--

3 (6)(a) Within 45 days after receipt of a proposed
4 revision or amendment to the State Constitution by initiative
5 petition from the Secretary of State or, within 30 days after
6 such receipt if receipt occurs 120 days or less before the
7 election at which the question of ratifying the amendment will
8 be presented for any initiative approved by the Florida
9 Supreme Court for the general election ballot for 2002, within
10 45 days after the effective date of this subsection, whichever
11 occurs later, the Financial Impact Revenue Estimating
12 Conference shall complete an analysis and financial fiscal
13 impact statement to be placed on the ballot of the estimated
14 increase or decrease in any revenues or costs to state or
15 local governments resulting from the proposed initiative. The
16 Financial Impact Estimating Conference shall submit the
17 financial impact statement to the Attorney General and
18 Secretary of State.

19 **(b)1.** The Financial Impact Revenue Estimating
20 Conference shall provide an opportunity for any proponents or
21 opponents of the initiative to submit information and may
22 solicit information or analysis from any other entities or
23 agencies, including the Office of Economic and Demographic
24 Research. All meetings of the Financial Impact Estimating
25 Conference shall be open to the public as provided in chapter
26 286.

27 **2.** The Financial Impact Estimating Conference is
28 established to review, analyze, and estimate the financial
29 impact of amendments to or revisions of the State Constitution
30 proposed by initiative. The Financial Impact Estimating
31 Conference shall consist of four principals: one person from

1 the Executive Office of the Governor; the coordinator of the
2 Office of Economic and Demographic Research, or his or her
3 designee; one person from the professional staff of the
4 Senate; and one person from the professional staff of the
5 House of Representatives. Each principal shall have
6 appropriate expertise in the subject matter of the initiative.
7 A Financial Impact Estimating Conference may be appointed for
8 each initiative.

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

23 4.2. ~~If the members of the Financial Impact Revenue~~
24 ~~Estimating Conference are unable to agree on the statement~~
25 ~~required by this subsection, the following statement shall~~
26 ~~appear on the ballot pursuant to s. 101.161(1): "The financial~~
27 ~~fiscal~~ impact of this measure, if any, cannot be reasonably
28 determined at this time."

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

1 (d)1. Any financial impact statement that the Supreme
2 Court finds not to be in accordance with this subsection shall
3 be remanded solely to the Financial Impact Estimating
4 Conference for redrafting, provided the court's advisory
5 opinion is rendered at least 75 days before the election at
6 which the question of ratifying the amendment will be
7 presented. The Financial Impact Estimating Conference shall
8 prepare and adopt a revised financial impact statement no
9 later than 5 p.m. on the 15th day after the date of the
10 court's opinion.

11 2. If, by 5 p.m. on the 55th day before the election,
12 the Supreme Court has not issued an advisory opinion approving
13 a financial impact statement prepared by the Financial Impact
14 Estimating Conference for an initiative amendment that
15 otherwise meets the legal requirements for ballot placement,
16 the financial impact statement shall be deemed approved for
17 placement on the ballot.

18 3. In addition to the financial impact statement
19 required by this subsection, the Financial Impact Estimating
20 Conference shall draft an initiative financial information
21 statement. The initiative financial information statement
22 should describe in greater detail than the financial impact
23 statement any projected increase or decrease in revenues or
24 costs that the state or local governments would likely
25 experience if the ballot measure were approved. If
26 appropriate, the initiative financial information statement
27 may include both estimated dollar amounts and a description
28 placing the estimated dollar amounts into context. The
29 initiative financial information statement must include both a
30 summary of not more than 500 words and additional detailed
31 information that includes the assumptions that were made to

1 develop the financial impacts, workpapers, and any other
2 information deemed relevant by the Financial Impact Estimating
3 Conference.

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

11 5. The Secretary of State and the Office of Economic
12 and Demographic Research shall make available on the Internet
13 each initiative financial information statement in its
14 entirety. In addition, each supervisor of elections whose
15 office has a website shall post the summary from each
16 initiative financial information statement on the website.
17 Each supervisor shall include the Internet addresses for the
18 information statements on the Secretary of State's and the
19 Office of Economic and Demographic Research's websites in the
20 publication or mailing required by s. 101.20.

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

24 Section 4. Section 100.381, Florida Statutes, is
25 repealed.

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

28 101.161 Referenda; ballots.--

29 (1) Whenever a constitutional amendment or other
30 public measure is submitted to the vote of the people, the
31 substance of such amendment or other public measure shall be

1 printed in clear and unambiguous language on the ballot after
2 the list of candidates, followed by the word "yes" and also by
3 the word "no," and shall be styled in such a manner that a
4 "yes" vote will indicate approval of the proposal and a "no"
5 vote will indicate rejection. The wording of the substance of
6 the amendment or other public measure and the ballot title to
7 appear on the ballot shall be embodied in the joint
8 resolution, constitutional revision commission proposal,
9 constitutional convention proposal, taxation and budget reform
10 commission proposal, or enabling resolution or ordinance.
11 Except for amendments and ballot language proposed by joint
12 resolution, the substance of the amendment or other public
13 measure shall be an explanatory statement, not exceeding 75
14 words in length, of the chief purpose of the measure. In
15 addition, for every amendment proposed by initiative, the
16 ballot shall include, following the ballot summary, a separate
17 financial ~~fiscal~~ impact statement concerning the measure
18 prepared by the Financial Impact ~~Revenue~~ Estimating Conference
19 in accordance with s. 100.371(6) ~~or s. 100.381~~. The ballot
20 title shall consist of a caption, not exceeding 15 words in
21 length, by which the measure is commonly referred to or spoken
22 of.

23 Section 6. Paragraph (a) of subsection (4) of section
24 101.62, Florida Statutes, is amended to read:

25 101.62 Request for absentee ballots.--

26 (4)(a) To each absent qualified elector overseas who
27 has requested an absentee ballot, the supervisor of elections
28 shall, not fewer than 35 days before the first primary
29 election, mail an absentee ballot. Not fewer than 45 days
30 before the second primary and general election, the supervisor
31 of elections shall mail an advance absentee ballot to those

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

30 Section 7. Paragraph (a) of subsection (3) of section
31 216.136, Florida Statutes, is amended to read:

1 216.136 Consensus estimating conferences; duties and
2 principals.--

3 (3) REVENUE ESTIMATING CONFERENCE.--

4 (a) Duties.--The Revenue Estimating Conference shall
5 develop such official information with respect to anticipated
6 state and local government revenues as the conference
7 determines is needed for the state planning and budgeting
8 system. Any principal may request the conference to review
9 and estimate revenues for any trust fund. ~~Also, the conference~~
10 ~~shall prepare fiscal impact statements for constitutional~~
11 ~~amendments pursuant to s. 100.371(6).~~

12 Section 8. The Secretary of State shall immediately
13 submit to the Financial Impact Estimating Conference any
14 active initiative petition that met the requirements of
15 section 15.21, Florida Statutes, before the effective date of
16 this act.

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1700

4 The committee substitute differs from the bill in that
5 it: requires a financial impact statement be prepared by the
6 Financial Impact Estimating Conference which is comprised of
7 one principal from the Executive Office of the Governor, the
8 coordinator of the Office of Economic and Demographic Research
9 or his or her designee, and one person from both the
10 professional staff of the Senate and the House of
11 Representatives; eliminates any changes to the validity period
12 for initiative petition signatures; eliminates language to be
13 used if a financial impact statement is not timely approved by
14 the Supreme Court and provides for its inclusion on the ballot
15 if it's not timely approved; eliminates preparation of a 500
16 word initiative financial information statement by initiative
17 sponsors; provides that the financial information statement
18 also be included on the website of the Office of Economic and
19 Demographic Research and provides that directions to these
20 websites be contained in the sample ballot published in a
21 newspaper of general circulation or mailed to each elector or
22 each household in which there is a registered voter; and
23 corrects an erroneous reference.
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