

By the Committees on Finance and Taxation; Ethics and Elections; and Senators Cowin, Bullard and Lynn

314-2684-04

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.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
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 75 ~~50~~ words in length
13 and 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, or if the Supreme Court has
26 rejected the initial submission by the Financial Impact
27 Estimating Conference and no redraft has been approved by the
28 Supreme Court by 5 p.m. on the 75th day before the election,
29 the following statement shall appear on the ballot pursuant to
30 s. 101.161(1): "The financial ~~fiscal~~ impact of this measure,
31 if any, cannot be reasonably determined at this time."

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

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

14 2. If, by 5 p.m. on the 75th day before the election,
15 the Supreme Court has not issued an advisory opinion on the
16 initial financial impact statement prepared by the Financial
17 Impact Estimating Conference for an initiative amendment that
18 otherwise meets the legal requirements for ballot placement,
19 the financial impact statement shall be deemed approved for
20 placement on the ballot.

21 3. In addition to the financial impact statement
22 required by this subsection, the Financial Impact Estimating
23 Conference shall draft an initiative financial information
24 statement. The initiative financial information statement
25 should describe in greater detail than the financial impact
26 statement any projected increase or decrease in revenues or
27 costs that the state or local governments would likely
28 experience if the ballot measure were approved. If
29 appropriate, the initiative financial information statement
30 may include both estimated dollar amounts and a description
31 placing the estimated dollar amounts into context. The

1 initiative financial information statement must include both a
2 summary of not more than 500 words and additional detailed
3 information that includes the assumptions that were made to
4 develop the financial impacts, workpapers, and any other
5 information deemed relevant by the Financial Impact Estimating
6 Conference.

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

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

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

27 Section 4. Section 100.381, Florida Statutes, is
28 repealed.

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

31 101.161 Referenda; ballots.--

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

26 Section 6. Paragraph (a) of subsection (4) of section
27 101.62, Florida Statutes, is amended to read:

28 101.62 Request for absentee ballots.--

29 (4)(a) To each absent qualified elector overseas who
30 has requested an absentee ballot, the supervisor of elections
31 shall, not fewer than 35 days before the first primary

1 | election, mail an absentee ballot. Not fewer than 45 days
2 | before the second primary and general election, the supervisor
3 | of elections shall mail an advance absentee ballot to those
4 | persons requesting ballots for such elections. The advance
5 | absentee ballot for the second primary shall be the same as
6 | the first primary absentee ballot as to the names of
7 | candidates, except that for any offices where there are only
8 | two candidates, those offices and all political party
9 | executive committee offices shall be omitted. Except as
10 | provided in ss. ~~s.~~ 99.063(4) and 100.371(6), the advance
11 | absentee ballot for the general election shall be as specified
12 | in s. 101.151, except that in the case of candidates of
13 | political parties where nominations were not made in the first
14 | primary, the names of the candidates placing first and second
15 | in the first primary election shall be printed on the advance
16 | absentee ballot. The advance absentee ballot or advance
17 | absentee ballot information booklet shall be of a different
18 | color for each election and also a different color from the
19 | absentee ballots for the first primary, second primary, and
20 | general election. The supervisor shall mail an advance
21 | absentee ballot for the second primary and general election to
22 | each qualified absent elector for whom a request is received
23 | until the absentee ballots are printed. The supervisor shall
24 | enclose with the advance second primary absentee ballot and
25 | advance general election absentee ballot an explanation
26 | stating that the absentee ballot for the election will be
27 | mailed as soon as it is printed; and, if both the advance
28 | absentee ballot and the absentee ballot for the election are
29 | returned in time to be counted, only the absentee ballot will
30 | be counted. The Department of State may prescribe by rule the
31 |

1 requirements for preparing and mailing absentee ballots to
2 absent qualified electors overseas.

3 Section 7. Paragraph (a) of subsection (3) of section
4 216.136, Florida Statutes, is amended to read:

5 216.136 Consensus estimating conferences; duties and
6 principals.--

7 (3) REVENUE ESTIMATING CONFERENCE.--

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 1700

The committee substitute increases the allowable length of the financial impact statement that appears on the ballot from 50 words to 75 words. It also provides that if the Supreme Court rejects the initial statement submitted by the Financial Impact Estimating Conference and no redraft is timely approved by the Supreme Court, the ballot shall state: "The financial impact of this measure, if any, cannot be reasonably determined at this time." If the Supreme Court does not issue any advisory opinion on the financial statement prepared by the Financial Impact Estimating Conference at least 75 days before the election, the statement shall be deemed approved for placement on the ballot.