

Bill No. HB 1743, 1st Eng.

Amendment No. \_\_\_\_ Barcode 434838

CHAMBER ACTION

Senate

House

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Senator Cowin moved the following amendment:

**Senate Amendment (with title amendment)**

On page 3, line 3, to page 10, line 23, 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 ~~and the compliance of the fiscal impact statement with ss. 100.371 and 101.161. For all other proposed revisions or amendments to the State Constitution,~~

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1 ~~the Attorney General shall, upon the Revenue Estimating~~  
2 ~~Conference finalizing the fiscal impact statement, petition~~  
3 ~~the Supreme Court requesting an advisory opinion regarding~~  
4 ~~compliance of the text of the fiscal impact statement with ss.~~  
5 ~~100.371, 100.381, and 101.161.~~ The petition may enumerate any  
6 specific factual issues that ~~which~~ the Attorney General  
7 believes would require a judicial determination.

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

10 (3) Any fiscal impact statement that the court finds  
11 not to be in accordance with s. 100.371, ~~s. 100.381, or s.~~  
12 ~~101.161~~ shall be remanded solely to the Financial Impact  
13 ~~Revenue~~ Estimating Conference for redrafting.

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

16 100.371 Initiatives; procedure for placement on  
17 ballot.--

18 (6)(a) Within 45 days after receipt of a proposed  
19 revision or amendment to the State Constitution by initiative  
20 petition from the Secretary of State or, within 30 days after  
21 such receipt if receipt occurs 120 days or less before the  
22 election at which the question of ratifying the amendment will  
23 be presented for any initiative approved by the Florida  
24 ~~Supreme Court for the general election ballot for 2002, within~~  
25 ~~45 days after the effective date of this subsection, whichever~~  
26 ~~occurs later, the Financial Impact ~~Revenue~~ Estimating~~  
27 Conference shall complete an analysis and financial ~~fiscal~~  
28 impact statement to be placed on the ballot of the estimated  
29 increase or decrease in any revenues or costs to state or  
30 local governments resulting from the proposed initiative. The  
31 Financial Impact Estimating Conference shall submit the

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1 financial impact statement to the Attorney General and  
2 Secretary of State.

3 (b)1. The ~~Financial Impact Revenue~~ Estimating  
4 Conference shall provide an opportunity for any proponents or  
5 opponents of the initiative to submit information and may  
6 solicit information or analysis from any other entities or  
7 agencies, including the Office of Economic and Demographic  
8 Research. All meetings of the Financial Impact Estimating  
9 Conference shall be open to the public as provided in chapter  
10 286.

11 2. The Financial Impact Estimating Conference is  
12 established to review, analyze, and estimate the financial  
13 impact of amendments to or revisions of the State Constitution  
14 proposed by initiative. The Financial Impact Estimating  
15 Conference shall consist of four principals: one person from  
16 the Executive Office of the Governor; the coordinator of the  
17 Office of Economic and Demographic Research, or his or her  
18 designee; one person from the professional staff of the  
19 Senate; and one person from the professional staff of the  
20 House of Representatives. Each principal shall have  
21 appropriate fiscal expertise in the subject matter of the  
22 initiative. A Financial Impact Estimating Conference may be  
23 appointed for each initiative.

24 3.(b)1. ~~Principals Members~~ of the ~~Financial Impact~~  
25 ~~Revenue~~ Estimating Conference shall reach a consensus or  
26 majority concurrence on a clear and unambiguous ~~financial~~  
27 ~~fiscal~~ impact statement, no more than ~~75~~ 50 words in length  
28 and immediately submit the statement to the Attorney General.  
29 Nothing in this subsection prohibits the ~~Financial Impact~~  
30 ~~Revenue~~ Estimating Conference from setting forth a range of  
31 potential impacts in the ~~financial~~ ~~fiscal~~ impact statement.

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1 Any financial ~~fiscal~~ impact statement that a court finds not  
2 to be in accordance with this section, ~~s. 100.381, or s.~~  
3 ~~101.161~~ shall be remanded solely to the Financial Impact  
4 ~~Revenue~~ Estimating Conference for redrafting. The Financial  
5 Impact ~~Revenue~~ Estimating Conference shall redraft the  
6 financial ~~fiscal~~ impact statement within 15 days.

7 4.2. If the members of the Financial Impact ~~Revenue~~  
8 Estimating Conference are unable to agree on the statement  
9 required by this subsection, or if the Supreme Court has  
10 rejected the initial submission by the Financial Impact  
11 Estimating Conference and no redraft has been approved by the  
12 Supreme Court by 5 p.m. on the 75th day before the election,  
13 the following statement shall appear on the ballot pursuant to  
14 s. 101.161(1): "The financial ~~fiscal~~ impact of this measure,  
15 if any, cannot be reasonably determined at this time."

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

19 (d)1. Any financial impact statement that the Supreme  
20 Court finds not to be in accordance with this subsection shall  
21 be remanded solely to the Financial Impact Estimating  
22 Conference for redrafting, provided the court's advisory  
23 opinion is rendered at least 75 days before the election at  
24 which the question of ratifying the amendment will be  
25 presented. The Financial Impact Estimating Conference shall  
26 prepare and adopt a revised financial impact statement no  
27 later than 5 p.m. on the 15th day after the date of the  
28 court's opinion.

29 2. If, by 5 p.m. on the 75th day before the election,  
30 the Supreme Court has not issued an advisory opinion on the  
31 initial financial impact statement prepared by the Financial

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1 Impact Estimating Conference for an initiative amendment that  
2 otherwise meets the legal requirements for ballot placement,  
3 the financial impact statement shall be deemed approved for  
4 placement on the ballot.

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

22       4. The Department of State shall have printed, and  
23 shall furnish to each supervisor of elections, a copy of the  
24 summary from the initiative financial information statements.  
25 The supervisors shall have the summary from the initiative  
26 financial information statements available at each polling  
27 place and at the main office of the supervisor of elections  
28 upon request.

29       5. The Secretary of State and the Office of Economic  
30 and Demographic Research shall make available on the Internet  
31 each initiative financial information statement in its

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

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

11 Section 4. Section 100.381, Florida Statutes, is  
 12 repealed.

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

15 101.161 Referenda; ballots.--

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

29 Except for amendments and ballot language proposed by joint  
 30 resolution, the substance of the amendment or other public  
 31 measure shall be an explanatory statement, not exceeding 75

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

10 Section 6. Paragraph (a) of subsection (4) of section  
11 101.62, Florida Statutes, is amended to read:

12 101.62 Request for absentee ballots.--

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

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

17 Section 7. Paragraph (a) of subsection (3) of section  
18 216.136, Florida Statutes, is amended to read:

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

21 (3) REVENUE ESTIMATING CONFERENCE.--

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

30 Section 8. The Secretary of State shall immediately  
31 submit to the Financial Impact Estimating Conference any



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1 active initiative petition that met the requirements of  
2 section 15.21, Florida Statutes, before the effective date of  
3 this act.

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

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

9 And the title is amended as follows:

10 On page 1, line 7, after the semicolon to page 2, line  
11 11, delete that language

12

13 and insert:

14 amending s. 16.061, F.S.; requiring the  
15 Attorney General to immediately petition the  
16 Supreme Court for review of certain financial  
17 impact statements; deleting duties of the  
18 Attorney General with respect to constitutional  
19 amendments proposed other than by initiative;  
20 amending s. 100.371, F.S.; revising the times  
21 within which the Financial Impact Estimating  
22 Conference must complete its analysis and  
23 financial impact statement for amendments  
24 proposed by initiative; providing for open  
25 meetings; establishing the Financial Impact  
26 Estimating Conference for certain purposes;  
27 specifying principals of the conference;  
28 revising criteria for financial impact  
29 statements; providing for redrafting of such  
30 statements by the conference under certain  
31 circumstances; requiring the Financial Impact

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1           Estimating Conference to produce a financial  
2           information statement and summary; specifying  
3           statement requirements; providing for  
4           distribution and publication of the financial  
5           information statement and summary; repealing s.  
6           100.381, F.S., relating to fiscal impact  
7           statement requirements for amendments proposed  
8           other than by initiative; amending s. 101.161,  
9           F.S.; prescribing placement of the financial  
10          impact statement on the ballot; amending s.  
11          101.62, F.S., relating to absentee ballots, to  
12          conform; amending s. 216.136, F.S.; conforming  
13          provisions to changes made by the act;  
14          providing procedures for commencing the  
15          financial impact statement development and  
16          review process for certain proposed  
17          initiatives; providing an effective date.

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