

1 A bill to be entitled

2 An act relating to financial impact statements for  
3 proposed constitutional amendments; amending s. 15.21,  
4 F.S.; requiring the Secretary of State to submit certain  
5 proposed constitutional amendments to the Financial Impact  
6 Estimating Conference; amending s. 16.061, F.S.; requiring  
7 the Attorney General to petition the Supreme Court for an  
8 advisory opinion of certain financial impact statements;  
9 deleting duties of the Attorney General with respect to  
10 constitutional amendments proposed other than by  
11 initiative; conforming provisions to changes made by the  
12 act; amending s. 100.371, F.S.; requiring the Financial  
13 Impact Estimating Conference to complete a financial  
14 impact statement for certain purposes; requiring the  
15 conference to submit the statement to the Attorney General  
16 and the Secretary of State; requiring meetings of the  
17 conference to be open to the public; establishing the  
18 Financial Impact Estimating Conference for certain  
19 purposes; specifying principals of the conference;  
20 revising criteria for financial impact statements;  
21 providing for redrafting of such statements by the  
22 conference under certain circumstances; requiring the  
23 conference to draft an initiative financial information  
24 statement; specifying statement requirements; requiring  
25 the Department of State to print and furnish copies of a  
26 summary of such statement to supervisors of elections;  
27 requiring supervisors of elections to include the summary  
28 with certain required mailings; requiring the Secretary of  
29 State and the Office of Economic and Demographic Research

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30 to make such statement available online; amending s.  
 31 101.161, F.S.; requiring constitutional amendments  
 32 proposed by initiative to include a financial impact  
 33 statement following the ballot summary; amending s.  
 34 216.136, F.S.; to conform; repealing s. 100.381, F.S.,  
 35 relating to fiscal impact statements for constitutional  
 36 amendments or revisions other than initiatives; providing  
 37 an effective date.

38

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

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41 Section 1. Section 15.21, Florida Statutes, is amended to  
 42 read:

43 15.21 Initiative petitions; s. 3, Art. XI, State  
 44 Constitution.--The Secretary of State shall immediately submit  
 45 an initiative petition to the Attorney General and to the  
 46 Financial Impact ~~Revenue~~ Estimating Conference if the sponsor  
 47 has:

48 (1) Registered as a political committee pursuant to s.  
 49 106.03;

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

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

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58 congressional districts required by s. 3, Art. XI of the State  
59 Constitution.

60 Section 2. Section 16.061, Florida Statutes, is amended to  
61 read:

62 16.061 Initiative petitions ~~Proposed constitutional~~  
63 ~~revisions or amendments.--~~

64 (1) The Attorney General shall, within 30 days after  
65 receipt of a proposed revision or amendment to the State  
66 Constitution by initiative petition from the Secretary of State,  
67 petition the Supreme Court, requesting an advisory opinion  
68 regarding the compliance of the text of the proposed amendment  
69 or revision with s. 3, Art. XI of the State Constitution and the  
70 compliance of the proposed ballot title and substance with s.

71 101.161. The Attorney General shall, within 30 days after  
72 receipt of the initiative petition's financial impact statement  
73 or revised financial impact statement from the Financial Impact  
74 Estimating Conference, or immediately after receipt if received  
75 less than 120 days before the election at which the question of  
76 ratifying the amendment will be presented, petition the Supreme  
77 Court requesting an advisory opinion regarding compliance of the  
78 statement with s. 100.371(6) and the compliance of the fiscal  
79 impact statement with ss. 100.371 and 101.161. For all other  
80 proposed revisions or amendments to the State Constitution, the  
81 Attorney General shall, upon the Revenue Estimating Conference  
82 finalizing the fiscal impact statement, petition the Supreme  
83 Court requesting an advisory opinion regarding compliance of the  
84 text of the fiscal impact statement with ss. 100.371, 100.381,  
85 and 101.161. The petition may enumerate any specific factual

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86 issues which the Attorney General believes would require a  
87 judicial determination.

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

90 (3) Any financial ~~fiscal~~ impact statement that the court  
91 finds not to be in accordance with s. 100.371, ~~s. 100.381, or s.~~  
92 ~~101.161~~ shall be remanded solely to the Financial Impact Revenue  
93 Estimating Conference for redrafting.

94 Section 3. Subsection (6) of section 100.371, Florida  
95 Statutes, is amended to read:

96 100.371 Initiatives; procedure for placement on ballot.--

97 (6)(a) Within 45 days after receipt of a proposed revision  
98 or amendment to the State Constitution by initiative petition  
99 from the Secretary of State or, within 30 days after such  
100 receipt if receipt occurs 120 days or less before the election  
101 at which the question of ratifying the amendment will be  
102 presented for any initiative approved by the Florida Supreme  
103 Court for the general election ballot for 2002, within 45 days  
104 after the effective date of this subsection, whichever occurs  
105 later, the Financial Impact Revenue Estimating Conference shall  
106 complete an analysis and financial ~~fiscal~~ impact statement to be  
107 placed on the ballot of the estimated increase or decrease in  
108 any revenues or costs to state or local governments resulting  
109 from the proposed initiative. The Financial Impact Estimating  
110 Conference shall submit the financial impact statement to the  
111 Attorney General and the Secretary of State.

112 (b)1. The Financial Impact Revenue Estimating Conference  
113 shall provide an opportunity for any proponents or opponents of  
114 the initiative to submit information and may solicit information

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115 or analysis from any other entities or agencies, including the  
 116 Office of Economic and Demographic Research. All meetings of the  
 117 Financial Impact Estimating Conference shall be open to the  
 118 public as provided in chapter 286.

119 2. The Financial Impact Estimating Conference is  
 120 established to review, analyze, and estimate the financial  
 121 impact of amendments to or revisions of the State Constitution  
 122 proposed by initiative. The principals of the Financial Impact  
 123 Estimating Conference shall be the Executive Office of the  
 124 Governor, the coordinator of the Office of Economic and  
 125 Demographic Research, and professional staff of the Senate and  
 126 House of Representatives who have appropriate expertise in the  
 127 subject matter of the initiative, or their designees. A  
 128 Financial Impact Estimating Conference may be appointed for each  
 129 initiative.

130 3.(b)1. Principals ~~Members~~ of the Financial Impact Revenue  
 131 Estimating Conference shall reach a consensus or majority  
 132 concurrence on a clear and unambiguous financial fiscal impact  
 133 statement, no more than 100 50 words in length. Nothing in this  
 134 subsection prohibits the Financial Impact Revenue Estimating  
 135 Conference from setting forth a range of potential impacts in  
 136 the financial fiscal impact statement. Any financial fiscal  
 137 impact statement that a court finds not to be in accordance with  
 138 this section, s. 100.381, or s. 101.161 shall be remanded solely  
 139 to the Financial Impact Revenue Estimating Conference for  
 140 redrafting. The Financial Impact Revenue Estimating Conference  
 141 shall redraft the financial fiscal impact statement within 15  
 142 days.

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143 ~~4.2-~~ If the principals ~~members~~ of the Financial Impact  
144 Revenue Estimating Conference are unable to agree on the  
145 statement required by this subsection, the following statement  
146 shall appear on the ballot pursuant to s. 101.161(1): "The  
147 financial ~~fiscal~~ impact of this measure, if any, cannot be  
148 reasonably determined at this time."

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

152 (d)1. In addition to the financial impact statement  
153 required by paragraph (a), the Financial Impact Estimating  
154 Conference shall draft an initiative financial information  
155 statement. The initiative financial information statement must  
156 describe in greater detail than the financial impact statement  
157 any projected increase or decrease in revenues, costs,  
158 expenditures, or indebtedness that the state would likely  
159 experience if the ballot measure were approved by state voters.  
160 Where appropriate, the initiative financial information  
161 statement may include both estimated dollar amounts and a  
162 description placing the estimated dollar amounts into context.  
163 The initiative financial information statement must include both  
164 a summary of not more than 500 words and more detailed  
165 information that includes the assumptions that were made to  
166 develop the financial impacts, work papers, and any other  
167 information deemed relevant by the Financial Impact Estimating  
168 Conference.

169 2. The Department of State shall have printed, and shall  
170 furnish to each supervisor of elections, a copy of the summary  
171 from the initiative financial information statement. The

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172 supervisors shall include the summary from the initiative  
 173 financial information statement with the publication or mailing  
 174 required by s. 101.20.

175 3. The Secretary of State and the Office of Economic and  
 176 Demographic Research shall make available online the entire  
 177 initiative financial information statement.

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

180 101.161 Referenda; ballots.--

181 (1) Whenever a constitutional amendment or other public  
 182 measure is submitted to the vote of the people, the substance of  
 183 such amendment or other public measure shall be printed in clear  
 184 and unambiguous language on the ballot after the list of  
 185 candidates, followed by the word "yes" and also by the word  
 186 "no," and shall be styled in such a manner that a "yes" vote  
 187 will indicate approval of the proposal and a "no" vote will  
 188 indicate rejection. The wording of the substance of the  
 189 amendment or other public measure and the ballot title to appear  
 190 on the ballot shall be embodied in the joint resolution,  
 191 constitutional revision commission proposal, constitutional  
 192 convention proposal, taxation and budget reform commission  
 193 proposal, or enabling resolution or ordinance. Except for  
 194 amendments and ballot language proposed by joint resolution, the  
 195 substance of the amendment or other public measure shall be an  
 196 explanatory statement, not exceeding 75 words in length, of the  
 197 chief purpose of the measure. In addition, for any amendment  
 198 proposed by initiative, the ballot shall include, following the  
 199 ballot summary, a separate financial ~~fiscal~~ impact statement  
 200 concerning the measure prepared by the Financial Impact Revenue

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201 Estimating Conference in accordance with s. 100.371(6) ~~or s.~~  
 202 ~~100.381~~. The ballot title shall consist of a caption, not  
 203 exceeding 15 words in length, by which the measure is commonly  
 204 referred to or spoken of.

205 Section 5. Paragraph (a) of subsection (3) of section  
 206 216.136, Florida Statutes, is amended to read:

207 216.136 Consensus estimating conferences; duties and  
 208 principals.--

209 (3) REVENUE ESTIMATING CONFERENCE.--

210 (a) Duties.--The Revenue Estimating Conference shall  
 211 develop such official information with respect to anticipated  
 212 state and local government revenues as the conference determines  
 213 is needed for the state planning and budgeting system. Any  
 214 principal may request the conference to review and estimate  
 215 revenues for any trust fund. ~~Also, the conference shall prepare~~  
 216 ~~fiscal impact statements for constitutional amendments pursuant~~  
 217 ~~to s. 100.371(6).~~

218 Section 6. Section 100.381, Florida Statutes, is repealed.

219 Section 7. This act shall take effect upon becoming a law.