

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 remand and redrafting of financial impact
22 statements found by the Supreme Court to be not in
23 compliance; providing for redrafting of such statements by
24 the conference under certain circumstances; providing for
25 revised financial impact statements under certain
26 circumstances; specifying approval of financial impact
27 statements for which the Supreme Court has not issued an
28 advisory opinion of approval by a time certain; requiring

29 | the conference to draft an initiative financial
30 | information statement and summary; specifying statement
31 | requirements; requiring the Department of State to print
32 | and furnish copies of a summary of such statement to
33 | supervisors of elections; requiring supervisors of
34 | elections to make such summaries available at polling
35 | places; requiring the Secretary of State and the Office of
36 | Economic and Demographic Research to make such statement
37 | and summary available online; providing requirements;
38 | amending s. 101.161, F.S.; requiring constitutional
39 | amendments proposed by initiative to include a financial
40 | impact statement following the ballot summary; amending s.
41 | 101.62, F.S., relating to absentee ballots, to conform;
42 | amending s. 216.136, F.S., relating to consensus
43 | estimating conferences, to conform; requiring the
44 | Secretary of State to submit to the Financial Impact
45 | Estimating Conference certain active initiative petitions;
46 | repealing s. 100.381, F.S., relating to fiscal impact
47 | statements for constitutional amendments or revisions
48 | other than initiatives; providing an effective date.

49 |
50 | Be It Enacted by the Legislature of the State of Florida:

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52 | Section 1. Section 15.21, Florida Statutes, is amended to
53 | read:

54 | 15.21 Initiative petitions; s. 3, Art. XI, State
55 | Constitution.--The Secretary of State shall immediately submit
56 | an initiative petition to the Attorney General and to the

57 | Financial Impact Revenue Estimating Conference if the sponsor
 58 | has:

59 | (1) Registered as a political committee pursuant to s.
 60 | 106.03;

61 | (2) Submitted the ballot title, substance, and text of the
 62 | proposed revision or amendment to the Secretary of State
 63 | pursuant to ss. 100.371 and 101.161; and

64 | (3) Obtained a letter from the Division of Elections
 65 | confirming that the sponsor has submitted to the appropriate
 66 | supervisors for verification, and the supervisors have verified,
 67 | forms signed and dated equal to 10 percent of the number of
 68 | electors statewide and in at least one-fourth of the
 69 | congressional districts required by s. 3, Art. XI of the State
 70 | Constitution.

71 | Section 2. Section 16.061, Florida Statutes, is amended to
 72 | read:

73 | 16.061 Initiative petitions ~~Proposed constitutional~~
 74 | ~~revisions or amendments.~~--

75 | (1) The Attorney General shall, within 30 days after
 76 | receipt of a proposed revision or amendment to the State
 77 | Constitution by initiative petition from the Secretary of State,
 78 | petition the Supreme Court, requesting an advisory opinion
 79 | regarding the compliance of the text of the proposed amendment
 80 | or revision with s. 3, Art. XI of the State Constitution and the
 81 | compliance of the proposed ballot title and substance with s.
 82 | 101.161. The Attorney General shall, within 30 days after
 83 | receipt of the initiative petition's financial impact statement
 84 | or revised financial impact statement from the Financial Impact

85 Estimating Conference, or immediately after receipt if received
 86 less than 120 days before the election at which the question of
 87 ratifying the amendment will be presented, petition the Supreme
 88 Court requesting an advisory opinion regarding compliance of the
 89 statement with s. 100.371(6) and the compliance of the fiscal
 90 impact statement with ss. 100.371 and 101.161. For all other
 91 proposed revisions or amendments to the State Constitution, the
 92 Attorney General shall, upon the Revenue Estimating Conference
 93 finalizing the fiscal impact statement, petition the Supreme
 94 Court requesting an advisory opinion regarding compliance of the
 95 text of the fiscal impact statement with ss. 100.371, 100.381,
 96 and 101.161. The petition may enumerate any specific factual
 97 issues which the Attorney General believes would require a
 98 judicial determination.

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

101 (3) Any financial ~~fiscal~~ impact statement that the court
 102 finds not to be in accordance with s. 100.371, ~~s. 100.381, or s.~~
 103 ~~101.161~~ shall be remanded solely to the Financial Impact Revenue
 104 Estimating Conference for redrafting.

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

107 100.371 Initiatives; procedure for placement on ballot.--

108 (6)(a) Within 45 days after receipt of a proposed revision
 109 or amendment to the State Constitution by initiative petition
 110 from the Secretary of State or, within 30 days after such
 111 receipt if receipt occurs 120 days or less before the election
 112 at which the question of ratifying the amendment will be

113 ~~presented for any initiative approved by the Florida Supreme~~
114 ~~Court for the general election ballot for 2002, within 45 days~~
115 ~~after the effective date of this subsection, whichever occurs~~
116 ~~later, the Financial Impact Revenue Estimating Conference shall~~
117 ~~complete an analysis and financial fiscal impact statement to be~~
118 ~~placed on the ballot of the estimated increase or decrease in~~
119 ~~any revenues or costs to state or local governments resulting~~
120 ~~from the proposed initiative. The Financial Impact Estimating~~
121 ~~Conference shall submit the financial impact statement to the~~
122 ~~Attorney General and the Secretary of State.~~

123 (b)1. The Financial Impact Revenue Estimating Conference
124 shall provide an opportunity for any proponents or opponents of
125 the initiative to submit information and may solicit information
126 or analysis from any other entities or agencies, including the
127 Office of Economic and Demographic Research. All meetings of the
128 Financial Impact Estimating Conference shall be open to the
129 public as provided in chapter 286.

130 2. The Financial Impact Estimating Conference is
131 established to review, analyze, and estimate the financial
132 impact of amendments to or revisions of the State Constitution
133 proposed by initiative. The Financial Impact Estimating
134 Conference shall consist of four principals: one person from the
135 Executive Office of the Governor, the coordinator of the Office
136 of Economic and Demographic Research or his or her designee, one
137 person from the professional staff of the Senate, and one person
138 from the professional staff of the House of Representatives.
139 Each principal must have appropriate expertise in the subject

140 matter of the initiative. A Financial Impact Estimating
 141 Conference may be appointed for each initiative.

142 3.(b)1. Principals Members of the Financial Impact Revenue
 143 Estimating Conference shall reach a consensus or majority
 144 concurrence on a clear and unambiguous financial fiscal impact
 145 statement, no more than 75 50 words in length and immediately
 146 submit the statement to the Attorney General. Nothing in this
 147 subsection prohibits the Financial Impact Revenue Estimating
 148 Conference from setting forth a range of potential impacts in
 149 the financial fiscal impact statement. Any financial fiscal
 150 impact statement that a court finds not to be in accordance with
 151 this section, ~~s. 100.381~~, or ~~s. 101.161~~ shall be remanded solely
 152 to the Financial Impact Revenue Estimating Conference for
 153 redrafting. The Financial Impact Revenue Estimating Conference
 154 shall redraft the financial fiscal impact statement within 15
 155 days.

156 4.2. If the members of the Financial Impact Revenue
 157 Estimating Conference are unable to agree on the statement
 158 required by this subsection, the following statement shall
 159 appear on the ballot pursuant to s. 101.161(1): "The financial
 160 fiscal impact of this measure, if any, cannot be reasonably
 161 determined at this time."

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

165 (d)1. Any financial impact statement that the Supreme
 166 Court finds to be not in accordance with this subsection shall
 167 be remanded solely to the Financial Impact Estimating Conference

168 for redrafting, provided the court's advisory opinion is
169 rendered at least 75 days before the election at which the
170 question of ratifying the amendment will be presented. The
171 Financial Impact Estimating Conference shall prepare and adopt a
172 revised financial impact statement no later than 5 p.m. on the
173 15th day after the date of the court's opinion.

174 2. If, by 5 p.m. on the 55th day before the election, the
175 Supreme Court has not issued an advisory opinion approving a
176 financial impact statement prepared by the Financial Impact
177 Estimating Conference for an initiative amendment that otherwise
178 meets the legal requirements for ballot placement, the financial
179 impact statement shall be deemed approved for placement on the
180 ballot.

181 3. In addition to the financial impact statement required
182 by this subsection, the Financial Impact Estimating Conference
183 shall draft an initiative financial information statement. The
184 initiative financial information statement must describe in
185 greater detail than the financial impact statement any projected
186 increase or decrease in revenues or costs that the state would
187 likely experience if the ballot measure were approved by state
188 voters. If appropriate, the initiative financial information
189 statement may include both estimated dollar amounts and a
190 description placing the estimated dollar amounts into context.
191 The initiative financial information statement must include both
192 a summary of not more than 500 words and more detailed
193 information that includes the assumptions that were made to
194 develop the financial impacts, work papers, and any other

195 information deemed relevant by the Financial Impact Estimating
 196 Conference.

197 4. The Department of State shall have printed, and shall
 198 furnish to each supervisor of elections, a copy of the summary
 199 from the initiative financial information statement. The
 200 supervisors shall have the summary from the initiative financial
 201 information statement available at each polling place and at the
 202 main office of the supervisor of elections for review upon
 203 request.

204 5. The Secretary of State and the Office of Economic and
 205 Demographic Research shall make available online the initiative
 206 financial information statement in its entirety. In addition,
 207 each supervisor of elections whose office has an Internet
 208 website shall post the summary from each initiative financial
 209 information statement on the website. Each supervisor shall
 210 include the Internet addresses for the information statements on
 211 the Secretary of State's and the Office of Economic and
 212 Demographic Research's websites in the publication or mailing
 213 required by s. 101.20.

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

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

219 101.161 Referenda; ballots.--

220 (1) Whenever a constitutional amendment or other public
 221 measure is submitted to the vote of the people, the substance of
 222 such amendment or other public measure shall be printed in clear

223 and unambiguous language on the ballot after the list of
 224 candidates, followed by the word "yes" and also by the word
 225 "no," and shall be styled in such a manner that a "yes" vote
 226 will indicate approval of the proposal and a "no" vote will
 227 indicate rejection. The wording of the substance of the
 228 amendment or other public measure and the ballot title to appear
 229 on the ballot shall be embodied in the joint resolution,
 230 constitutional revision commission proposal, constitutional
 231 convention proposal, taxation and budget reform commission
 232 proposal, or enabling resolution or ordinance. Except for
 233 amendments and ballot language proposed by joint resolution, the
 234 substance of the amendment or other public measure shall be an
 235 explanatory statement, not exceeding 75 words in length, of the
 236 chief purpose of the measure. In addition, for any amendment
 237 proposed by initiative, the ballot shall include, following the
 238 ballot summary, a separate financial ~~fiscal~~ impact statement
 239 concerning the measure prepared by the Financial Impact Revenue
 240 Estimating Conference in accordance with s. 100.371(6) ~~or s.~~
 241 ~~100.381~~. The ballot title shall consist of a caption, not
 242 exceeding 15 words in length, by which the measure is commonly
 243 referred to or spoken of.

244 Section 5. Paragraph (a) of subsection (4) of section
 245 101.62, Florida Statutes, is amended to read:

246 101.62 Request for absentee ballots.--

247 (4)(a) To each absent qualified elector overseas who has
 248 requested an absentee ballot, the supervisor of elections shall,
 249 not fewer than 35 days before the first primary election, mail
 250 an absentee ballot. Not fewer than 45 days before the second

251 primary and general election, the supervisor of elections shall
252 mail an advance absentee ballot to those persons requesting
253 ballots for such elections. The advance absentee ballot for the
254 second primary shall be the same as the first primary absentee
255 ballot as to the names of candidates, except that for any
256 offices where there are only two candidates, those offices and
257 all political party executive committee offices shall be
258 omitted. Except as provided in ss. ~~99.063(4)~~ and 100.371(6),
259 the advance absentee ballot for the general election shall be as
260 specified in s. 101.151, except that in the case of candidates
261 of political parties where nominations were not made in the
262 first primary, the names of the candidates placing first and
263 second in the first primary election shall be printed on the
264 advance absentee ballot. The advance absentee ballot or advance
265 absentee ballot information booklet shall be of a different
266 color for each election and also a different color from the
267 absentee ballots for the first primary, second primary, and
268 general election. The supervisor shall mail an advance absentee
269 ballot for the second primary and general election to each
270 qualified absent elector for whom a request is received until
271 the absentee ballots are printed. The supervisor shall enclose
272 with the advance second primary absentee ballot and advance
273 general election absentee ballot an explanation stating that the
274 absentee ballot for the election will be mailed as soon as it is
275 printed; and, if both the advance absentee ballot and the
276 absentee ballot for the election are returned in time to be
277 counted, only the absentee ballot will be counted. The
278 Department of State may prescribe by rule the requirements for

279 | preparing and mailing absentee ballots to absent qualified
 280 | electors overseas.

281 | Section 6. Paragraph (a) of subsection (3) of section
 282 | 216.136, Florida Statutes, is amended to read:

283 | 216.136 Consensus estimating conferences; duties and
 284 | principals.--

285 | (3) REVENUE ESTIMATING CONFERENCE.--

286 | (a) Duties.--The Revenue Estimating Conference shall
 287 | develop such official information with respect to anticipated
 288 | state and local government revenues as the conference determines
 289 | is needed for the state planning and budgeting system. Any
 290 | principal may request the conference to review and estimate
 291 | revenues for any trust fund. ~~Also, the conference shall prepare~~
 292 | ~~fiscal impact statements for constitutional amendments pursuant~~
 293 | ~~to s. 100.371(6).~~

294 | Section 7. The Secretary of State shall immediately submit
 295 | to the Financial Impact Estimating Conference any active
 296 | initiative petition that met the requirements of s. 15.21,
 297 | Florida Statutes, before the effective date of this act.

298 | Section 8. Section 100.381, Florida Statutes, is repealed.

299 | Section 9. This act shall take effect upon becoming a law.