

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 immediately petition the Supreme
8 Court for review of certain financial impact statements;
9 deleting duties of the Attorney General with respect to
10 constitutional amendments proposed other than by
11 initiative; amending s. 100.371, F.S.; revising the times
12 within which the Financial Impact Estimating Conference
13 must complete its analysis and financial impact statement
14 for amendments proposed by initiative; providing for open
15 meetings; establishing the Financial Impact Estimating
16 Conference for certain purposes; specifying principals of
17 the conference; revising criteria for financial impact
18 statements; providing for redrafting of such statements by
19 the conference under certain circumstances; requiring the
20 Financial Impact Estimating Conference to produce a
21 financial information statement and summary; specifying
22 statement requirements; providing for distribution and
23 publication of the financial information statement and
24 summary; repealing s. 100.381, F.S., relating to fiscal
25 impact statement requirements for amendments proposed
26 other than by initiative; amending s. 101.161, F.S.;
27 prescribing placement of the financial impact statement on
28 the ballot; amending s. 101.62, F.S., relating to absentee

29 ballots, to conform; amending s. 216.136, F.S.; conforming
30 provisions to changes made by the act; providing
31 procedures for commencing the financial impact statement
32 development and review process for certain proposed
33 initiatives; providing an effective date.

34

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

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37 Section 1. Section 15.21, Florida Statutes, is amended to
38 read:

39 15.21 Initiative petitions; s. 3, Art. XI, State
40 Constitution.--The Secretary of State shall immediately submit
41 an initiative petition to the Attorney General and to the
42 Financial Impact Revenue Estimating Conference if the sponsor
43 has:

44 (1) Registered as a political committee pursuant to s.
45 106.03;

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

49 (3) Obtained a letter from the Division of Elections
50 confirming that the sponsor has submitted to the appropriate
51 supervisors for verification, and the supervisors have verified,
52 forms signed and dated equal to 10 percent of the number of
53 electors statewide and in at least one-fourth of the
54 congressional districts required by s. 3, Art. XI of the State
55 Constitution.

56 Section 2. Section 16.061, Florida Statutes, is amended to
57 read:

58 16.061 Initiative petitions ~~Proposed constitutional~~
59 ~~revisions or amendments.~~--

60 (1) The Attorney General shall, within 30 days after
61 receipt of a proposed revision or amendment to the State
62 Constitution by initiative petition from the Secretary of State,
63 petition the Supreme Court, requesting an advisory opinion
64 regarding the compliance of the text of the proposed amendment
65 or revision with s. 3, Art. XI of the State Constitution and the
66 compliance of the proposed ballot title and substance with s.
67 101.161 ~~and the compliance of the fiscal impact statement with~~
68 ~~ss. 100.371 and 101.161. For all other proposed revisions or~~
69 ~~amendments to the State Constitution, the Attorney General~~
70 ~~shall, upon the Revenue Estimating Conference finalizing the~~
71 ~~fiscal impact statement, petition the Supreme Court requesting~~
72 ~~an advisory opinion regarding compliance of the text of the~~
73 ~~fiscal impact statement with ss. 100.371, 100.381, and 101.161.~~
74 The petition may enumerate any specific factual issues that
75 ~~which~~ the Attorney General believes would require a judicial
76 determination.

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

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

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

85 100.371 Initiatives; procedure for placement on ballot.--

86 (6)(a) Within 45 days after receipt of a proposed revision
 87 or amendment to the State Constitution by initiative petition
 88 from the Secretary of State or, within 30 days after such
 89 receipt if receipt occurs 120 days or less before the election
 90 at which the question of ratifying the amendment will be
 91 presented for any initiative approved by the Florida Supreme
 92 Court for the general election ballot for 2002, within 45 days
 93 after the effective date of this subsection, whichever occurs
 94 later, the Financial Impact Revenue Estimating Conference shall
 95 complete an analysis and financial ~~fi~~seal impact statement to be
 96 placed on the ballot of the estimated increase or decrease in
 97 any revenues or costs to state or local governments resulting
 98 from the proposed initiative. The Financial Impact Estimating
 99 Conference shall submit the financial impact statement to the
 100 Attorney General and Secretary of State.

101 (b)1. The Financial Impact Revenue Estimating Conference
 102 shall provide an opportunity for any proponents or opponents of
 103 the initiative to submit information and may solicit information
 104 or analysis from any other entities or agencies, including the
 105 Office of Economic and Demographic Research. All meetings of the
 106 Financial Impact Estimating Conference shall be open to the
 107 public as provided in chapter 286.

108 2. The Financial Impact Estimating Conference is
 109 established to review, analyze, and estimate the financial
 110 impact of amendments to or revisions of the State Constitution

111 proposed by initiative. The Financial Impact Estimating
112 Conference shall consist of four principals: one person from the
113 Executive Office of the Governor; the coordinator of the Office
114 of Economic and Demographic Research, or his or her designee;
115 one person from the professional staff of the Senate; and one
116 person from the professional staff of the House of
117 Representatives. Each principal shall have appropriate fiscal
118 expertise in the subject matter of the initiative. A Financial
119 Impact Estimating Conference may be appointed for each
120 initiative.

121 3.(b)1. Principals ~~Members~~ of the Financial Impact Revenue
122 Estimating Conference shall reach a consensus or majority
123 concurrence on a clear and unambiguous financial ~~fiscal~~ impact
124 statement, no more than 75 ~~50~~ words in length and immediately
125 submit the statement to the Attorney General. Nothing in this
126 subsection prohibits the Financial Impact Revenue Estimating
127 Conference from setting forth a range of potential impacts in
128 the financial ~~fiscal~~ impact statement. Any financial ~~fiscal~~
129 impact statement that a court finds not to be in accordance with
130 this section, ~~s. 100.381,~~ ~~or s. 101.161~~ shall be remanded solely
131 to the Financial Impact Revenue Estimating Conference for
132 redrafting. The Financial Impact Revenue Estimating Conference
133 shall redraft the financial ~~fiscal~~ impact statement within 15
134 days.

135 4.2. If the members of the Financial Impact Revenue
136 Estimating Conference are unable to agree on the statement
137 required by this subsection, or if the Supreme Court has
138 rejected the initial submission by the Financial Impact

139 Estimating Conference and no redraft has been approved by the
140 Supreme Court by 5 p.m. on the 75th day before the election, the
141 following statement shall appear on the ballot pursuant to s.
142 101.161(1): "The financial ~~fiscal~~ impact of this measure, if
143 any, cannot be reasonably determined at this time."

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

147 (d)1. Any financial impact statement that the Supreme
148 Court finds not to be in accordance with this subsection shall
149 be remanded solely to the Financial Impact Estimating Conference
150 for redrafting, provided the court's advisory opinion is
151 rendered at least 75 days before the election at which the
152 question of ratifying the amendment will be presented. The
153 Financial Impact Estimating Conference shall prepare and adopt a
154 revised financial impact statement no later than 5 p.m. on the
155 15th day after the date of the court's opinion.

156 2. If, by 5 p.m. on the 75th day before the election, the
157 Supreme Court has not issued an advisory opinion on the initial
158 financial impact statement prepared by the Financial Impact
159 Estimating Conference for an initiative amendment that otherwise
160 meets the legal requirements for ballot placement, the financial
161 impact statement shall be deemed approved for placement on the
162 ballot.

163 3. In addition to the financial impact statement required
164 by this subsection, the Financial Impact Estimating Conference
165 shall draft an initiative financial information statement. The
166 initiative financial information statement should describe in

167 greater detail than the financial impact statement any projected
168 increase or decrease in revenues or costs that the state or
169 local governments would likely experience if the ballot measure
170 were approved. If appropriate, the initiative financial
171 information statement may include both estimated dollar amounts
172 and a description placing the estimated dollar amounts into
173 context. The initiative financial information statement must
174 include both a summary of not more than 500 words and additional
175 detailed information that includes the assumptions that were
176 made to develop the financial impacts, workpapers, and any other
177 information deemed relevant by the Financial Impact Estimating
178 Conference.

179 4. The Department of State shall have printed, and shall
180 furnish to each supervisor of elections, a copy of the summary
181 from the initiative financial information statements. The
182 supervisors shall have the summary from the initiative financial
183 information statements available at each polling place and at
184 the main office of the supervisor of elections upon request.

185 5. The Secretary of State and the Office of Economic and
186 Demographic Research shall make available on the Internet each
187 initiative financial information statement in its entirety. In
188 addition, each supervisor of elections whose office has a
189 website shall post the summary from each initiative financial
190 information statement on the website. Each supervisor shall
191 include the Internet addresses for the information statements on
192 the Secretary of State's and the Office of Economic and
193 Demographic Research's websites in the publication or mailing
194 required by s. 101.20.

195 (7) The Department of State may adopt rules in accordance
 196 with s. 120.54 to carry out the provisions of subsections (1)-
 197 (6) ~~(1)-(5)~~ of this section.

198 Section 4. Section 100.381, Florida Statutes, is repealed.

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

201 101.161 Referenda; ballots.--

202 (1) Whenever a constitutional amendment or other public
 203 measure is submitted to the vote of the people, the substance of
 204 such amendment or other public measure shall be printed in clear
 205 and unambiguous language on the ballot after the list of
 206 candidates, followed by the word "yes" and also by the word
 207 "no," and shall be styled in such a manner that a "yes" vote
 208 will indicate approval of the proposal and a "no" vote will
 209 indicate rejection. The wording of the substance of the
 210 amendment or other public measure and the ballot title to appear
 211 on the ballot shall be embodied in the joint resolution,
 212 constitutional revision commission proposal, constitutional
 213 convention proposal, taxation and budget reform commission
 214 proposal, or enabling resolution or ordinance. Except for
 215 amendments and ballot language proposed by joint resolution, the
 216 substance of the amendment or other public measure shall be an
 217 explanatory statement, not exceeding 75 words in length, of the
 218 chief purpose of the measure. In addition, for every amendment
 219 proposed by initiative, the ballot shall include, following the
 220 ballot summary, a separate financial ~~fiscal~~ impact statement
 221 concerning the measure prepared by the Financial Impact Revenue
 222 Estimating Conference in accordance with s. 100.371(6) ~~or s.~~

223 ~~100.381~~. The ballot title shall consist of a caption, not
224 exceeding 15 words in length, by which the measure is commonly
225 referred to or spoken of.

226 Section 6. Paragraph (a) of subsection (4) of section
227 101.62, Florida Statutes, is amended to read:

228 101.62 Request for absentee ballots.--

229 (4)(a) To each absent qualified elector overseas who has
230 requested an absentee ballot, the supervisor of elections shall,
231 not fewer than 35 days before the first primary election, mail
232 an absentee ballot. Not fewer than 45 days before the second
233 primary and general election, the supervisor of elections shall
234 mail an advance absentee ballot to those persons requesting
235 ballots for such elections. The advance absentee ballot for the
236 second primary shall be the same as the first primary absentee
237 ballot as to the names of candidates, except that for any
238 offices where there are only two candidates, those offices and
239 all political party executive committee offices shall be
240 omitted. Except as provided in ss. ~~s.~~ 99.063(4) and 100.371(6),
241 the advance absentee ballot for the general election shall be as
242 specified in s. 101.151, except that in the case of candidates
243 of political parties where nominations were not made in the
244 first primary, the names of the candidates placing first and
245 second in the first primary election shall be printed on the
246 advance absentee ballot. The advance absentee ballot or advance
247 absentee ballot information booklet shall be of a different
248 color for each election and also a different color from the
249 absentee ballots for the first primary, second primary, and
250 general election. The supervisor shall mail an advance absentee

251 ballot for the second primary and general election to each
252 qualified absent elector for whom a request is received until
253 the absentee ballots are printed. The supervisor shall enclose
254 with the advance second primary absentee ballot and advance
255 general election absentee ballot an explanation stating that the
256 absentee ballot for the election will be mailed as soon as it is
257 printed; and, if both the advance absentee ballot and the
258 absentee ballot for the election are returned in time to be
259 counted, only the absentee ballot will be counted. The
260 Department of State may prescribe by rule the requirements for
261 preparing and mailing absentee ballots to absent qualified
262 electors overseas.

263 Section 7. Paragraph (a) of subsection (3) of section
264 216.136, Florida Statutes, is amended to read:

265 216.136 Consensus estimating conferences; duties and
266 principals.--

267 (3) REVENUE ESTIMATING CONFERENCE.--

268 (a) Duties.--The Revenue Estimating Conference shall
269 develop such official information with respect to anticipated
270 state and local government revenues as the conference determines
271 is needed for the state planning and budgeting system. Any
272 principal may request the conference to review and estimate
273 revenues for any trust fund. ~~Also, the conference shall prepare~~
274 ~~fiscal impact statements for constitutional amendments pursuant~~
275 ~~to s. 100.371(6).~~

276 Section 8. The Secretary of State shall immediately submit
277 to the Financial Impact Estimating Conference any active

278 | initiative petition that met the requirements of section 15.21,
279 | Florida Statutes, before the effective date of this act.

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