

CHAMBER ACTION

1 The State Administration Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to constitutional amendments; amending s.
7 16.061, F.S.; requiring the Attorney General to provide to
8 the Secretary of State and sponsor a copy of the petition
9 to the Supreme Court requesting an advisory opinion as to
10 the validity of an initiative petition; requiring the
11 Supreme Court to render certain advisory opinions by April
12 1 of a general election year; amending s. 100.371, F.S.;
13 requiring initiative petitions to be filed by February 1
14 of a general election year in order to be placed on the
15 ballot; requiring financial impact statements to include
16 certain information; revising submission requirements of
17 the Financial Impact Estimating Conference; permitting
18 challenge of financial impact statements in circuit court;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Section 16.061, Florida Statutes, is amended to
24 read:

25 16.061 Initiative petitions.--

26 (1) The Attorney General shall, within 30 days after
27 receipt of a proposed revision or amendment to the State
28 Constitution by initiative petition from the Secretary of State,
29 petition the Supreme Court, requesting an advisory opinion
30 regarding the compliance of the text of the proposed amendment
31 or revision with s. 3, Art. XI of the State Constitution and the
32 compliance of the proposed ballot title and substance with s.
33 101.161. The petition may enumerate any specific factual issues
34 that the Attorney General believes would require a judicial
35 determination. A copy of the petition shall be provided to the
36 Secretary of State and the principal officer of the sponsor.

37 (2) The Supreme Court shall render its advisory opinion
38 pursuant to subsection (1) by April 1 of the year in which the
39 general election is to be held. If no opinion has been rendered
40 by this date, the initiative petition shall be deemed valid and
41 approved for placement on the ballot ~~A copy of the petition~~
42 ~~shall be provided to the Secretary of State and the principal~~
43 ~~officer of the sponsor.~~

44 ~~(3) Any fiscal impact statement that the court finds not~~
45 ~~to be in accordance with s. 100.371 shall be remanded solely to~~
46 ~~the Financial Impact Estimating Conference for redrafting.~~

47 Section 2. Subsections (1), (2), and (6) of section
48 100.371, Florida Statutes, are amended to read:

49 100.371 Initiatives; procedure for placement on ballot.--

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50 (1) Constitutional amendments proposed by initiative shall
 51 be placed on the ballot for the general election provided that
 52 an initiative petition is filed with the Secretary of State by
 53 February 1 of the year in which the general election is to be
 54 held ~~occurring in excess of 90 days from the certification of~~
 55 ~~ballot position by the Secretary of State.~~

56 (2) Certification of ballot position ~~Such certification~~
 57 shall be issued when the Secretary of State has received
 58 verification certificates from the supervisors of elections
 59 indicating that the requisite number and distribution of valid
 60 signatures of electors have been submitted to and verified by
 61 the supervisors. Every signature shall be dated when made and
 62 shall be valid for a period of 4 years following such date,
 63 provided all other requirements of law are satisfied ~~complied~~
 64 ~~with.~~

65 (6)(a) Within 45 days after receipt of a proposed revision
 66 or amendment to the State Constitution by initiative petition
 67 from the Secretary of State ~~or, within 30 days after such~~
 68 ~~receipt if receipt occurs 120 days or less before the election~~
 69 ~~at which the question of ratifying the amendment will be~~
 70 ~~presented~~, the Financial Impact Estimating Conference shall
 71 complete an analysis and financial impact statement to be placed
 72 on the ballot of the probable financial impact of the
 73 initiative. The probable financial impact of the initiative
 74 shall include any estimated increase or decrease in any revenues
 75 or costs to state or local governments resulting from the full
 76 implementation of the proposed initiative, including those
 77 resulting from the enactment, revision, or repeal of associated

78 | or implementing legislation by state and local governments, and
 79 | from the exercise of any expanded authority or discretion that
 80 | would be granted to any entity by the passage and full
 81 | implementation of the proposed initiative. The Financial Impact
 82 | Estimating Conference shall submit the financial impact
 83 | statement to the ~~Attorney General and~~ Secretary of State.

84 | (b)1. The Financial Impact Estimating Conference shall
 85 | provide an opportunity for any proponents or opponents of the
 86 | initiative to submit information and may solicit information or
 87 | analysis from any other entities or agencies, including the
 88 | Office of Economic and Demographic Research. All meetings of the
 89 | Financial Impact Estimating Conference shall be open to the
 90 | public as provided in chapter 286.

91 | 2. The Financial Impact Estimating Conference is
 92 | established to review, analyze, and estimate the financial
 93 | impact of amendments to or revisions of the State Constitution
 94 | proposed by initiative. The Financial Impact Estimating
 95 | Conference shall consist of four principals: one person from the
 96 | Executive Office of the Governor; the coordinator of the Office
 97 | of Economic and Demographic Research, or his or her designee;
 98 | one person from the professional staff of the Senate; and one
 99 | person from the professional staff of the House of
 100 | Representatives. Each principal shall have appropriate fiscal
 101 | expertise in the subject matter of the initiative. A Financial
 102 | Impact Estimating Conference may be appointed for each
 103 | initiative.

104 | 3. Principals of the Financial Impact Estimating
 105 | Conference shall reach a consensus or majority concurrence on a

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106 clear and unambiguous financial impact statement, no more than
 107 75 words in length, and immediately submit the statement to the
 108 Secretary of State ~~Attorney General~~. Nothing in this subsection
 109 prohibits the Financial Impact Estimating Conference from
 110 setting forth a range of potential impacts in the financial
 111 impact statement. The sponsor or any elector may challenge the
 112 financial impact statement in court by filing an appropriate
 113 petition in the Second Judicial Circuit Court, in and for Leon
 114 County, within 30 days after the submission of the financial
 115 impact statement to the Secretary of State. The circuit court
 116 shall hear and decide the case expeditiously in light of
 117 subparagraph (d)2. Any financial impact statement that a court
 118 finds not to be in accordance with this section shall be
 119 remanded solely to the Financial Impact Estimating Conference
 120 for redrafting. The Financial Impact Estimating Conference shall
 121 redraft the financial impact statement within 15 days.

122 4. If the members of the Financial Impact Estimating
 123 Conference are unable to agree on the statement required by this
 124 subsection, or if a the Supreme court in a final order has
 125 rejected the initial submission by the Financial Impact
 126 Estimating Conference and no redraft has been approved by the
 127 ~~Supreme~~ court by April 1 of the year in which the general
 128 election is to be held ~~5 p.m. on the 75th day before the~~
 129 ~~election~~, the following statement shall appear on the ballot
 130 pursuant to s. 101.161(1): "The financial impact of this
 131 measure, if any, cannot be reasonably determined at this time."

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132 (c) The financial impact statement must be separately
133 contained and be set forth after the ballot summary as required
134 in s. 101.161(1).

135 (d)1. Any financial impact statement that a ~~the Supreme~~
136 court in a final order finds not to be in accordance with this
137 subsection shall be remanded solely to the Financial Impact
138 Estimating Conference for redrafting, provided the court's
139 decision ~~advisory opinion~~ is rendered by April 1 of the year in
140 which the general election is to be held ~~at least 75 days before~~
141 ~~the election at which the question of ratifying the amendment~~
142 ~~will be presented~~. The Financial Impact Estimating Conference
143 shall prepare and adopt a revised financial impact statement no
144 later than 5 p.m. on the 15th day after the date of the court's
145 opinion.

146 2. If, by 5 p.m. on April 1 of the year in which the
147 general election is to be held, no court has determined the
148 initial financial impact statement not to be in accordance with
149 this subsection ~~the 75th day before the election, the Supreme~~
150 ~~Court has not issued an advisory opinion on the initial~~
151 financial impact statement prepared by the Financial Impact
152 Estimating Conference for an initiative amendment that otherwise
153 meets the legal requirements for ballot placement, the financial
154 impact statement shall be deemed approved for placement on the
155 ballot.

156 3. In addition to the financial impact statement required
157 by this subsection, the Financial Impact Estimating Conference
158 shall draft an initiative financial information statement. The
159 initiative financial information statement should describe in

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

172 4. The Department of State shall have printed, and shall
 173 furnish to each supervisor of elections, a copy of the summary
 174 from the initiative financial information statements. The
 175 supervisors shall have the summary from the initiative financial
 176 information statements available at each polling place and at
 177 the main office of the supervisor of elections upon request.

178 5. The Secretary of State and the Office of Economic and
 179 Demographic Research shall make available on the Internet each
 180 initiative financial information statement in its entirety. In
 181 addition, each supervisor of elections whose office has a
 182 website shall post the summary from each initiative financial
 183 information statement on the website. Each supervisor shall
 184 include the Internet addresses for the information statements on
 185 the Secretary of State's and the Office of Economic and
 186 Demographic Research's websites in the publication or mailing
 187 required by s. 101.20.

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188 | Section 3. This act shall take effect upon becoming a law. |