

1 A bill to be entitled

2 An act relating to constitutional amendments; amending s.
3 16.061, F.S.; requiring the Attorney General to provide to
4 the Secretary of State and sponsor a copy of the petition
5 to the Supreme Court requesting an advisory opinion as to
6 the validity of an initiative petition; requiring the
7 Supreme Court to render certain advisory opinions by April
8 1 of a general election year; amending s. 100.371, F.S.;
9 requiring initiative petitions to be filed by February 1
10 of a general election year in order to be placed on the
11 ballot; requiring financial impact statements to include
12 certain information; revising submission requirements of
13 the Financial Impact Estimating Conference; permitting
14 challenge of financial impact statements in circuit court;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 16.061, Florida Statutes, is amended to
20 read:

21 16.061 Initiative petitions.--

22 (1) The Attorney General shall, within 30 days after
23 receipt of a proposed revision or amendment to the State
24 Constitution by initiative petition from the Secretary of State,
25 petition the Supreme Court, requesting an advisory opinion
26 regarding the compliance of the text of the proposed amendment
27 or revision with s. 3, Art. XI of the State Constitution and the
28 compliance of the proposed ballot title and substance with s.

Page 1 of 7

29 | 101.161. The petition may enumerate any specific factual issues
 30 | that the Attorney General believes would require a judicial
 31 | determination. A copy of the petition shall be provided to the
 32 | Secretary of State and the principal officer of the sponsor.

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

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

43 | Section 2. Subsections (1), (2), and (6) of section
 44 | 100.371, Florida Statutes, are amended to read:

45 | 100.371 Initiatives; procedure for placement on ballot.--

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

52 | (2) Certification of ballot position ~~Such certification~~
 53 | shall be issued when the Secretary of State has received
 54 | verification certificates from the supervisors of elections
 55 | indicating that the requisite number and distribution of valid
 56 | signatures of electors have been submitted to and verified by

57 | the supervisors. Every signature shall be dated when made and
58 | shall be valid for a period of 4 years following such date,
59 | provided all other requirements of law are satisfied ~~complied~~
60 | ~~with~~.

61 | (6) (a) Within 45 days after receipt of a proposed revision
62 | or amendment to the State Constitution by initiative petition
63 | from the Secretary of State or ~~7~~ within 30 days after such
64 | receipt if receipt occurs after January 1 of the year of 120
65 | ~~days or less before~~ the election at which the question of
66 | ~~ratifying the amendment~~ will appear on the ballot ~~be presented~~,
67 | the Financial Impact Estimating Conference shall complete an
68 | analysis and financial impact statement to be placed on the
69 | ballot of the probable financial impact of the initiative. The
70 | probable financial impact of the initiative shall be the
71 | estimated increase or decrease in any revenues or costs to state
72 | or local governments resulting from the full implementation of
73 | the proposed initiative, including those resulting from the
74 | enactment, revision, or repeal of legislation by state and local
75 | governments that would be required to fully implement the
76 | initiative, and from the exercise of any expanded authority or
77 | discretion that would be granted to any entity by the passage
78 | and full implementation of the proposed initiative. The
79 | Financial Impact Estimating Conference shall submit the
80 | financial impact statement to the ~~Attorney General~~ and Secretary
81 | of State.

82 | (b)1. The Financial Impact Estimating Conference shall
83 | provide an opportunity for any proponents or opponents of the
84 | initiative to submit information and may solicit information or

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

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

102 3. Principals of the Financial Impact Estimating
103 Conference shall reach a consensus or majority concurrence on a
104 clear and unambiguous financial impact statement, no more than
105 75 words in length, and immediately submit the statement to the
106 Secretary of State ~~Attorney General~~. Nothing in this subsection
107 prohibits the Financial Impact Estimating Conference from
108 setting forth a range of potential impacts in the financial
109 impact statement. The sponsor or any elector may challenge the
110 financial impact statement in court by filing an appropriate
111 petition in the Second Judicial Circuit Court, in and for Leon
112 County, within 30 days after the submission of the financial

113 impact statement to the Secretary of State. The circuit court
114 shall hear and decide the case expeditiously in light of
115 subparagraph (d)2. Any financial impact statement that a court
116 finds not to be in accordance with this section shall be
117 remanded solely to the Financial Impact Estimating Conference
118 for redrafting. The Financial Impact Estimating Conference shall
119 redraft the financial impact statement within 15 days.

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

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

133 (d)1. Any financial impact statement that a the Supreme
134 court in a final order finds not to be in accordance with this
135 subsection shall be remanded solely to the Financial Impact
136 Estimating Conference for redrafting, provided the court's
137 decision advisory opinion is rendered by April 1 of the year in
138 which the general election is to be held at least 75 days before
139 ~~the election at which the question of ratifying the amendment~~
140 ~~will be presented.~~ The Financial Impact Estimating Conference

141 shall prepare and adopt a revised financial impact statement no
142 later than 5 p.m. on the 15th day after the date of the court's
143 opinion.

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

154 3. In addition to the financial impact statement required
155 by this subsection, the Financial Impact Estimating Conference
156 shall draft an initiative financial information statement. The
157 initiative financial information statement should describe in
158 greater detail than the financial impact statement any projected
159 increase or decrease in revenues or costs that the state or
160 local governments would likely experience if the ballot measure
161 were approved. If appropriate, the initiative financial
162 information statement may include both estimated dollar amounts
163 and a description placing the estimated dollar amounts into
164 context. The initiative financial information statement must
165 include both a summary of not more than 500 words and additional
166 detailed information that includes the assumptions that were
167 made to develop the financial impacts, workpapers, and any other

168 information deemed relevant by the Financial Impact Estimating
169 Conference.

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

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

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