

Bill No. SB 2022

Barcode 060408

CHAMBER ACTION

Senate

House

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The Committee on Ethics and Elections (Posey) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

16.061 Initiative petitions.--

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

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1 petition the Supreme Court, requesting an advisory opinion
 2 regarding the compliance of the statement with s. 100.371(6).
 3 The ~~petitions~~ ~~petition~~ may enumerate any specific factual
 4 issues that the Attorney General believes would require a
 5 judicial determination. A copy of the petitions shall be
 6 provided to the Secretary of State and the principal officer
 7 of the sponsor.

8 (2) The Supreme Court shall render its advisory
 9 opinions pursuant to subsection (1) by April 1 of the year in
 10 which the general election is to be held. If no opinion has
 11 been rendered by this date, the initiative petition shall be
 12 deemed valid and approved for placement on the ballot ~~A copy~~
 13 ~~of the petition shall be provided to the Secretary of State~~
 14 ~~and the principal officer of the sponsor.~~

15 (3) Any financial ~~fiscal~~ impact statement that the
 16 court finds not to be in accordance with s. 100.371 shall be
 17 remanded solely to the Financial Impact Estimating Conference
 18 for redrafting.

19 Section 2. Subsections (1), (2), and (6) of section
 20 100.371, Florida Statutes, are amended to read:

21 100.371 Initiatives; procedure for placement on
 22 ballot.--

23 (1) Constitutional amendments proposed by initiative
 24 shall be placed on the ballot for the general election
 25 provided that an initiative petition is filed with the
 26 Secretary of State by February 1 of the year in which the
 27 general election is to be held ~~occurring in excess of 90 days~~
 28 ~~from the certification of ballot position by the Secretary of~~
 29 ~~State.~~

30 (2) Certification of ballot position ~~Such~~
 31 ~~certification~~ shall be issued when the Secretary of State has

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1 received verification certificates from the supervisors of
 2 elections indicating that the requisite number and
 3 distribution of valid signatures of electors have been
 4 submitted to and verified by the supervisors. Every signature
 5 shall be dated when made and shall be valid for a period of 4
 6 years following such date, provided all other requirements of
 7 law are satisfied ~~complied with~~.

8 (6)(a) Within 45 days after receipt of a proposed
 9 revision or amendment to the State Constitution by initiative
 10 petition from the Secretary of State ~~or, within 30 days after~~
 11 ~~such receipt if receipt occurs 120 days or less before the~~
 12 ~~election at which the question of ratifying the amendment will~~
 13 ~~be presented~~, the Financial Impact Estimating Conference shall
 14 complete an analysis and financial impact statement to be
 15 placed on the ballot of the estimated increase or decrease in
 16 any revenues or costs to state or local governments resulting
 17 from the proposed initiative. The Financial Impact Estimating
 18 Conference shall submit the financial impact statement to the
 19 Attorney General and Secretary of State.

20 (b)1. The Financial Impact Estimating Conference shall
 21 provide an opportunity for any proponents or opponents of the
 22 initiative to submit information and may solicit information
 23 or analysis from any other entities or agencies, including the
 24 Office of Economic and Demographic Research. All meetings of
 25 the Financial Impact Estimating Conference shall be open to
 26 the public as provided in chapter 286.

27 2. The Financial Impact Estimating Conference is
 28 established to review, analyze, and estimate the financial
 29 impact of amendments to or revisions of the State Constitution
 30 proposed by initiative. The Financial Impact Estimating
 31 Conference shall consist of four principals: one person from

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1 the Executive Office of the Governor; the coordinator of the
 2 Office of Economic and Demographic Research, or his or her
 3 designee; one person from the professional staff of the
 4 Senate; and one person from the professional staff of the
 5 House of Representatives. Each principal shall have
 6 appropriate fiscal expertise in the subject matter of the
 7 initiative. A Financial Impact Estimating Conference may be
 8 appointed for each initiative.

9 3. Principals of the Financial Impact Estimating
 10 Conference shall reach a consensus or majority concurrence on
 11 a clear and unambiguous financial impact statement, no more
 12 than 75 words in length, and immediately submit the statement
 13 to the Attorney General. Nothing in this subsection prohibits
 14 the Financial Impact Estimating Conference from setting forth
 15 a range of potential impacts in the financial impact
 16 statement. Any financial impact statement that a court finds
 17 not to be in accordance with this section shall be remanded
 18 solely to the Financial Impact Estimating Conference for
 19 redrafting. The Financial Impact Estimating Conference shall
 20 redraft the financial impact statement within 15 days.

21 4. If the members of the Financial Impact Estimating
 22 Conference are unable to agree on the statement required by
 23 this subsection, or if the Supreme Court has rejected the
 24 initial submission by the Financial Impact Estimating
 25 Conference and no redraft has been approved by the Supreme
 26 Court by April 1 of the year in which the general election is
 27 to be held ~~5 p.m. on the 75th day before the election~~, the
 28 following statement shall appear on the ballot pursuant to s.
 29 101.161(1): "The financial impact of this measure, if any,
 30 cannot be reasonably determined at this time."

31 (c) The financial impact statement must be separately

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1 contained and be set forth after the ballot summary as
 2 required in s. 101.161(1).

3 (d)1. Any financial impact statement that the Supreme
 4 Court finds not to be in accordance with this subsection shall
 5 be remanded solely to the Financial Impact Estimating
 6 Conference for redrafting, provided the court's advisory
 7 opinion is rendered by April 1 of the year in which the
 8 general election is to be held at least 75 days before the
 9 election at which the question of ratifying the amendment will
 10 be presented. The Financial Impact Estimating Conference shall
 11 prepare and adopt a revised financial impact statement no
 12 later than 5 p.m. on the 15th day after the date of the
 13 court's opinion.

14 2. If, by 5 p.m. on April 1 of the year in which the
 15 general election is to be held the 75th day before the
 16 election, the Supreme Court has not issued an advisory opinion
 17 on the initial financial impact statement prepared by the
 18 Financial Impact Estimating Conference for an initiative
 19 amendment that otherwise meets the legal requirements for
 20 ballot placement, the financial impact statement shall be
 21 deemed approved for placement on the ballot.

22 3. In addition to the financial impact statement
 23 required by this subsection, the Financial Impact Estimating
 24 Conference shall draft an initiative financial information
 25 statement. The initiative financial information statement
 26 should describe in greater detail than the financial impact
 27 statement any projected increase or decrease in revenues or
 28 costs that the state or local governments would likely
 29 experience if the ballot measure were approved. If
 30 appropriate, the initiative financial information statement
 31 may include both estimated dollar amounts and a description

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1 placing the estimated dollar amounts into context. The
 2 initiative financial information statement must include both a
 3 summary of not more than 500 words and additional detailed
 4 information that includes the assumptions that were made to
 5 develop the financial impacts, workpapers, and any other
 6 information deemed relevant by the Financial Impact Estimating
 7 Conference.

8 4. The Department of State shall have printed, and
 9 shall furnish to each supervisor of elections, a copy of the
 10 summary from the initiative financial information statements.
 11 The supervisors shall have the summary from the initiative
 12 financial information statements available at each polling
 13 place and at the main office of the supervisor of elections
 14 upon request.

15 5. The Secretary of State and the Office of Economic
 16 and Demographic Research shall make available on the Internet
 17 each initiative financial information statement in its
 18 entirety. In addition, each supervisor of elections whose
 19 office has a website shall post the summary from each
 20 initiative financial information statement on the website.
 21 Each supervisor shall include the Internet addresses for the
 22 information statements on the Secretary of State's and the
 23 Office of Economic and Demographic Research's websites in the
 24 publication or mailing required by s. 101.20.

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

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled
3 An act relating to constitutional amendments;
4 amending s. 16.061, F.S.; requiring the
5 Attorney General to petition the Supreme Court
6 regarding compliance of financial impact
7 statements; requiring the Supreme Court to
8 render certain advisory opinions by April 1 of
9 a general election year; amending s. 100.371,
10 F.S.; requiring initiative petitions to be
11 filed by February 1 of a general election year
12 in order to be placed on the ballot; providing
13 an effective date.

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