

Bill No. CS for SB 2022

Barcode 663434

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (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 petition may enumerate any specific factual issues that the Attorney General believes would require a judicial determination. A copy of the petition shall be provided to the Secretary of State and the principal

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1 officer of the sponsor.

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

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

13 Section 2. Subsections (1), (2), and (6) of section
14 100.371, Florida Statutes, are amended to read:

15 100.371 Initiatives; procedure for placement on
16 ballot.--

17 (1) Constitutional amendments proposed by initiative
18 shall be placed on the ballot for the general election
19 provided that an initiative petition is filed with the
20 Secretary of State by February 1 of the year in which the
21 general election is to be held ~~occurring in excess of 90 days~~
22 ~~from the certification of ballot position by the Secretary of~~
23 ~~State.~~

24 (2) Certification of ballot position ~~Such~~
25 ~~certification~~ shall be issued when the Secretary of State has
26 received verification certificates from the supervisors of
27 elections indicating that the requisite number and
28 distribution of valid signatures of electors have been
29 submitted to and verified by the supervisors. Every signature
30 shall be dated when made and shall be valid for a period of 4
31 years following such date, provided all other requirements of

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1 law are satisfied ~~complied with~~.

2 (6)(a) Within 45 days after receipt of a proposed
3 revision or amendment to the State Constitution by initiative
4 petition from the Secretary of State, or within 30 days after
5 such receipt if receipt occurs after January 1 of the year of
6 the election at which the question will appear on the ballot
7 ~~or, within 30 days after such receipt if receipt occurs 120~~
8 ~~days or less before the election at which the question of~~
9 ~~ratifying the amendment will be presented~~, the Financial
10 Impact Estimating Conference shall complete an analysis and
11 financial impact statement to be placed on the ballot of the
12 probable financial impact of the initiative. The probable
13 financial impact of the initiative shall include any estimated
14 increase or decrease in any revenues or costs to state or
15 local governments resulting from the full implementation of
16 the proposed initiative, including those resulting from the
17 enactment, revision, or repeal of associated or implementing
18 legislation by state and local governments, and from the
19 exercise of any expanded authority or discretion that would be
20 granted to any entity by the passage and full implementation
21 of the proposed initiative. The Financial Impact Estimating
22 Conference shall submit the financial impact statement to the
23 ~~Attorney General and~~ Secretary of State.

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

31 2. The Financial Impact Estimating Conference is

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1 established to review, analyze, and estimate the financial
 2 impact of amendments to or revisions of the State Constitution
 3 proposed by initiative. The Financial Impact Estimating
 4 Conference shall consist of four principals: one person from
 5 the Executive Office of the Governor; the coordinator of the
 6 Office of Economic and Demographic Research, or his or her
 7 designee; one person from the professional staff of the
 8 Senate; and one person from the professional staff of the
 9 House of Representatives. Each principal shall have
 10 appropriate fiscal expertise in the subject matter of the
 11 initiative. A Financial Impact Estimating Conference may be
 12 appointed for each initiative.

13 3. Principals of the Financial Impact Estimating
 14 Conference shall reach a consensus or majority concurrence on
 15 a clear and unambiguous financial impact statement, no more
 16 than 75 words in length, and immediately submit the statement
 17 to the Secretary of State ~~Attorney General~~. Nothing in this
 18 subsection prohibits the Financial Impact Estimating
 19 Conference from setting forth a range of potential impacts in
 20 the financial impact statement. The sponsor or any elector may
 21 challenge the financial impact statement in court by filing an
 22 appropriate petition in the Second Judicial Circuit Court, in
 23 and for Leon County, within 30 days after the submission of
 24 the financial impact statement to the Secretary of State. The
 25 circuit court shall hear and decide the case expeditiously in
 26 light of subparagraph (d)2. Any financial impact statement
 27 that a court finds not to be in accordance with this section
 28 shall be remanded solely to the Financial Impact Estimating
 29 Conference for redrafting. The Financial Impact Estimating
 30 Conference shall redraft the financial impact statement within
 31 15 days.

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

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

15 (d)1. Any financial impact statement that ~~a the~~
 16 ~~Supreme~~ court in a final order finds not to be in accordance
 17 with this subsection shall be remanded solely to the Financial
 18 Impact Estimating Conference for redrafting, provided the
 19 court's decision ~~advisory opinion~~ is rendered by April 1 of
 20 the year in which the general election is to be held ~~at least~~
 21 ~~75 days before the election at which the question of ratifying~~
 22 ~~the amendment will be presented~~. The Financial Impact
 23 Estimating Conference shall prepare and adopt a revised
 24 financial impact statement no later than 5 p.m. on the 15th
 25 day after the date of the court's opinion.

26 2. If, by 5 p.m. on April 1 of the year in which the
 27 general election is to be held, no court has determined the
 28 initial financial impact statement not to be in accordance
 29 with this subsection ~~the 75th day before the election, the~~
 30 ~~Supreme Court has not issued an advisory opinion on the~~
 31 ~~initial financial impact statement prepared by the Financial~~

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1 ~~Impact Estimating Conference for an initiative amendment that~~
 2 ~~otherwise meets the legal requirements for ballot placement,~~
 3 the financial impact statement shall be deemed approved for
 4 placement on the ballot.

5 3. In addition to the financial impact statement
 6 required by this subsection, the Financial Impact Estimating
 7 Conference shall draft an initiative financial information
 8 statement. The initiative financial information statement
 9 should describe in greater detail than the financial impact
 10 statement any projected increase or decrease in revenues or
 11 costs that the state or local governments would likely
 12 experience if the ballot measure were approved. If
 13 appropriate, the initiative financial information statement
 14 may include both estimated dollar amounts and a description
 15 placing the estimated dollar amounts into context. The
 16 initiative financial information statement must include both a
 17 summary of not more than 500 words and additional detailed
 18 information that includes the assumptions that were made to
 19 develop the financial impacts, workpapers, and any other
 20 information deemed relevant by the Financial Impact Estimating
 21 Conference.

22 4. The Department of State shall have printed, and
 23 shall furnish to each supervisor of elections, a copy of the
 24 summary from the initiative financial information statements.
 25 The supervisors shall have the summary from the initiative
 26 financial information statements available at each polling
 27 place and at the main office of the supervisor of elections
 28 upon request.

29 5. The Secretary of State and the Office of Economic
 30 and Demographic Research shall make available on the Internet
 31 each initiative financial information statement in its

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1 entirety. In addition, each supervisor of elections whose
 2 office has a website shall post the summary from each
 3 initiative financial information statement on the website.
 4 Each supervisor shall include the Internet addresses for the
 5 information statements on the Secretary of State's and the
 6 Office of Economic and Demographic Research's websites in the
 7 publication or mailing required by s. 101.20.

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

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

13 And the title is amended as follows:

14 Delete everything before the enacting clause

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16 and insert:

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A bill to be entitled

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An act relating to constitutional amendments;

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amending s. 16.061, F.S.; requiring the

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Attorney General to provide to the Secretary of

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State and sponsor a copy of the petition to the

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Supreme Court requesting an advisory opinion as

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to the validity of an initiative petition;

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requiring that the Supreme Court render certain

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advisory opinions by April 1 of a general

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election year; amending s. 100.371, F.S.;

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requiring that initiative petitions be filed by

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February 1 of a general election year in order

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to be placed on the ballot; requiring that

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financial impact statements include certain

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information; revising submission requirements

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1 of the Financial Impact Estimating Conference;
2 permitting challenge of financial impact
3 statements in circuit court; providing an
4 effective date.
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