

Bill No. SB 2022

Barcode 840894

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,

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.

6 (2) A copy of each ~~the~~ petition shall be provided to  
7 the Secretary of State and the principal officer of the  
8 sponsor.

9 (3) Any financial ~~fiscal~~ impact statement that the  
10 court finds not to be in accordance with s. 100.371 shall be  
11 remanded solely to the Financial Impact Estimating Conference  
12 for 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 120 days or less before the~~  
6 ~~election at which the question of ratifying the amendment will~~  
7 ~~be presented~~, the Financial Impact Estimating Conference shall  
8 complete an analysis and financial impact statement to be  
9 placed on the ballot of the estimated increase or decrease in  
10 any revenues or costs to state or local governments resulting  
11 from the proposed initiative. The Financial Impact Estimating  
12 Conference shall submit the financial impact statement to the  
13 Attorney General and Secretary of State.

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

21           2. The Financial Impact Estimating Conference is  
22 established to review, analyze, and estimate the financial  
23 impact of amendments to or revisions of the State Constitution  
24 proposed by initiative. The Financial Impact Estimating  
25 Conference shall consist of four principals: one person from  
26 the Executive Office of the Governor; the coordinator of the  
27 Office of Economic and Demographic Research, or his or her  
28 designee; one person from the professional staff of the  
29 Senate; and one person from the professional staff of the  
30 House of Representatives. Each principal shall have  
31 appropriate fiscal expertise in the subject matter of the

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1 initiative. A Financial Impact Estimating Conference may be  
2 appointed for each initiative.

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

15           4. If the members of the Financial Impact Estimating  
16 Conference are unable to agree on the statement required by  
17 this subsection, or if the Supreme Court has rejected the  
18 initial submission by the Financial Impact Estimating  
19 Conference and no redraft has been approved by the Supreme  
20 Court by 5 p.m. on the 75th day before the election, the  
21 following statement shall appear on the ballot pursuant to s.  
22 101.161(1): "The financial impact of this measure, if any,  
23 cannot be reasonably determined at this time."

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

27           (d)1. Any financial impact statement that the Supreme  
28 Court finds not to be in accordance with this subsection shall  
29 be remanded solely to the Financial Impact Estimating  
30 Conference for redrafting, provided the court's advisory  
31 opinion is rendered at least 75 days before the election at

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1 | which the question of ratifying the amendment will be  
 2 | presented. The Financial Impact Estimating Conference shall  
 3 | prepare and adopt a revised financial impact statement no  
 4 | later than 5 p.m. on the 15th day after the date of the  
 5 | court's opinion.

6 |         2. If, by 5 p.m. on the 75th day before the election,  
 7 | the Supreme Court has not issued an advisory opinion on the  
 8 | initial financial impact statement prepared by the Financial  
 9 | Impact Estimating Conference for an initiative amendment that  
 10 | otherwise meets the legal requirements for ballot placement,  
 11 | the financial impact statement shall be deemed approved for  
 12 | placement on the ballot.

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

30 |         4. The Department of State shall have printed, and  
 31 | shall furnish to each supervisor of elections, a copy of the

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1 summary from the initiative financial information statements.  
 2 The supervisors shall have the summary from the initiative  
 3 financial information statements available at each polling  
 4 place and at the main office of the supervisor of elections  
 5 upon request.

6           5. The Secretary of State and the Office of Economic  
 7 and Demographic Research shall make available on the Internet  
 8 each initiative financial information statement in its  
 9 entirety. In addition, each supervisor of elections whose  
 10 office has a website shall post the summary from each  
 11 initiative financial information statement on the website.  
 12 Each supervisor shall include the Internet addresses for the  
 13 information statements on the Secretary of State's and the  
 14 Office of Economic and Demographic Research's websites in the  
 15 publication or mailing required by s. 101.20.

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

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

21 And the title is amended as follows:

22           Delete everything before the enacting clause

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24 and insert:

25                                   A bill to be entitled  
 26           An act relating to constitutional amendments;  
 27           amending s. 16.061, F.S.; requiring the  
 28           Attorney General to petition the Supreme Court  
 29           regarding compliance of financial impact  
 30           statements; amending s. 100.371, F.S.;  
 31           requiring initiative petitions to be filed by

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1 February 1 of a general election year in order  
2 to be placed on the ballot; providing an  
3 effective date.

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