

By the Committee on Ethics and Elections; and Senator Posey

582-1941-05

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

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 16.061, Florida Statutes, is
 15 amended to read:

16 16.061 Initiative petitions.--

17 (1) The Attorney General shall, within 30 days after
 18 receipt of a proposed revision or amendment to the State
 19 Constitution by initiative petition from the Secretary of
 20 State, petition the Supreme Court, requesting an advisory
 21 opinion regarding the compliance of the text of the proposed
 22 amendment or revision with s. 3, Art. XI of the State
 23 Constitution and the compliance of the proposed ballot title
 24 and substance with s. 101.161. The Attorney General shall,
 25 within 30 days after receipt of an initiative petition's
 26 financial impact statement or revised financial impact
 27 statement from the Financial Impact Estimating Conference,
 28 petition the Supreme Court requesting an advisory opinion
 29 regarding the compliance of the statement with s. 100.371(6).
 30 The petitions ~~petition~~ may enumerate any specific factual
 31

1 | issues that the Attorney General believes would require a
2 | judicial determination.

3 | (2) A copy of each ~~the~~ petition shall be provided to
4 | the Secretary of State and the principal officer of the
5 | sponsor.

6 | (3) Any financial ~~fiscal~~ impact statement that the
7 | court finds not to be in accordance with s. 100.371 shall be
8 | remanded solely to the Financial Impact Estimating Conference
9 | for redrafting.

10 | Section 2. Subsections (1), (2), and (6) of section
11 | 100.371, Florida Statutes, are amended to read:

12 | 100.371 Initiatives; procedure for placement on
13 | ballot.--

14 | (1) Constitutional amendments proposed by initiative
15 | shall be placed on the ballot for the general election if an
16 | initiative petition is filed with the Secretary of State by
17 | February 1 of the year in which the general election is to be
18 | held ~~occurring in excess of 90 days from the certification of~~
19 | ~~ballot position by the Secretary of State.~~

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

29 | (6)(a) Within 45 days after receipt of a proposed
30 | revision or amendment to the State Constitution by initiative
31 | petition from the Secretary of State ~~or, within 30 days after~~

1 ~~such receipt if receipt occurs 120 days or less before the~~
2 ~~election at which the question of ratifying the amendment will~~
3 ~~be presented~~, the Financial Impact Estimating Conference shall
4 complete an analysis and financial impact statement to be
5 placed on the ballot of the estimated increase or decrease in
6 any revenues or costs to state or local governments resulting
7 from the proposed initiative. The Financial Impact Estimating
8 Conference shall submit the financial impact statement to the
9 Attorney General and Secretary of State.

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

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

30 3. Principals of the Financial Impact Estimating
31 Conference shall reach a consensus or majority concurrence on

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

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

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

23 (d)1. Any financial impact statement that the Supreme
24 Court finds not to be in accordance with this subsection shall
25 be remanded solely to the Financial Impact Estimating
26 Conference for redrafting, provided the court's advisory
27 opinion is rendered at least 75 days before the election at
28 which the question of ratifying the amendment will be
29 presented. The Financial Impact Estimating Conference shall
30 prepare and adopt a revised financial impact statement no
31

1 later than 5 p.m. on the 15th day after the date of the
2 court's opinion.

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

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

27 4. The Department of State shall have printed, and
28 shall furnish to each supervisor of elections, a copy of the
29 summary from the initiative financial information statements.
30 The supervisors shall have the summary from the initiative
31 financial information statements available at each polling

1 place and at the main office of the supervisor of elections
2 upon request.

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

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

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 2022

19 Committee Substitute for Senate Bill 2022 requires the
20 Attorney General to petition the Supreme Court for an advisory
21 opinion on the legality of an initiative petition's financial
22 impact statement. The bill also implements Amendment 2,
23 passed in 2004, requiring initiative petitions to be filed
24 with Secretary of State by February 1 of the year of a general
25 election.
26
27
28
29
30
31