

By the Committees on Judiciary; Ethics and Elections; and
Senator Posey

590-2373-05

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 provide to the Secretary of

5 State and sponsor a copy of the petition to the

6 Supreme Court requesting an advisory opinion as

7 to the validity of an initiative petition;

8 requiring that the Supreme Court render certain

9 advisory opinions by April 1 of a general

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

11 requiring that initiative petitions be filed by

12 February 1 of a general election year in order

13 to be placed on the ballot; requiring that

14 financial impact statements include certain

15 information; revising submission requirements

16 of the Financial Impact Estimating Conference;

17 permitting challenge of financial impact

18 statements in circuit court; providing an

19 effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Section 16.061, Florida Statutes, is

24 amended to read:

25 16.061 Initiative petitions.--

26 (1) The Attorney General shall, within 30 days after

27 receipt of a proposed revision or amendment to the State

28 Constitution by initiative petition from the Secretary of

29 State, petition the Supreme Court, requesting an advisory

30 opinion regarding the compliance of the text of the proposed

31 amendment or revision with s. 3, Art. XI of the State

1 Constitution and the compliance of the proposed ballot title
2 and substance with s. 101.161. The petition may enumerate any
3 specific factual issues that the Attorney General believes
4 would require a judicial determination. A copy of the petition
5 shall be provided to the Secretary of State and the principal
6 officer of the sponsor.

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

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

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

20 100.371 Initiatives; procedure for placement on
21 ballot.--

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

29 (2) Certification of ballot position ~~Such~~
30 ~~certification~~ shall be issued when the Secretary of State has
31 received verification certificates from the supervisors of

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

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

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

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

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

18 3. Principals of the Financial Impact Estimating
19 Conference shall reach a consensus or majority concurrence on
20 a clear and unambiguous financial impact statement, no more
21 than 75 words in length, and immediately submit the statement
22 to the Secretary of State ~~Attorney General~~. Nothing in this
23 subsection prohibits the Financial Impact Estimating
24 Conference from setting forth a range of potential impacts in
25 the financial impact statement. The sponsor or any elector may
26 challenge the financial impact statement in court by filing an
27 appropriate petition in the Second Judicial Circuit Court, in
28 and for Leon County, within 30 days after the submission of
29 the financial impact statement to the Secretary of State. The
30 circuit court shall hear and decide the case expeditiously in
31 light of subparagraph (d)2. Any financial impact statement

1 that a court finds not to be in accordance with this section
2 shall be remanded solely to the Financial Impact Estimating
3 Conference for redrafting. The Financial Impact Estimating
4 Conference shall redraft the financial impact statement within
5 15 days.

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

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

20 (d)1. Any financial impact statement that ~~a the~~
21 ~~Supreme court~~ in a final order finds not to be in accordance
22 with this subsection shall be remanded solely to the Financial
23 Impact Estimating Conference for redrafting, provided the
24 court's decision ~~advisory opinion~~ is rendered by April 1 of
25 the year in which the general election is to be held ~~at least~~
26 ~~75 days before the election at which the question of ratifying~~
27 ~~the amendment will be presented~~. The Financial Impact
28 Estimating Conference shall prepare and adopt a revised
29 financial impact statement no later than 5 p.m. on the 15th
30 day after the date of the court's opinion.

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1 2. If, by 5 p.m. on April 1 of the year in which the
2 general election is to be held, no court has determined the
3 initial financial impact statement not to be in accordance
4 with this subsection ~~the 75th day before the election, the~~
5 ~~Supreme Court has not issued an advisory opinion on the~~
6 ~~initial financial impact statement prepared by the Financial~~
7 ~~Impact Estimating Conference for an initiative amendment that~~
8 ~~otherwise meets the legal requirements for ballot placement,~~
9 the financial impact statement shall be deemed approved for
10 placement on the ballot.

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

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

1 financial information statements available at each polling
2 place and at the main office of the supervisor of elections
3 upon request.

4 5. The Secretary of State and the Office of Economic
5 and Demographic Research shall make available on the Internet
6 each initiative financial information statement in its
7 entirety. In addition, each supervisor of elections whose
8 office has a website shall post the summary from each
9 initiative financial information statement on the website.

10 Each supervisor shall include the Internet addresses for the
11 information statements on the Secretary of State's and the
12 Office of Economic and Demographic Research's websites in the
13 publication or mailing required by s. 101.20.

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/Senate Bill 2022

4 The committee substitute makes the following principal changes
5 to the underlying committee substitute:

6 -- Provides a deadline of April 1 of the year of the general
7 election for the Supreme Court to issue an advisory
8 opinion on whether a petition initiative meets the
9 requirements of the constitution;

10 -- Removes references to the Supreme Court remanding a
11 financial impact statement for redrafting;

12 -- Revises language relating to the timeframe for the
13 Financial Impact Estimating Conference to issue a
14 statement of financial impact;

15 -- Provides clarifying language relating to elements that
16 the financial impact statement must contain;

17 -- Replaces the Attorney General with the Secretary of State
18 as the official who must receive the financial impact
19 statement;

20 -- Provides for a sponsor or elector to challenge a
21 financial impact statement in circuit court; and

22 -- Requires that any redrafted financial impact statement
23 must be approved by April 1 of the year of the general
24 election or a standard statement, stating that a
25 financial impact has not been determined at this time,
26 will appear on the ballot.

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