

By Senator Hill

1-391-07

1                                   A bill to be entitled

2           An act relating to financial impact statements

3           for constitutional amendments; amending ss.

4           100.371 and 101.161, F.S.; requiring that, for

5           every amendment to or revision of the State

6           Constitution, not merely for amendments

7           proposed by initiative, a separate financial

8           impact statement concerning the measure and

9           prepared by the Financial Impact Estimating

10          Conference must appear on the ballot; providing

11          deadlines for preparing and, if necessary,

12          revising such a financial impact statement;

13          providing a contingent effective date.

14

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

16

17           Section 1. Subsection (5) of section 100.371, Florida

18 Statutes, as amended by section 11 of chapter 2006-119, Laws

19 of Florida, is amended to read:

20           100.371 Initiatives; procedure for placement on

21 ballot.--

22           (5)(a) Within 45 days after receipt of a proposed

23 revision or amendment to the State Constitution by initiative

24 petition from the Secretary of State, 45 days after passage of

25 a proposed constitutional amendment by both houses of the

26 Legislature, or 45 days after adoption of the final draft of a

27 revision proposed by a constitutional revision commission or

28 constitutional convention, the Financial Impact Estimating

29 Conference shall complete an analysis and financial impact

30 statement to be placed on the ballot of the estimated increase

31 or decrease in any revenues or costs to state or local

1 governments resulting from the proposed amendment or revision  
2 ~~initiative~~. The Financial Impact Estimating Conference shall  
3 submit the financial impact statement to the Attorney General  
4 and Secretary of State.

5 (b) The Financial Impact Estimating Conference shall  
6 provide an opportunity for any proponents or opponents of the  
7 amendment or revision initiative to submit information and may  
8 solicit information or analysis from any other entities or  
9 agencies, including the Office of Economic and Demographic  
10 Research.

11 (c) All meetings of the Financial Impact Estimating  
12 Conference shall be open to the public. The President of the  
13 Senate and the Speaker of the House of Representatives,  
14 jointly, shall be the sole judge for the interpretation,  
15 implementation, and enforcement of this subsection.

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

30 2. 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 does not  
4 prohibit ~~prohibits~~ the Financial Impact Estimating Conference  
5 from setting forth a range of potential impacts in the  
6 financial impact statement. Any financial impact statement  
7 that a court finds not to be in accordance with this section  
8 shall be remanded solely to the Financial Impact Estimating  
9 Conference for redrafting. The Financial Impact Estimating  
10 Conference shall redraft the financial impact statement within  
11 15 days.

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

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

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

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 a ~~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 2. Subsection (1) of section 101.161, Florida  
14 Statutes, is amended to read:

15           101.161 Referenda; ballots.--

16           (1) Whenever a constitutional amendment or other  
17 public measure is submitted to the vote of the people, the  
18 substance of such amendment or other public measure shall be  
19 printed in clear and unambiguous language on the ballot after  
20 the list of candidates, followed by the word "yes" and also by  
21 the word "no," and shall be styled in such a manner that a  
22 "yes" vote will indicate approval of the proposal and a "no"  
23 vote will indicate rejection. The wording of the substance of  
24 the amendment or other public measure and the ballot title to  
25 appear on the ballot shall be embodied in the joint  
26 resolution, constitutional revision commission proposal,  
27 constitutional convention proposal, taxation and budget reform  
28 commission proposal, or enabling resolution or ordinance.  
29 Except for amendments and ballot language proposed by joint  
30 resolution, the substance of the amendment or other public  
31 measure shall be an explanatory statement, not exceeding 75

1 words in length, of the chief purpose of the measure. In  
2 addition, for every amendment ~~proposed by initiative~~, the  
3 ballot shall include, following the ballot summary, a separate  
4 financial impact statement concerning the measure prepared by  
5 the Financial Impact Estimating Conference in accordance with  
6 s. 100.371(5). The ballot title shall consist of a caption,  
7 not exceeding 15 words in length, by which the measure is  
8 commonly referred to or spoken of.

9 Section 3. This act shall take effect upon the  
10 effective date of a joint resolution amending Section 5 of  
11 Article XI of the State Constitution which requires that a  
12 statement of the probable financial impact of any proposed  
13 constitutional amendment or revision be provided to the  
14 public.

15  
16 \*\*\*\*\*

17 SENATE SUMMARY

18 Requires that, for every amendment to or revision of the  
19 State Constitution, not merely for amendments proposed by  
20 initiative, a separate financial impact statement  
21 concerning the measure and prepared by the Financial  
Impact Estimating Conference must appear on the ballot.  
Provides deadlines for preparing and, if necessary,  
revising such a financial impact statement.

22  
23  
24  
25  
26  
27  
28  
29  
30  
31