

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: HB 65-E

SPONSOR: Representative Goodlette and others

SUBJECT: Constitutional Amendments/Initiatives

DATE: May 6, 2002 REVISED: 05/07/02 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rubinas</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/1 amendment</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

House Bill 65-E requires the Revenue Estimating Conference to develop a short statement (30 words or less) for inclusion on the general election ballot, identifying the fiscal impact of each proposed citizen initiative seeking to amend the Florida Constitution that the Florida Supreme Court approves.

This bill substantially amends sections 100.371 and section 101.161 of the Florida Statutes.

II. Present Situation:

There is no requirement in Florida law that the general election ballot contain a statement of the fiscal impact of a proposed citizen initiative.

III. Effect of Proposed Changes:

The bill requires the Revenue Estimating Conference to develop a 30-word statement for inclusion on the general election ballot identifying the fiscal impact of each proposed citizen initiative that the Florida Supreme Court approves. The Conference must prepare the statement within 45 days of the Court’s approval of the initiative.¹ The Conference is required to reach consensus or majority concurrence on the fiscal impact statement. If the Conference is deadlocked and does not approve a statement by majority vote, the fiscal estimate of the Governor’s designee to the Conference prevails.

¹ For initiatives approved for the 2002 general election, the Conference must approve the fiscal impact statement no later than 45 days after Supreme Court approval or 45 days after this bill becomes law, whichever occurs later. This insures that any initiative approved by the Supreme Court prior to the bill becoming law will have an accompanying fiscal impact statement on the ballot.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Revenue Estimating Conference may incur additional costs to comply with the requirements in the bill, including research costs. The amount of these additional costs will vary depending on the number and complexity of constitutional initiatives approved by the Florida Supreme Court.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The November 2002 general election ballot will contain a proposal to require that a fiscal impact statement be made available to the public for every future constitutional amendment proposed by initiative “prior to” the holding of the election on the measure (HJR 571, First Engrossed (2001)).

VIII. Amendments:

#1 by Ethics and Elections:

The amendment affects all categories of constitutional amendments, i.e., initiatives, as well as joint resolutions, constitutional revision commission proposals, tax and budget reform commission proposals, and constitutional convention proposals; provides that initiative petitions are presented to the Revenue Estimating Conference by the Secretary of State for fiscal analysis when sponsors have signatures totaling 10% of number of electors statewide in at least ¼ of the congressional districts; provides that for initiative proposals the Revenue Estimating Conference has 45 days to prepare the fiscal analysis; for joint resolutions and other constitutional amendments requires the Revenue Estimating Conference to prepare a fiscal impact statement no later than 60 days before the general election; provides that the Revenue Estimating Conference provide an opportunity for proponents/opponents to submit information to them and permits the Revenue Estimating Conference to solicit other sources of information; provides that the Revenue Estimating Conference must reach consensus or majority concurrence on a clear, unambiguous, accurate, and impartial fiscal impact statement no more than 50 words in length; directs that the fiscal impact statement can't be argument, or be likely to create prejudice for or against the proposed amendment; authorizes the Revenue Estimating Conference to set forth a range of potential fiscal impact, provides that if there is no agreement, the Revenue Estimating Conference issues the following statement: "The fiscal impact of this measure, if any, cannot be reasonably determined at this time."; excludes from this act initiatives that have been certified for ballot position by the Secretary of State or any joint resolution filed with the Secretary of State prior to the effective date of this act; provides that effective July 1, 2003, the fiscal impact statements prepared by the Revenue Estimating Conference are required to be reviewed by the Florida Supreme Court and if the court strikes down the fiscal impact statement it must remand the fiscal impact statement to the Revenue Estimating Conference for re-drafting of the statement. (WITH TITLE AMENDMENT)

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
