

# 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: CS/SB 68E

SPONSOR: Ethics and Elections Committee and Senators Pruitt and Sanderson

SUBJECT: Constitutional Amendments; Initiatives

DATE: May 7, 2002

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rubinas</u>	<u>Rubinas</u>	<u>EE</u>	<u>Favorable/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

## I. Summary:

Committee Substitute for Senate Bill 68-E requires the Revenue Estimating Conference to develop a short statement for inclusion on the general election ballot, identifying the fiscal impact of each proposed amendment or revision to the Florida Constitution, with certain exceptions. Effective July 1, 2003, the bill requires the fiscal impact statements prepared by the Revenue Estimating Conference to be reviewed by the Florida Supreme Court. 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.

This bill substantially amends sections 15.21, 16.061, 100.371, 101.161 and 216.136 of the Florida Statutes, and creates a new section 100.381, 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 constitutional amendment or revision presented to the voters by joint resolution of the legislature, citizen initiative, constitutional revision commission, taxation and budget reform commission, or constitutional convention.

## III. Effect of Proposed Changes:

The bill requires the Revenue Estimating Conference to develop a statement for inclusion on the general election ballot identifying the fiscal impact of each proposed amendment or revision to the Florida Constitution. The Conference must prepare the statement within 45 days of the Supreme Court's approval of citizen initiatives and for initiatives already approved by the

Supreme Court for the 2002 general election, within 45 days after this act becomes a law.<sup>1</sup> The Conference is required to reach consensus or majority concurrence on the fiscal impact statement. If the Conference does not agree on the statement, the following language shall appear on the ballot: "The fiscal impact of this measure, if any, cannot be reasonably determined at this time.

The fiscal impact statement must be clear unambiguous, accurate and impartial and be no more than 50 words in length. The statement shall not be an argument, nor likely to create prejudice for or against the proposed measure. The Revenue Estimating Conference may set forth a range of potential impacts in the fiscal impact statement. The fiscal impact statement must be separately contained and set forth after the ballot summary as required by section 100.161(1), F.S.

For constitutional amendments and revisions other than initiatives, the Revenue Estimating Conference must prepare the fiscal impact statement no later than 60 days before the election on the proposed amendment or revision.

The act does not apply to any constitutional amendments proposed by initiative which 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.

After July 1, 2003, the fiscal impact statement prepared by the Revenue Estimating Conference as provided for by this Committee Substitute must be submitted by the Attorney General to the Supreme Court for an advisory opinion regarding compliance of the fiscal statement with sections 100.371, 100.381, and 101.61, of the Florida Statutes. If the court strikes down the fiscal impact statement, it must remand it to the Revenue Estimating Conference for re-drafting of the statement.

Except as otherwise provided, 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.

---

<sup>1</sup> This insures that any joint resolution not filed with the Secretary of State or any initiative approved by the Supreme Court but not certified for ballot position by the Secretary of State prior to the bill becoming law will have an accompanying fiscal impact statement on the ballot. (For example, the Supreme Court approved the animal cruelty amendment relating to the confinement of pigs during pregnancy on January 17, 2002. The measure has not been certified for ballot position by the Secretary of State and would require a fiscal impact statement.)

**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 amendments proposed by the legislature, through citizen initiatives approved by the Florida Supreme Court, or those proposed by a constitutional revision commission, taxation and budget reform commission, or constitutional convention.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The November 2002 general election ballot will contain a proposal which is the subject of a joint resolution heretofore filed with the Secretary of State 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:**

None.