

1 A bill to be entitled
2 An act relating to financial impact statements
3 for proposed constitutional amendments;
4 amending s. 15.21, F.S.; requiring the
5 Secretary of State to submit certain proposed
6 constitutional amendments to the Financial
7 Impact Estimating Conference; amending s.
8 16.061, F.S.; requiring the Attorney General to
9 immediately petition the Supreme Court for
10 review of certain financial impact statements;
11 amending s. 100.371, F.S.; revising the times
12 within which the Financial Impact Estimating
13 Conference must complete its analysis and
14 financial impact statement for proposed
15 amendments or revisions; providing for open
16 meetings; establishing the Financial Impact
17 Estimating Conference for certain purposes;
18 specifying principals of the conference;
19 revising criteria for financial impact
20 statements; providing for redrafting of such
21 statements by the conference under certain
22 circumstances; requiring the Financial Impact
23 Estimating Conference to produce a financial
24 information statement and summary; specifying
25 statement requirements; providing for
26 distribution and publication of the financial
27 information statement and summary; amending s.
28 100.381, F.S.; conforming to changes made by
29 the act; amending s. 101.161, F.S.; prescribing
30 placement of the financial impact statement on
31 the ballot; amending s. 101.62, F.S., relating

1 to absentee ballots, to conform; amending s.
2 216.136, F.S.; conforming provisions to changes
3 made by the act; providing procedures for
4 commencing the financial impact statement
5 development and review process for certain
6 proposed amendments or revisions; providing
7 severability; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Section 15.21, Florida Statutes, is amended
12 to read:

13 15.21 Initiative petitions; s. 3, Art. XI, State
14 Constitution.--The Secretary of State shall immediately submit
15 an initiative petition to the Attorney General and to the
16 Financial Impact Revenue Estimating Conference if the sponsor
17 has:

18 (1) Registered as a political committee pursuant to s.
19 106.03;

20 (2) Submitted the ballot title, substance, and text of
21 the proposed revision or amendment to the Secretary of State
22 pursuant to ss. 100.371 and 101.161; and

23 (3) Obtained a letter from the Division of Elections
24 confirming that the sponsor has submitted to the appropriate
25 supervisors for verification, and the supervisors have
26 verified, forms signed and dated equal to 10 percent of the
27 number of electors statewide and in at least one-fourth of the
28 congressional districts required by s. 3, Art. XI of the State
29 Constitution.

30 Section 2. Section 16.061, Florida Statutes, is
31 amended to read:

1 16.061 Proposed constitutional revisions or
2 amendments.--

3 (1) The Attorney General shall, within 30 days after
4 receipt of a proposed revision or amendment to the State
5 Constitution by initiative petition from the Secretary of
6 State, petition the Supreme Court, requesting an advisory
7 opinion regarding the compliance of the text of the proposed
8 amendment or revision with s. 3, Art. XI of the State
9 Constitution and the compliance of the proposed ballot title
10 and substance with s. 101.161 and the compliance of the
11 financial ~~fiscal~~ impact statement with ss. 100.371 and
12 101.161. For all other proposed revisions or amendments to the
13 State Constitution, the Attorney General shall, upon the
14 Financial Impact Revenue ~~Revenue~~ Estimating Conference finalizing the
15 financial ~~fiscal~~ impact statement, petition the Supreme Court
16 requesting an advisory opinion regarding compliance of the
17 text of the financial ~~fiscal~~ impact statement with ss.
18 100.371, 100.381, and 101.161. The petition may enumerate any
19 specific factual issues that ~~which~~ the Attorney General
20 believes would require a judicial determination.

21 (2) A copy of the petition shall be provided to the
22 Secretary of State and the principal officer of the sponsor.

23 (3) Any financial ~~fiscal~~ impact statement that the
24 court finds not to be in accordance with s. 100.371, s.
25 100.381, or s. 101.161 shall be remanded solely to the
26 Financial Impact Revenue ~~Revenue~~ Estimating Conference for redrafting.

27 Section 3. Subsections (6) and (7) of section 100.371,
28 Florida Statutes, are amended to read:

29 100.371 Initiatives; procedure for placement on
30 ballot.--

31

1 (6)(a) Within 45 days after receipt of a proposed
2 revision or amendment to the State Constitution by initiative
3 petition from the Secretary of State or, within 30 days after
4 such receipt if receipt occurs 120 days or less before the
5 election at which the question of ratifying the amendment will
6 be presented for any initiative approved by the Florida
7 Supreme Court for the general election ballot for 2002, within
8 45 days after the effective date of this subsection, whichever
9 occurs later, the Financial Impact Revenue Estimating
10 Conference shall complete an analysis and financial fiscal
11 impact statement to be placed on the ballot of the estimated
12 increase or decrease in any revenues or costs to state or
13 local governments resulting from the proposed amendment or
14 revision initiative. The Financial Impact Estimating
15 Conference shall submit the financial impact statement to the
16 Attorney General and Secretary of State.

17 (b)1. The Financial Impact Revenue Estimating
18 Conference shall provide an opportunity for any proponents or
19 opponents of a proposed amendment or revision of the State
20 Constitution the initiative to submit information and may
21 solicit information or analysis from any other entities or
22 agencies, including the Office of Economic and Demographic
23 Research. All meetings of the Financial Impact Estimating
24 Conference shall be open to the public as provided in chapter
25 286.

26 2. The Financial Impact Estimating Conference is
27 established to review, analyze, and estimate the financial
28 impact of proposed amendments to or revisions of the State
29 Constitution. The Financial Impact Estimating Conference shall
30 consist of four principals: one person from the Executive
31 Office of the Governor; the coordinator of the Office of

1 Economic and Demographic Research, or his or her designee; one
 2 person from the professional staff of the Senate; and one
 3 person from the professional staff of the House of
 4 Representatives. Each principal shall have appropriate fiscal
 5 expertise in the subject matter of the initiative. A Financial
 6 Impact Estimating Conference may be appointed for each
 7 initiative.

8 3.(b)1. Principals ~~Members~~ of the Financial Impact
 9 ~~Revenue~~ Estimating Conference shall reach a consensus or
 10 majority concurrence on a clear and unambiguous financial
 11 ~~fiscal~~ impact statement, no more than 75 ~~50~~ words in length
 12 and immediately submit the statement to the Attorney General.

13 Nothing in this subsection prohibits the Financial Impact
 14 ~~Revenue~~ Estimating Conference from setting forth a range of
 15 potential impacts in the financial ~~fiscal~~ impact statement.
 16 Any financial ~~fiscal~~ impact statement that a court finds not
 17 to be in accordance with this section, s. 100.381, or s.
 18 101.161 shall be remanded solely to the Financial Impact
 19 ~~Revenue~~ Estimating Conference for redrafting. The Financial
 20 Impact ~~Revenue~~ Estimating Conference shall redraft the
 21 financial ~~fiscal~~ impact statement within 15 days.

22 4.2. If the members of the Financial Impact ~~Revenue~~
 23 Estimating Conference are unable to agree on the statement
 24 required by this subsection, or if the Supreme Court has
 25 rejected the initial submission by the Financial Impact
 26 Estimating Conference and no redraft has been approved by the
 27 Supreme Court by 5 p.m. on the 75th day before the election,
 28 the following statement shall appear on the ballot pursuant to
 29 s. 101.161(1): "The financial ~~fiscal~~ impact of this measure,
 30 if any, cannot be reasonably determined at this time."
 31

1 (c) The financial ~~fiscal~~ impact statement must be
2 separately contained and be set forth after the ballot summary
3 as required in s. 101.161(1).

4 (d)1. Any financial impact statement that the Supreme
5 Court finds not to be in accordance with this subsection shall
6 be remanded solely to the Financial Impact Estimating
7 Conference for redrafting, provided the court's advisory
8 opinion is rendered at least 75 days before the election at
9 which the question of ratifying the amendment will be
10 presented. The Financial Impact Estimating Conference shall
11 prepare and adopt a revised financial impact statement no
12 later than 5 p.m. on the 15th day after the date of the
13 court's opinion.

14 2. If, by 5 p.m. on the 75th day before the election,
15 the Supreme Court has not issued an advisory opinion on the
16 initial financial impact statement prepared by the Financial
17 Impact Estimating Conference for an amendment or revision that
18 otherwise meets the legal requirements for ballot placement,
19 the financial impact statement shall be deemed approved for
20 placement on the ballot.

21 3. In addition to the financial impact statement
22 required by this subsection, the Financial Impact Estimating
23 Conference shall draft a financial information statement. The
24 financial information statement should describe in greater
25 detail than the financial impact statement any projected
26 increase or decrease in revenues or costs that the state or
27 local governments would likely experience if the ballot
28 measure were approved. If appropriate, the financial
29 information statement may include both estimated dollar
30 amounts and a description placing the estimated dollar amounts
31 into context. The financial information statement must include

1 both a summary of not more than 500 words and additional
2 detailed information that includes the assumptions that were
3 made to develop the financial impacts, workpapers, and any
4 other information deemed relevant by the Financial Impact
5 Estimating Conference.

6 4. The Department of State shall have printed, and
7 shall furnish to each supervisor of elections, a copy of the
8 summary from the financial information statements. The
9 supervisors shall have the summary from the financial
10 information statements available at each polling place and at
11 the main office of the supervisor of elections upon request.

12 5. The Secretary of State and the Office of Economic
13 and Demographic Research shall make available on the Internet
14 each financial information statement in its entirety. In
15 addition, each supervisor of elections whose office has a
16 website shall post the summary from each financial information
17 statement on the website. Each supervisor shall include the
18 Internet addresses for the information statements on the
19 Secretary of State's and the Office of Economic and
20 Demographic Research's websites in the publication or mailing
21 required by s. 101.20.

22 (7) The Department of State may adopt rules in
23 accordance with s. 120.54 to carry out the provisions of
24 subsections(1)-(6)(1) ~~(5)~~ of this section.

25 Section 4. Section 100.381, Florida Statutes, is
26 amended to read:

27 100.381 Constitutional amendments or revisions other
28 than initiatives; financial ~~financial~~ impact statement.--For any
29 amendment or revision proposed pursuant to Art. XI of the
30 State Constitution other than an initiative, the Financial
31 Impact Revenue Estimating Conference shall prepare a financial

1 ~~fiscal~~ impact statement as provided in s. 100.371(6) no later
2 than 80 days before the election on the proposed amendment or
3 revision. The financial ~~fiscal~~ impact statement must be
4 separately contained and be set forth after the ballot summary
5 as required in s. 101.161(1).

6 Section 5. Subsection (1) of section 101.161, Florida
7 Statutes, is amended to read:

8 101.161 Referenda; ballots.--

9 (1) Whenever a constitutional amendment or other
10 public measure is submitted to the vote of the people, the
11 substance of such amendment or other public measure shall be
12 printed in clear and unambiguous language on the ballot after
13 the list of candidates, followed by the word "yes" and also by
14 the word "no," and shall be styled in such a manner that a
15 "yes" vote will indicate approval of the proposal and a "no"
16 vote will indicate rejection. The wording of the substance of
17 the amendment or other public measure and the ballot title to
18 appear on the ballot shall be embodied in the joint
19 resolution, constitutional revision commission proposal,
20 constitutional convention proposal, taxation and budget reform
21 commission proposal, or enabling resolution or ordinance.
22 Except for amendments and ballot language proposed by joint
23 resolution, the substance of the amendment or other public
24 measure shall be an explanatory statement, not exceeding 75
25 words in length, of the chief purpose of the measure. In
26 addition, for every proposed amendment or revision of the
27 State Constitution, the ballot shall include, following the
28 ballot summary, a separate financial ~~fiscal~~ impact statement
29 concerning the measure prepared by the Financial Impact
30 ~~Revenue~~ Estimating Conference in accordance with s. 100.371(6)
31 or s. 100.381. The ballot title shall consist of a caption,

1 not exceeding 15 words in length, by which the measure is
2 commonly referred to or spoken of.

3 Section 6. Paragraph (a) of subsection (4) of section
4 101.62, Florida Statutes, is amended to read:

5 101.62 Request for absentee ballots.--

6 (4)(a) To each absent qualified elector overseas who
7 has requested an absentee ballot, the supervisor of elections
8 shall, not fewer than 35 days before the first primary
9 election, mail an absentee ballot. Not fewer than 45 days
10 before the second primary and general election, the supervisor
11 of elections shall mail an advance absentee ballot to those
12 persons requesting ballots for such elections. The advance
13 absentee ballot for the second primary shall be the same as
14 the first primary absentee ballot as to the names of
15 candidates, except that for any offices where there are only
16 two candidates, those offices and all political party
17 executive committee offices shall be omitted. Except as
18 provided in ss. ~~s.~~ 99.063(4) and 100.371(6), the advance
19 absentee ballot for the general election shall be as specified
20 in s. 101.151, except that in the case of candidates of
21 political parties where nominations were not made in the first
22 primary, the names of the candidates placing first and second
23 in the first primary election shall be printed on the advance
24 absentee ballot. The advance absentee ballot or advance
25 absentee ballot information booklet shall be of a different
26 color for each election and also a different color from the
27 absentee ballots for the first primary, second primary, and
28 general election. The supervisor shall mail an advance
29 absentee ballot for the second primary and general election to
30 each qualified absent elector for whom a request is received
31 until the absentee ballots are printed. The supervisor shall

1 enclose with the advance second primary absentee ballot and
2 advance general election absentee ballot an explanation
3 stating that the absentee ballot for the election will be
4 mailed as soon as it is printed; and, if both the advance
5 absentee ballot and the absentee ballot for the election are
6 returned in time to be counted, only the absentee ballot will
7 be counted. The Department of State may prescribe by rule the
8 requirements for preparing and mailing absentee ballots to
9 absent qualified electors overseas.

10 Section 7. Paragraph (a) of subsection (3) of section
11 216.136, Florida Statutes, is amended to read:

12 216.136 Consensus estimating conferences; duties and
13 principals.--

14 (3) REVENUE ESTIMATING CONFERENCE.--

15 (a) Duties.--The Revenue Estimating Conference shall
16 develop such official information with respect to anticipated
17 state and local government revenues as the conference
18 determines is needed for the state planning and budgeting
19 system. Any principal may request the conference to review
20 and estimate revenues for any trust fund. ~~Also, the conference~~
21 ~~shall prepare fiscal impact statements for constitutional~~
22 ~~amendments pursuant to s. 100.371(6).~~

23 Section 8. The Secretary of State shall immediately
24 submit to the Financial Impact Estimating Conference any
25 active initiative petition that met the requirements of
26 section 15.21, Florida Statutes, or any joint resolution filed
27 with the Secretary of State before the effective date of this
28 act.

29 Section 9. If any provision of this act or the
30 application thereof to any person or circumstance is held
31 invalid, the invalidity does not affect other provisions or

1 applications of this act which can be given effect without the
2 invalid provision or application, and to this end the
3 provisions of this act are declared severable.

4 Section 10. This act shall take effect upon becoming a
5 law.

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