

House Bill No. 65-E

An act relating to constitutional amendments; amending s. 15.21, F.S.; requiring the Secretary of State to submit certain initiative petitions to the Revenue Estimating Conference; amending s. 16.061, F.S.; requiring that the Attorney General petition the Supreme Court to review the estimated-fiscal-impact statement; requiring the court to remand defective fiscal-impact statements to the Revenue Estimating Conference; amending ss. 100.371, 101.161, F.S., and creating s. 100.381, F.S.; requiring that the Revenue Estimating Conference provide an analysis of the fiscal impact resulting to state or local governments from any constitutional amendment; authorizing the Revenue Estimating Conference to solicit information regarding a proposed amendment; providing procedures for drafting and voting on a fiscal-impact statement by the Revenue Estimating Conference; requiring that a fiscal-impact statement be included on the ballot after the ballot summary of the amendment; requiring a court to remand defective fiscal-impact statements to the Revenue Estimating Conference; amending s. 216.136, F.S.; prescribing additional duties of the Revenue Estimating Conference, to conform; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing exemptions from the fiscal-impact-statement requirement for certain proposed amendments; providing effective dates.

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

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

15.21 Initiative petitions; s. 3, Art. XI, State Constitution.—The Secretary of State shall immediately submit an initiative petition to the Attorney General and to the Revenue Estimating Conference if the sponsor has:

- (1) Registered as a political committee pursuant to s. 106.03;
- (2) Submitted the ballot title, substance, and text of the proposed revision or amendment to the Secretary of State pursuant to ss. 100.371 and 101.161; and
- (3) Obtained a letter from the Division of Elections confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 10 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art. XI of the State Constitution.

Section 2. Effective July 1, 2003, section 16.061, Florida Statutes, is amended to read:

16.061 Proposed constitutional revisions or amendments ~~Initiative petitions.~~—

(1) The Attorney General shall, within 30 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, petition the Supreme Court, requesting an advisory opinion regarding the compliance of the text of the proposed amendment or revision with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and substance with s. 101.161 and the compliance of the fiscal-impact statement with ss. 100.371 and 101.161. For all other proposed revisions or amendments to the State Constitution, the Attorney General shall, upon the Revenue Estimating Conference finalizing the fiscal-impact statement, petition the Supreme Court requesting an advisory opinion regarding compliance of the text of the fiscal-impact statement with ss. 100.371, 100.381, and 101.161. The petition may enumerate any specific factual issues which the Attorney General believes would require a judicial determination.

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

(3) Any fiscal-impact statement that the court finds not to be in accordance with s. 100.371, s. 100.381, or s. 101.161 shall be remanded solely to the Revenue Estimating Conference for redrafting.

Section 3. Present subsection (6) of section 100.371, Florida Statutes, is redesignated as subsection (7) and amended, and a new subsection (6) is added to that section, to read:

100.371 Initiatives; procedure for placement on ballot.—

(6)(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State or, for any initiative approved by the Florida Supreme Court for the general election ballot for 2002, within 45 days after the effective date of this subsection, whichever occurs later, the Revenue Estimating Conference shall complete an analysis and fiscal impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The Revenue Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research.

(b)1. Members of the Revenue Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous fiscal-impact statement, no more than 50 words in length. Nothing in this subsection prohibits the Revenue Estimating Conference from setting forth a range of potential impacts in the fiscal-impact statement. Any fiscal-impact statement that a court finds not to be in accordance with this section, s. 100.381, or s. 101.161 shall be remanded solely to the Revenue Estimating Conference for redrafting. The Revenue Estimating Conference shall redraft the fiscal-impact statement within 15 days.

2. If the members of the Revenue Estimating Conference are unable to agree on the statement required by this subsection, the following statement

shall appear on the ballot pursuant to 101.161(1): “The fiscal impact of this measure, if any, cannot be reasonably determined at this time.”

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

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

Section 4. Section 100.381, Florida Statutes, is created to read:

100.381 Constitutional amendments or revisions other than initiatives; fiscal-impact statement.—For any amendment or revision proposed pursuant to Art. XI of the State Constitution other than an initiative, the Revenue Estimating Conference shall prepare a fiscal-impact statement as provided in s. 100.371(6) no later than 80 days before the election on the proposed amendment or revision. The fiscal-impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

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

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word “yes” and also by the word “no,” and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, the ballot shall include a separate fiscal-impact statement concerning the measure prepared by the Revenue Estimating Conference in accordance with s. 100.371(6) or s. 100.381. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 6. Paragraph (a) of subsection (3) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(3) REVENUE ESTIMATING CONFERENCE.—

(a) Duties.—The Revenue Estimating Conference shall develop such official information with respect to anticipated state and local government

revenues as the conference determines is needed for the state planning and budgeting system. Any principal may request the conference to review and estimate revenues for any trust fund. Also, the conference shall prepare fiscal-impact statements for constitutional amendments pursuant to s. 100.371(6).

Section 7. If any law that is amended by this act was also amended by a law enacted at the 2002 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect should be given to each if that is possible.

Section 8. This act does not apply to any constitutional amendment proposed by initiative which has been certified for ballot position by the Secretary of State or to any joint resolution filed with the Secretary of State prior to the effective date of this act.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor May 24, 2002.

Filed in Office Secretary of State May 24, 2002.