

House Bill No. 1743

An act relating to financial impact statements for proposed constitutional amendments; amending s. 15.21, F.S.; requiring the Secretary of State to submit certain proposed constitutional amendments to the Financial Impact Estimating Conference; amending s. 16.061, F.S.; requiring the Attorney General to immediately petition the Supreme Court for review of certain financial impact statements; deleting duties of the Attorney General with respect to constitutional amendments proposed other than by initiative; amending s. 100.371, F.S.; revising the times within which the Financial Impact Estimating Conference must complete its analysis and financial impact statement for amendments proposed by initiative; providing for open meetings; establishing the Financial Impact Estimating Conference for certain purposes; specifying principals of the conference; revising criteria for financial impact statements; providing for re-drafting of such statements by the conference under certain circumstances; requiring the Financial Impact Estimating Conference to produce a financial information statement and summary; specifying statement requirements; providing for distribution and publication of the financial information statement and summary; repealing s. 100.381, F.S., relating to fiscal impact statement requirements for amendments proposed other than by initiative; amending s. 101.161, F.S.; prescribing placement of the financial impact statement on the ballot; amending s. 101.62, F.S., relating to absentee ballots, to conform; amending s. 216.136, F.S.; conforming provisions to changes made by the act; providing procedures for commencing the financial impact statement development and review process for certain proposed initiatives; providing an effective date.

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 Financial Impact ~~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. Section 16.061, Florida Statutes, is amended to read:

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

(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 that ~~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 Financial Impact Revenue Estimating Conference for redrafting.

Section 3. Subsections (6) and (7) of section 100.371, Florida Statutes, are amended 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, within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the amendment will be presented 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 Financial Impact Revenue Estimating Conference shall complete an analysis and financial ~~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 Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact 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. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions

of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3.(b)1. Principals Members of the Financial Impact Revenue Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial fiscal impact statement, no more than 75 50 words in length and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Revenue Estimating Conference from setting forth a range of potential impacts in the financial fiscal impact statement. Any financial 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 Financial Impact Revenue Estimating Conference for redrafting. The Financial Impact Revenue Estimating Conference shall redraft the financial fiscal impact statement within 15 days.

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

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

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

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

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement

any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

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

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

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

Section 4. Section 100.381, Florida Statutes, is repealed.

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, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial fiscal impact statement concerning the measure prepared by the Financial Impact 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 (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in ss. s. 99.063(4) and 100.371(6), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

Section 7. 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 8. The Secretary of State shall immediately submit to the Financial Impact Estimating Conference any active initiative petition that met the requirements of section 15.21, Florida Statutes, before the effective date of this act.

Section 9. This act shall take effect upon becoming a law.

Approved by the Governor May 11, 2004.

Filed in Office Secretary of State May 11, 2004.