

**DISTRICT COURT OF APPEAL, FIRST DISTRICT**  
**2000 Drayton Drive**  
**Tallahassee, Florida 32399-0950**  
**Telephone No. (850)488-6151**

September 04, 2020

**CASE NO.: 1D20-2421**  
L.T. No.: 2020-CA-784

Florida Financial Impact  
Estimating Conference

v.

All Voters Vote, Inc., a Florida  
Corporation, Laurel M. Lee, in her  
official capacity as Florida  
Secretary of State

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Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

On August 23, 2019, the Financial Impact Estimating Conference (“FIEC”) submitted to the attorney general and to the secretary of state its financial impact statement (“FIS”) for the initiative petition entitled, “All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet,” which bears serial number 19-07 (“Initiative 19-07”). On August 19, 2020, the trial court rendered a summary final judgment that remands the FIS to the FIEC “for redrafting.” The FIEC appealed that judgment.

However, by 5 p.m. on August 20, 2020 (seventy-five days prior to the general election, when Initiative 19-07 will appear on the ballot), there had been no advisory opinion from the Supreme Court that reviewed the FIS for compliance with section 100.371(13), Florida Statutes (“subsection 13”). None will be forthcoming. *See Order, Advisory Op. to the Attorney Gen. re: All Voters Vote (FIS)*, Case No. SC19-1505 (Fla. Dec. 19, 2019) (dismissing for lack of original jurisdiction). On its own motion, this court now vacates the summary final judgment on review and remands with a direction to dismiss the amended complaint because of mootness.<sup>1</sup>

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<sup>1</sup> This court has considerable doubt about the trial court’s authority to grant the relief it did in the first place. *See MacNeil v. Crestview Hosp. Corp.*, 292 So. 3d 840, 845 (Fla. 1st DCA 2020) (determining that dismissal of declaratory judgment action was required “[a]bsent a showing of at least a colorable right which would be affected by the requested

Pursuant to its exclusive constitutional prerogative, the Legislature set out a comprehensive, integrated scheme “for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative.” Art. XI, § 5(c), Fla. Const. That scheme is in subsection 13, and it contains several critically important deadlines. *See, e.g.*, § 100.371(13)(a), (c)3., (e)1., (e)2., Fla. Stat. Among these deadlines, the Legislature specifically directs that “[i]f, 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” that the FIEC prepared and submitted—and if the underlying initiative amendment otherwise has qualified for ballot placement—“the financial impact statement shall be deemed approved for placement on the ballot.” § 100.371(13)(e)2., Fla. Stat. As noted above, the seventy-fifth day before this coming election has passed with no advisory opinion. While the Supreme Court has determined it will no longer issue FIS advisory opinions because it lacks original jurisdiction to do so, *see Advisory Op. to the Attorney Gen. re: Raising Florida’s Minimum Wage*, 285 So. 3d 1273, 1279–80 (Fla. 2019), neither the trial court nor this court has the authority to rewrite a component of the Legislature’s integrated scheme set out in subsection 13 to reflect that determination. Initiative 19-07 has qualified for placement on the ballot. *See Advisory Op. to the Attorney Gen. re: All Voters Vote*, 291 So. 3d 901 (Fla. 2020). By operation of the Legislature’s directive, then, the FIS automatically is “approved for placement on the ballot.” The trial court’s judgment no longer can have any operative effect, so the case is moot and must be dismissed. *Cf. Godwin v. State*, 593 So. 2d 211, 212 (Fla. 1992).

To be sure, the FIS is a model of clarity. Each sentence addresses an aspect of analysis that section 100.371(13) requires of the FIEC. The FIS uses typical estimating language (e.g., “probable,” “projects”) and specifies a projected range of costs to local government (which the statute allows). It is clear that the projection range is “across counties” for several election cycles, and it informs the public that in “intervening years,” the estimated costs drop considerably. Finally, the FIEC prepared a “long form” financial information statement that provides a more detailed summary and includes “additional detailed information” about the FIEC’s assumptions and methodology, all of which is available to every voter to review. § 100.371(13)(e)3., 4., Fla. Stat. In turn, pursuant to section 100.371(13)(e)2., the secretary of state is ordered to certify to the supervisors of election, as soon as possible, final ballot language and layout containing the FIS that the FIEC initially submitted for Initiative 19-07.

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declaration,” such that any declaration otherwise “would constitute an improper advisory opinion” (quotation omitted)).

An opinion further explaining the court's reasoning will issue at a later date.

JUDGMENT VACATED; REMANDED WITH DIRECTION TO DISMISS AS MOOT.

B.L. THOMAS, JAY, and TANENBAUM, JJ., concur.

**I HEREBY CERTIFY** that the foregoing is (a true copy of) the original court order.

Served:

Amber Stoner Nunnally  
Benjamin J. Gibson  
Daniel Nordby  
Glenn Burhans Jr.  
Olivia Sanchez  
Hon. Gwen Marshall, Clerk

Ashley E. Davis, AGC  
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Hon. Charles W. Dodson, Judge

ks

  
KRISTINA SAMUELS, CLERK

