

By the Committee on Judiciary

590-03710-19

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1 A bill to be entitled
2 An act relating to constitutional amendments; amending
3 s. 100.371, F.S.; requiring a compensated petition
4 gatherer to register with the Secretary of State and
5 to attest that he or she is a Florida resident for a
6 specified period before obtaining signatures on
7 petition forms; requiring the Secretary of State to
8 maintain a searchable database of such forms; revising
9 requirements regarding the supervisor of elections'
10 determination of a petition form's validity;
11 authorizing interested persons to submit position
12 statements on initiatives for publication on the
13 Department of State's website; extending the timeframe
14 for the Financial Impact Estimating Conference to
15 complete its analysis of an initiative; requiring the
16 analysis to summarize the impact to the state and
17 local economies; requiring each supervisor to include
18 a copy of the summary in the publication or mailing of
19 a sample ballot; amending s. 101.161, F.S.; requiring
20 the name of the sponsor of an initiative to appear on
21 the ballot with the percentage of donations received
22 from certain in-state donors; defining the term
23 "person"; requiring a statement to appear on the
24 ballot if the amendment is estimated to increase
25 costs, decrease revenues, or have an indeterminate
26 economic impact; amending s. 101.171, F.S.; requiring
27 a copy of proposed amendments be provided in each
28 voting booth; creating s. 104.186, F.S.; prohibiting
29 compensation for initiative petition gatherers or

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30 entities based on the number of petitions gathered;
31 providing a penalty; invalidating petitions that are
32 unlawfully gathered; providing for application;
33 providing effective dates.
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35 Be It Enacted by the Legislature of the State of Florida:
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37 Section 1. Present subsection (3) of section 100.371,
38 Florida Statutes, is renumbered as subsection (4), present
39 subsections (4) through (7) of that section are renumbered as
40 subsections (6) through (9), respectively, new subsections (3)
41 and (5) are added to that section, and present subsection (3),
42 paragraphs (a) and (e) of present subsection (5), and present
43 subsection (6) of that section are amended, to read:

44 100.371 Initiatives; procedure for placement on ballot.—

45 (3) Before obtaining signatures for compensation, a
46 petition gatherer must register with the Secretary of State on a
47 form prepared by the secretary. The registrant must provide his
48 or her name, date of birth, residential address, and attestation
49 that he or she has been a Florida resident for at least 29 days
50 before submitting the registration form. The secretary shall
51 maintain a searchable database of registered petition gatherers.

52 (4) An initiative petition form circulated for signature
53 may not be bundled with or attached to any other petition. Each
54 signature shall be dated when made and shall be valid for a
55 period of 2 years following such date, provided all other
56 requirements of law are met. The sponsor shall submit signed and
57 dated forms to the supervisor of elections for the county of
58 residence listed by the person signing the form for verification

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59 of the number of valid signatures obtained. If a signature on a
60 petition is from a registered voter in another county, the
61 supervisor shall notify the petition sponsor of the misfiled
62 petition. The supervisor shall promptly verify the signatures
63 within 30 days after receipt of the petition forms and payment
64 of the fee required by s. 99.097. The supervisor shall promptly
65 record, in the manner prescribed by the Secretary of State, the
66 date each form is received by the supervisor, and the date the
67 signature on the form is verified as valid. The supervisor may
68 verify that the signature on a form is valid only if:

69 (a) The form contains the original signature of the
70 purported elector.

71 (b) The purported elector has accurately recorded on the
72 form the date on which he or she signed the form.

73 (c) The form sets forth the purported elector's name,
74 address, city, county, and voter registration number or date of
75 birth.

76 (d) The purported elector is, at the time he or she signs
77 the form and at the time the form is verified, a duly qualified
78 and registered elector in the state.

79 (e) The petition gatherer who collected the petition is
80 registered with the Secretary of State under subsection (3).

81
82 The supervisor shall retain the signature forms for at least 1
83 year following the election in which the issue appeared on the
84 ballot or until the Division of Elections notifies the
85 supervisors of elections that the committee that circulated the
86 petition is no longer seeking to obtain ballot position.

87 (5) Upon determining that a constitutional amendment

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88 proposed by initiative has met the requirements to be placed on
89 the ballot, the Secretary of State shall allow any interested
90 person to file a position statement of not more than 50 words
91 outlining why the person supports or opposes the amendment. The
92 secretary shall publish each position statement on the webpage
93 for constitutional amendments on the department's website.

94 (7) (a) ~~(5) (a)~~ Within 60 45 days after receipt of a proposed
95 revision or amendment to the State Constitution by initiative
96 petition from the Secretary of State, the Financial Impact
97 Estimating Conference shall complete an analysis and financial
98 impact statement to be placed on the ballot of the estimated
99 increase or decrease in any revenues or costs to state or local
100 governments and the estimated economic impact on both the state
101 and local economies resulting from the proposed initiative. The
102 Financial Impact Estimating Conference shall submit the
103 financial impact statement to the Attorney General and Secretary
104 of State.

105 (e)1. Any financial impact statement that the Supreme Court
106 finds not to be in accordance with this subsection shall be
107 remanded solely to the Financial Impact Estimating Conference
108 for redrafting, provided the court's advisory opinion is
109 rendered at least 75 days before the election at which the
110 question of ratifying the amendment will be presented. The
111 Financial Impact Estimating Conference shall prepare and adopt a
112 revised financial impact statement no later than 5 p.m. on the
113 15th day after the date of the court's opinion.

114 2. If, by 5 p.m. on the 75th day before the election, the
115 Supreme Court has not issued an advisory opinion on the initial
116 financial impact statement prepared by the Financial Impact

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117 Estimating Conference for an initiative amendment that otherwise
118 meets the legal requirements for ballot placement, the financial
119 impact statement shall be deemed approved for placement on the
120 ballot.

121 3. In addition to the financial impact statement required
122 by this subsection, the Financial Impact Estimating Conference
123 shall draft an initiative financial information statement. The
124 initiative financial information statement should describe in
125 greater detail than the financial impact statement any projected
126 increase or decrease in revenues or costs that the state or
127 local governments would likely experience and the estimated
128 economic impact on both the state and local economies if the
129 ballot measure were approved. If appropriate, the initiative
130 financial information statement may include both estimated
131 dollar amounts and a description placing the estimated dollar
132 amounts into context. The initiative financial information
133 statement must include both a summary of not more than 500 words
134 and additional detailed information that includes the
135 assumptions that were made to develop the financial impacts,
136 workpapers, and any other information deemed relevant by the
137 Financial Impact Estimating Conference.

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

144 5. The Secretary of State and the Office of Economic and
145 Demographic Research shall make available on the Internet each

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146 initiative financial information statement in its entirety. In
147 addition, each supervisor of elections whose office has a
148 website shall post the summary from each initiative financial
149 information statement on the website. Each supervisor shall
150 include a copy of each summary from the initiative financial
151 information statements and the Internet addresses for the
152 information statements on the Secretary of State's and the
153 Office of Economic and Demographic Research's websites in the
154 publication or mailing required by s. 101.20.

155 (8)~~(6)~~ The Department of State may adopt rules in
156 accordance with s. 120.54 to carry out the provisions of
157 subsections (1)-(7) ~~(1)-(5)~~.

158 Section 2. Subsection (1) of section 101.161, Florida
159 Statutes, is amended to read:

160 101.161 Referenda; ballots.—

161 (1) Whenever a constitutional amendment or other public
162 measure is submitted to the vote of the people, a ballot summary
163 of such amendment or other public measure shall be printed in
164 clear and unambiguous language on the ballot after the list of
165 candidates, followed by the word "yes" and also by the word
166 "no," and shall be styled in such a manner that a "yes" vote
167 will indicate approval of the proposal and a "no" vote will
168 indicate rejection. The ballot summary of the amendment or other
169 public measure and the ballot title to appear on the ballot
170 shall be embodied in the constitutional revision commission
171 proposal, constitutional convention proposal, taxation and
172 budget reform commission proposal, or enabling resolution or
173 ordinance. The ballot summary of the amendment or other public
174 measure shall be an explanatory statement, not exceeding 75

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175 words in length, of the chief purpose of the measure. In
176 addition, for every amendment proposed by initiative, the ballot
177 shall include, following the ballot summary, in the following
178 order:

179 (a) The name of the initiative's sponsor and the percentage
180 of total contributions obtained by the sponsor from in-state
181 persons. For purposes of this subparagraph, the term "person"
182 has the same meaning as provided in s. 106.011(14), except that
183 the term does not include a political party, an affiliated party
184 committee, or a political committee.

185 (b) A separate financial impact statement concerning the
186 measure prepared by the Financial Impact Estimating Conference
187 in accordance with s. 100.371(7) ~~s. 100.371(5).~~

188 (c) If the financial impact statement estimates increased
189 costs or decreased revenues, a range that includes increased
190 costs or decreased revenues, or an indeterminate economic impact
191 a statement in bold print describing the impact of the
192 initiative on both the state and local economies.

193
194 The ballot title shall consist of a caption, not exceeding 15
195 words in length, by which the measure is commonly referred to or
196 spoken of. This subsection does not apply to constitutional
197 amendments or revisions proposed by joint resolution.

198 Section 3. Section 101.171, Florida Statutes, is amended to
199 read:

200 101.171 Copy of constitutional amendment to be available at
201 voting locations.—Whenever any amendment to the State
202 Constitution is to be voted upon at any election, the Department
203 of State shall have printed and shall furnish to each supervisor

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204 of elections a sufficient number of copies of the amendment
205 either in poster or booklet form, and the supervisor shall have
206 a copy thereof conspicuously posted or available at each voting
207 booth ~~polling room or early voting area upon the day of~~
208 ~~election.~~

209 Section 4. Effective 41 days after the effective date of
210 this act, section 104.186, Florida Statutes, is created to read:

211 104.186 Initiative petitions; prohibition on compensation
212 based on the number of petitions gathered.-A person who
213 compensates an initiative petition gatherer or entity based on
214 the number of petitions gathered commits a misdemeanor of the
215 first degree, punishable as provided in s. 775.082 or s.
216 775.083. A petition gathered in violation of this section is
217 void.

218 Section 5. The provisions of this act apply to all
219 revisions or amendments to the State Constitution by initiative
220 which are proposed for the 2020 election ballot; however, this
221 act does not affect the validity of any petition gathered before
222 or within 40 days after this act's effective date.

223 Section 6. Except as otherwise expressly provided in this
224 act, this act shall take effect upon becoming a law.