

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Ethics and Elections

CS/CS/HB 5 — Ballot Measures

by State Affairs Committee; Local, Federal and Veterans Affairs Subcommittee; Rep. DiCeglie and others (CS/CS/SB 336 by Rules Committee; Finance and Tax Committee; and Senator Brandes)

Constitutional Ballot Initiatives

The bill creates additional requirements and procedures relating to the constitutional amendment initiative process and paid petition signature gatherers. Specifically, the bill changes the initiative process as follows:

- **Circulator Registration Requirements:** Paid petition circulators (circulators) must register with Secretary of State prior to obtaining signatures, and consent to jurisdiction in this State. Failing to register constitutes a second-degree misdemeanor.
- **Circulator Compensation:** A person is prohibited from compensating a petition circulator on a per-signature basis. Violations are a first-degree misdemeanor.
- **Petition Forms:** The Florida Division of Elections (DOE) or county supervisors of elections (supervisors) are responsible for making petition forms available to circulators, and must develop a tracking system for petition forms and circulators.
- **Circulator's Affidavit:** Circulators verify, under penalty of perjury, that they witnessed the signature on the petition.
- **Petition Submission Deadline:** Petition sponsors are fiduciaries responsible for ensuring submitting signed petitions to supervisors within 30 days after they are signed. The sponsor is liable for fines, with exceptions, for petitions submitted late or not at all.
- **Economic Impact Information:** The initiative financial impact statement included on the ballot and prepared by the Financial Impact Estimating Conference (FIEC) is expanded in length (75 to 150 words) and scope, to include the economic impact on the state and local economies. If an initiative will result in increased costs, decreased revenues, a negative impact on the state or local economy, or an indeterminate impact, the ballot must include a statement in **bold font** to such effect. Finally, the supervisors must distribute the summary of each initiative's financial *information* statement (also prepared by the FIEC) along with their sample ballots.
- **DOE Rulemaking:** The DOE must adopt rules to ensure the integrity of the petition gathering process, including providing for a complaint process for voters to challenge signature issues and a requirement that sponsors account for all petition forms used.
- **Effective Date/Application:** The ban on per-signature compensation takes effect upon becoming a law but does not apply to preexisting contracts. Other provisions take effect 30 days after the bill becomes law.

Local Tax Referenda

The bill mandates that all referenda to adopt or amend a local discretionary sales surtax be held at a general election. The bill also mandates that requiring a petition sponsor of an initiative to adopt a charter county and regional transportation system surtax comply with additional

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requirements within a specified timeframe before the proposed referendum. Further, the bill establishes additional requirements and time frames with respect to the statutorily-required performance audit for proposed discretionary sales surtaxes. Finally, the bill disqualifies referenda results for failure to comply with some of the new requirements.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise expressly provided.

Vote: Senate 22-17; House 67-43