

Committee on Ethics and Elections

CS/CS/CS/SB 1794 — Constitutional Amendments

by Rules Committee; Judiciary Committee; Ethics and Elections Committee; and Senator Hutson

The bill modifies the citizen initiative process for amending the State Constitution. Specifically, the bill:

- Expands the scope of Florida Supreme Court review to include facial validity of the proposal under the U.S. Constitution.
- Narrows the role of the Financial Impact Estimating Conference (FIEC) to estimating the proposal's financial impact on state and local governments and the state budget.
- Increases the geographic diversity and number of petition signatures that must be verified before the Secretary of State refers the proposal to the Attorney General and the FIEC.
- Creates a cause of action for citizens to challenge a petition circulator's registration.
- Provides that petition signatures are valid until the next February 1 of an even-numbered year, establishing a standardized 2-year petition cycle.
- Allows the Division of Elections or a supervisor of elections to provide a petition form in PDF format, with printing costs to be borne by the sponsor.
- Provides that a signature obtained illegally, including by an unregistered paid petition circulator, is invalid.
- Petition Signature Verification (costs):
 - Requires petition sponsors to pay the actual cost of signature verification, as determined by the supervisor of elections in each county;
 - Requires such costs to be posted on the supervisors' and Division of Elections' website, for the sake of transparency;
 - Locks in verification costs for the entire 2-year petition cycle and signature validity period, so sponsors know at the outset how much verification will cost; and,
 - Requires the Division of Elections and supervisors to review biennially any available, cost-reducing technology.
- Petition Signature Verification (process):
 - Requires supervisors to verify petition signatures within 30 days (not 60 days) in the two months immediately preceding the February 1 ballot position deadline in a general election year.
 - Requires the supervisors and Division of Elections to post and update monthly (weekly during the last 60 days before the February 1 ballot position deadline) certain information about the number of signature petitions received, verified, and processed.
- Requires the ballot to include a bold-font statement that the FIEC:
 - Estimates a positive financial impact, along with projected tax/revenue/government services impacts;
 - Estimates a negative fiscal impact, along with projected tax/government services impacts; or,
 - Estimates an indeterminate financial impact due to ambiguities/uncertainties or the FIEC being unable to reach a consensus.

The bill, by its express terms, applies to 2020 ballot initiatives, though it does not “affect the validity of any petition form gathered before the effective date of this act or any contract entered into before the effective date of this act.” However, it clarifies that the FIEC need not re-visit financial impact statements already submitted to the Secretary of State for 2020 initiatives.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 23-17; House 73-45