

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2644

SPONSOR: Senator Cowin

SUBJECT: Constitutional amendments; initiative

DATE: April 4, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Rubinas</u>	<u>EE</u>	<u>Favorable</u>
2.	<u> </u>	<u> </u>	<u>JU</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>FT</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

Senate Bill 2644 modifies the signature gathering process related to citizen initiatives to amend the Florida Constitution. It also institutes or recommends several new deadlines for the submission and review of petition signatures, and the judicial review of proposed initiative amendments.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 15.21, 16.061, 100.371, 100.381, 101.161, and 216.136.

II. Present Situation:

The citizens of Florida may propose an amendment to the state constitution by citizen initiative. The citizen initiative process is invoked by filing a petition with the Department of State containing signatures of electors supporting the amendment in each of one-half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each such district respectively and in the state as a whole in the last preceding election in which presidential electors were chosen. A proposed initiative shall be submitted to the electors for ratification at the next general election held more than 90 days after the initiative petition is filed with the Secretary of State.

Sponsors of a citizen initiative are required to register as a political committee. Sponsors then set about collecting the requisite number of petition signatures in the various counties necessary to obtain ballot placement for the initiative proposal.¹ The sponsors submit the petitions to the county supervisors of elections, who must “promptly” verify the validity of each signature upon

¹ Petition signatures are valid for 4 years from the date of their creation.

payment of a fee. The supervisors subsequently send a verification certificate to the Secretary of State indicating the number of verified petition signatures.

When the Secretary of State confirms that verified signatures have been received equal to 10 percent of the number of electors statewide in at least one-fourth of the congressional districts required for ballot placement in the Florida Constitution, the secretary submits the initiative petition to the Attorney General. The Attorney General, in turn, petitions the Florida Supreme Court for an advisory opinion as to whether the proposed initiative meets the single subject requirement and other provisions of law. Upon determining that the requisite number and geographic distribution of valid elector signatures have been submitted and verified by the supervisors, the petition is deemed “filed” and the Secretary of State issues a certificate of ballot placement (assuming, of course, that the Supreme Court has approved the initiative).

III. Effect of Proposed Changes:

Section 1. *Deadlines for Submission of Petition Signatures (s. 15.21)* -- Encourages sponsors of an initiative to submit the petition signatures necessary to trigger Supreme Court review to the supervisors of elections for verification no later than September 1 of the year preceding the next general election.

Section 2. *Florida Supreme Court Review (s. 16.061)* – Requires the Attorney General to attach a motion to each petition requesting that Supreme Court review of an initiative proposal be completed prior to the first Tuesday in March of the year that the next general election is held, if feasible.

Section 3. *Conforming (s. 16.061)* – Effective July 1, 2003, adopts the same change as contained in Section 2 of the bill for new text of s. 16.061, F.S., scheduled to become effective July 1, 2003.

Section 4. *Petition Signature Gathering Process (s. 100.371)* – Reduces the period of validity for petition signatures; shortens the period from 4 years after the signature is dated on the petition to 2 years after the signature is certified by the supervisor of elections to the Secretary of State; requires supervisors to verify each signature within 30 days of payment of the requisite verification fee by the sponsor (or filing of an undue burden oath); requires petition forms to include a conspicuous statement in red ink identifying the prohibitions and penalties for fraudulent signing; makes it a first degree misdemeanor for a petition signature gatherer to provide a pecuniary or other benefit to a person in exchange for the person’s signature on a petition form; requires initiative sponsors to submit collected signatures to the appropriate supervisor of elections every 60 days after 10 percent of the required signatures have been verified pursuant to s. 15.21(3) [the Supreme Court review provision]; encourages sponsors of initiatives to submit all petition signatures to supervisors of elections for verification no later than the third Friday in July of the year that the next general election is held; encourages the Revenue Estimating Conference to complete its analysis and fiscal impact statement no later than March 1 of the year that the next general election is held, unless meeting such deadline is not feasible.

Sections 5 - 7. *Technical; amends cross references (100.381, 101.161, 216.136).*

Section 8. *Effective Date.* – Except as otherwise provided, the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The requirement to print petition forms with red ink may increase the costs to sponsors of initiative amendments. In addition, reducing the validity period for petition signatures from 4 years to 2 years may require initiative sponsors to hire more paid signature petition gatherers to meet the abbreviated deadline.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.