

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Grant, J. offered the following:

Amendment to Amendment (338888) (with title amendment)

Remove lines 6-125 of the amendment and insert:

Section 1. Effective January 1, 2020, present subsection (10) of section 212.055, Florida Statutes, is redesignated as subsection (11) and amended, a new subsection (10) is added to that section, and paragraph (c) of subsection (1), paragraph (b) of subsection (5), and paragraph (b) of subsection (8) are amended, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales

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14 surtax shall be published in the Florida Statutes as a
15 subsection of this section, irrespective of the duration of the
16 levy. Each enactment shall specify the types of counties
17 authorized to levy; the rate or rates which may be imposed; the
18 maximum length of time the surtax may be imposed, if any; the
19 procedure which must be followed to secure voter approval, if
20 required; the purpose for which the proceeds may be expended;
21 and such other requirements as the Legislature may provide.
22 Taxable transactions and administrative procedures shall be as
23 provided in s. 212.054.

24 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
25 SURTAX.—

26 (c)1. The proposal to adopt a discretionary sales surtax
27 as provided in this subsection and to create a trust fund within
28 the county accounts shall be placed on the ballot in accordance
29 with law and must be approved in a referendum held at a general
30 election in accordance with subsection (10) at a time to be set
31 at the discretion of the governing body.

32 2. If the proposal to adopt a surtax is by initiative, the
33 petition sponsor must, at least 180 days before the proposed
34 referendum, comply with all of the following:

35 a. Provide a copy of the final resolution or ordinance to
36 the Office of Program Policy Analysis and Government
37 Accountability. The Office of Program Policy Analysis and
38 Government Accountability shall procure a certified public

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39 accountant in accordance with subsection (11) for the
40 performance audit.

41 b. File the initiative petition and its required valid
42 signatures with the supervisor of elections. The supervisor of
43 elections shall verify signatures and retain signature forms in
44 the same manner as required for initiatives under s. 100.371(3).

45 3. The failure of an initiative sponsor to comply with the
46 requirements of subparagraph 2. renders any referendum held
47 void.

48 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined
49 in s. 125.011(1) may levy the surtax authorized in this
50 subsection pursuant to an ordinance either approved by
51 extraordinary vote of the county commission or conditioned to
52 take effect only upon approval by a majority vote of the
53 electors of the county voting in a referendum. In a county as
54 defined in s. 125.011(1), for the purposes of this subsection,
55 "county public general hospital" means a general hospital as
56 defined in s. 395.002 which is owned, operated, maintained, or
57 governed by the county or its agency, authority, or public
58 health trust.

59 (b) If the ordinance is conditioned on a referendum, the
60 proposal to adopt the county public hospital surtax shall be
61 placed on the ballot in accordance with subsection (10) ~~law at a~~
62 ~~time to be set at the discretion of the governing body.~~ The
63 referendum question on the ballot shall include a brief general

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64 description of the health care services to be funded by the
65 surtax.

66 (8) EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX.-

67 (b) Upon the adoption of the ordinance, the levy of the
68 surtax must be placed on the ballot by the governing authority
69 of the county enacting the ordinance. The ordinance will take
70 effect if approved by a majority of the electors of the county
71 voting in a referendum held for such purpose. The referendum
72 shall be placed on the ballot of a general ~~regularly scheduled~~
73 election. The ballot for the referendum must conform to the
74 requirements of s. 101.161.

75 (10) DATES FOR REFERENDA.-A referendum to adopt or amend a
76 local government discretionary sales surtax under this section
77 must be held at a general election as defined in s. 97.021.

78 (11)-(10) PERFORMANCE AUDIT.-

79 (a) ~~For any referendum held on or after March 23, 2018,~~ To
80 adopt a discretionary sales surtax under this section, an
81 independent certified public accountant licensed pursuant to
82 chapter 473 shall conduct a performance audit of the program
83 associated with the proposed surtax ~~adoption proposed by the~~
84 ~~county or school district.~~

85 (b)1. At least 180 days before the referendum is held, the
86 county or school district shall provide a copy of the final
87 resolution or ordinance to the Office of Program Policy Analysis
88 and Government Accountability.

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89 2. Within 60 days after receiving the final resolution or
90 ordinance, the Office of Program Policy Analysis and Government
91 Accountability shall procure the certified public accountant and
92 may use carryforward funds to pay for the services of the
93 certified public accountant.

94 3.~~(b)~~ At least 60 days before the referendum is held, the
95 performance audit must ~~shall~~ be completed and the audit report,
96 including any findings, recommendations, or other accompanying
97 documents, must ~~shall~~ be made available on the official website
98 of the county or school district.

99 4. The county or school district shall keep the
100 information on its website for 2 years from the date it was
101 posted.

102 5. The failure to comply with the requirements under
103 subparagraph 1. or subparagraph 3. renders any referendum held
104 to adopt a discretionary sales surtax void.

105 (c) For purposes of this subsection, the term "performance
106 audit" means an examination of the program conducted according
107 to applicable government auditing standards or auditing and
108 evaluation standards of other appropriate authoritative bodies.
109 At a minimum, a performance audit must include an examination of
110 issues related to the following:

111 1. The economy, efficiency, or effectiveness of the
112 program.

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113 2. The structure or design of the program to accomplish
114 its goals and objectives.

115 3. Alternative methods of providing program services or
116 products.

117 4. Goals, objectives, and performance measures used by the
118 program to monitor and report program accomplishments.

119 5. The accuracy or adequacy of public documents, reports,
120 and requests prepared by the county or school district which
121 relate to the program.

122 6. Compliance of the program with appropriate policies,
123 rules, and laws.

124 (d) This subsection does not apply to a referendum held to
125 adopt the same discretionary surtax that was in place during the
126 month of December immediately before the date of the referendum.

127 Section 2. Subsections (27) through (45) of s. 97.021,
128 F.S., are renumbered as subsections (28) through (46),
129 respectively, and new subsection (27) is added to that section,
130 to read:

131 97.021 Definitions.—For the purposes of this code, except
132 where the context clearly indicates otherwise, the term:

133 (27) "Petition circulator" means an entity or individual
134 who collects signatures for compensation for the purpose of
135 qualifying a proposed constitutional amendment for ballot
136 placement.

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137 Section 3. Effective 30 days after the effective date of
138 this act, subsections (3) through (7) of section 100.371,
139 Florida Statutes, are renumbered as subsections (11) through
140 (15), respectively, present subsections (5) and (6) are amended,
141 and new subsections (3) through (10) are added to that section,
142 to read:

143 100.371 Initiatives; procedure for placement on ballot.—

144 (3) A person may not collect signatures or initiative
145 petitions for compensation unless the person is registered as a
146 petition circulator with the Secretary of State.

147 (4) An application for registration must be submitted in
148 the format required by the Secretary of State and must include
149 the following:

150 (a) The information required to be on the petition form
151 under s. 101.161, including the ballot summary and title as
152 approved by the Secretary of State.

153 (b) The applicant's name, permanent address, temporary
154 address, if applicable, and date of birth.

155 (c) An address in this state at which the applicant will
156 accept service of process related to disputes concerning the
157 petition process, if the applicant is not a resident of this
158 state.

159 (d) A statement that the applicant consents to the
160 jurisdiction of the courts of this state in resolving disputes
161 concerning the petition process.

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162 (e) Any information required by the Secretary of State to
163 verify the applicant's identity or address.

164 (5) All petitions collected by a petition circulator must
165 contain, in a format required by the Secretary of State, a
166 completed Petition Circulator's Affidavit which includes:

167 (a) The circulator's name and permanent address;

168 (b) The following statement, which must be signed by the
169 circulator:

170
171 By my signature below, as petition circulator, I verify
172 that the petition was signed in my presence. Under
173 penalties of perjury, I declare that I have read the
174 foregoing Petition Circulator's Affidavit and the facts
175 stated in it are true.

176
177 (6) The division or the supervisor of elections shall make
178 petition forms available to registered petition circulators. All
179 such forms must contain information identifying the petition
180 circulator to which the forms are provided. The division shall
181 maintain a database of all registered petition circulators and
182 the petition forms assigned to each. Each supervisor of
183 elections shall provide to the division information on petition
184 forms assigned to and received from petition circulators. The
185 information must be provided in a format and at times as
186 required by the division by rule. The division must update

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187 information on petition forms daily and make the information
188 publicly available.

189 (7) (a) A sponsor that collects petition forms or uses a
190 petition circulator to collect petition forms serves as a
191 fiduciary to the elector signing the petition form, ensuring
192 that any petition form entrusted to the petition circulator
193 shall be promptly delivered to the supervisor of elections
194 within 30 days after the elector signs the form. If a petition
195 form collected by any petition circulator is not promptly
196 delivered to the supervisor of elections, the sponsor is liable
197 for the following fines:

198 1. A fine in the amount of \$50 for each petition form
199 received by the supervisor of elections more than 30 days after
200 the elector signed the petition form or the next business day,
201 if the office is closed. A fine in the amount of \$250 for each
202 petition form received if the sponsor or petition circulator
203 acted willfully.

204 2. A fine in the amount of \$500 for each petition form
205 collected by a petition circulator which is not submitted to the
206 supervisor of elections. A fine in the amount of \$1,000 for any
207 petition form not submitted if the sponsor or petition
208 circulator acted willfully.

209 (b) A showing by the sponsor that the failure to deliver
210 the petition form within the required timeframe is based upon
211 force majeure or impossibility of performance is an affirmative

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212 defense to a violation of this subsection. The fines described
213 in this subsection may be waived upon a showing that the failure
214 to deliver the petition form promptly is based upon force
215 majeure or impossibility of performance.

216 (8) If the Secretary of State reasonably believes that a
217 person or entity has committed a violation of this section, the
218 secretary may refer the matter to the Attorney General for
219 enforcement. The Attorney General may institute a civil action
220 for a violation of this section or to prevent a violation of
221 this section. An action for relief may include a permanent or
222 temporary injunction, a restraining order, or any other
223 appropriate order.

224 (9) The division shall adopt by rule a complaint form for
225 an elector who claims to have had his or her signature
226 misrepresented, forged, or not delivered to the supervisor. The
227 division shall also adopt rules to ensure the integrity of the
228 petition form gathering process, including rules requiring
229 sponsors to account for all petition forms used by their agents.
230 Such rules may require a sponsor or petition circulator to
231 provide identification information on each petition form as
232 determined by the department as needed to assist in the
233 accounting of petition forms.

234 (10) The date on which an elector signs a petition form is
235 presumed to be the date on which the petition circulator
236 received or collected the petition form.

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237 ~~(13)(5)~~(a) Within 75 ~~45~~ days after receipt of a proposed
238 revision or amendment to the State Constitution by initiative
239 petition from the Secretary of State, the Financial Impact
240 Estimating Conference shall complete an analysis and financial
241 impact statement to be placed on the ballot of the estimated
242 increase or decrease in any revenues or costs to state or local
243 governments, estimated economic impact on the state and local
244 economy, and the overall impact to the state budget resulting
245 from the proposed initiative. The 75-day time limit is tolled
246 when the Legislature is in session. The Financial Impact
247 Estimating Conference shall submit the financial impact
248 statement to the Attorney General and Secretary of State.

249 (b) Immediately upon receipt of a proposed revision or
250 amendment from the Secretary of State, the Coordinator of the
251 Office of Economic and Demographic Research shall contact the
252 person identified as the sponsor to request an official list of
253 all persons authorized to speak on behalf of the named sponsor
254 and, if there is one, the sponsoring organization at meetings
255 held by the Financial Impact Estimating Conference. All other
256 persons shall be deemed interested parties or proponents or
257 opponents of the initiative. The Financial Impact Estimating
258 Conference shall provide an opportunity for any representatives
259 of the sponsor, interested parties, proponents, or opponents of
260 the initiative to submit information and may solicit information

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261 or analysis from any other entities or agencies, including the
262 Office of Economic and Demographic Research.

263 (c) All meetings of the Financial Impact Estimating
264 Conference shall be open to the public. The President of the
265 Senate and the Speaker of the House of Representatives, jointly,
266 shall be the sole judge for the interpretation, implementation,
267 and enforcement of this subsection.

268 1. The Financial Impact Estimating Conference is
269 established to review, analyze, and estimate the financial
270 impact of amendments to or revisions of the State Constitution
271 proposed by initiative. The Financial Impact Estimating
272 Conference shall consist of four principals: one person from the
273 Executive Office of the Governor; the coordinator of the Office
274 of Economic and Demographic Research, or his or her designee;
275 one person from the professional staff of the Senate; and one
276 person from the professional staff of the House of
277 Representatives. Each principal shall have appropriate fiscal
278 expertise in the subject matter of the initiative. A Financial
279 Impact Estimating Conference may be appointed for each
280 initiative.

281 2. Principals of the Financial Impact Estimating
282 Conference shall reach a consensus or majority concurrence on a
283 clear and unambiguous financial impact statement, no more than
284 150 ~~75~~ words in length, and immediately submit the statement to
285 the Attorney General. Nothing in this subsection prohibits the

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286 Financial Impact Estimating Conference from setting forth a
287 range of potential impacts in the financial impact statement.
288 Any financial impact statement that a court finds not to be in
289 accordance with this section shall be remanded solely to the
290 Financial Impact Estimating Conference for redrafting. The
291 Financial Impact Estimating Conference shall redraft the
292 financial impact statement within 15 days.

293 3. If the members of the Financial Impact Estimating
294 Conference are unable to agree on the statement required by this
295 subsection, or if the Supreme Court has rejected the initial
296 submission by the Financial Impact Estimating Conference and no
297 redraft has been approved by the Supreme Court by 5 p.m. on the
298 75th day before the election, the following statement shall
299 appear on the ballot pursuant to s. 101.161(1): "The financial
300 impact of this measure, if any, cannot be reasonably determined
301 at this time."

302 (d) The financial impact statement must be separately
303 contained and be set forth after the ballot summary as required
304 in s. 101.161(1). If the financial impact statement estimates
305 increased costs, decreased revenues, a negative impact on the
306 state or local economy, or an indeterminate impact for any of
307 these areas, the ballot must include a statement indicating such
308 estimated effect in bold font.

309 (e)1. Any financial impact statement that the Supreme
310 Court finds not to be in accordance with this subsection shall

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311 be remanded solely to the Financial Impact Estimating Conference
312 for redrafting, provided the court's advisory opinion is
313 rendered at least 75 days before the election at which the
314 question of ratifying the amendment will be presented. The
315 Financial Impact Estimating Conference shall prepare and adopt a
316 revised financial impact statement no later than 5 p.m. on the
317 15th day after the date of the court's opinion.

318 2. If, by 5 p.m. on the 75th day before the election, the
319 Supreme Court has not issued an advisory opinion on the initial
320 financial impact statement prepared by the Financial Impact
321 Estimating Conference for an initiative amendment that otherwise
322 meets the legal requirements for ballot placement, the financial
323 impact statement shall be deemed approved for placement on the
324 ballot.

325 3. In addition to the financial impact statement required
326 by this subsection, the Financial Impact Estimating Conference
327 shall draft an initiative financial information statement. The
328 initiative financial information statement should describe in
329 greater detail than the financial impact statement any projected
330 increase or decrease in revenues or costs that the state or
331 local governments would likely experience and the estimated
332 economic impact on the state and local economy if the ballot
333 measure were approved. If appropriate, the initiative financial
334 information statement may include both estimated dollar amounts
335 and a description placing the estimated dollar amounts into

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336 context. The initiative financial information statement must
337 include both a summary of not more than 500 words and additional
338 detailed information that includes the assumptions that were
339 made to develop the financial impacts, workpapers, and any other
340 information deemed relevant by the Financial Impact Estimating
341 Conference.

342 4. The Department of State shall have printed, and shall
343 furnish to each supervisor of elections, a copy of the summary
344 from the initiative financial information statements. The
345 supervisors shall have the summary from the initiative financial
346 information statements available at each polling place and at
347 the main office of the supervisor of elections upon request.

348 5. The Secretary of State and the Office of Economic and
349 Demographic Research shall make available on the Internet each
350 initiative financial information statement in its entirety. In
351 addition, each supervisor of elections whose office has a
352 website shall post the summary from each initiative financial
353 information statement on the website. Each supervisor shall
354 include a copy of each summary from the initiative financial
355 information statements and the Internet addresses for the
356 information statements on the Secretary of State's and the
357 Office of Economic and Demographic Research's websites in the
358 publication or mailing required by s. 101.20.

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359 (14)~~(6)~~ The Department of State may adopt rules in
360 accordance with s. 120.54 to carry out the provisions of
361 subsections (1)-(14) ~~(1)-(5)~~.

362 Section 4. Section 104.186, Florida Statutes, is created
363 to read:

364 104.186 Initiative petitions; violations.- A person who
365 compensates a petition circulator as defined in s. 97.021 based
366 on the number of petition forms gathered commits a misdemeanor
367 of the first degree, punishable as provided in s. 775.082 or s.
368 775.083. This section does not prohibit employment relationships
369 that do not base payment on the number of signatures collected.

370 Section 5. Effective 30 days after the effective date of
371 this act, section 104.187, Florida Statutes, is created to read:

372 104.187 Initiative petitions; registration.- A person who
373 violates s. 100.371(3) commits a misdemeanor of the second
374 degree, punishable as provided in s. 775.082 or 775.083.

375 Section 6. The provisions of this act apply to all
376 revisions or amendments to the State Constitution by initiative
377 that are proposed for the 2020 election ballot and each ballot
378 thereafter; provided, however, that nothing in this act affects
379 the validity of any petition form gathered before the effective
380 date of this act or any contract entered into before the
381 effective date of this act.

382 Section 7. Except as otherwise expressly provided in this
383 act, this act shall take effect upon becoming a law.

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T I T L E A M E N D M E N T

Remove line 155 of the amendment and insert:
void; amending s. 97.021, F.S.; providing definitions;
amending s. 100.371, F.S.; requiring a paid petition
circulator to register with the Secretary of State and
provide certain information; requiring petition forms
to be made available to sponsors; requiring the
secretary to maintain a specified database; requiring
supervisors of elections to provide specified
information to the division of elections; requiring
the division of elections to keep specified
information in a database; providing requirements for
gathering petition forms; providing for the imposition
of fines for failure to deliver petition forms within
a specified time period; providing for defenses;
allowing the Secretary of State to refer petition form
violations to the Attorney General for enforcement;
requiring the division to adopt rules; providing that
the date the elector signs a petition form is presumed
to be the date the sponsor collected the form;
revising the timeframe for and the information that
must be included in a Financial Impact Estimating
Conference analysis and financial impact statement;

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409 revising information that the Financial Impact
410 Estimating Conference should include in an initiative
411 financial information statement; requiring the Office
412 of Economic and Demographic Research to request a list
413 of persons authorized to speak on behalf of a sponsor;
414 expanding the word limit for a financial impact
415 statement; requiring certain language to appear on the
416 ballot in specified situations; requiring each
417 supervisor to include certain summaries in certain
418 publications or mailings; conforming a provision;
419 creating s. 104.186, F.S.; prohibiting compensation
420 for initiative petition circulators based on the
421 number of petition forms gathered; providing
422 penalties; creating s. 104.187, F.S.; providing
423 penalties for failure to register as a petition
424 circulator; providing applicability; providing
425 effective dates.

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