



504424

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Judiciary (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsection (3) of section 100.371,  
Florida Statutes, is renumbered as subsection (4), present  
subsections (4) through (7) of that section are renumbered as  
subsections (6) through (9), respectively, new subsections (3)  
and (5) are added to that section, and present subsection (3),  
paragraphs (a) and (e) of present subsection (5), and present



504424

12 subsection (6) of that section are amended, to read:

13 100.371 Initiatives; procedure for placement on ballot.-

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

21 (4) An initiative petition form circulated for signature  
22 may not be bundled with or attached to any other petition. Each  
23 signature shall be dated when made and shall be valid for a  
24 period of 2 years following such date, provided all other  
25 requirements of law are met. The sponsor shall submit signed and  
26 dated forms to the supervisor of elections for the county of  
27 residence listed by the person signing the form for verification  
28 of the number of valid signatures obtained. If a signature on a  
29 petition is from a registered voter in another county, the  
30 supervisor shall notify the petition sponsor of the misfiled  
31 petition. The supervisor shall promptly verify the signatures  
32 within 30 days after receipt of the petition forms and payment  
33 of the fee required by s. 99.097. The supervisor shall promptly  
34 record, in the manner prescribed by the Secretary of State, the  
35 date each form is received by the supervisor, and the date the  
36 signature on the form is verified as valid. The supervisor may  
37 verify that the signature on a form is valid only if:

38 (a) The form contains the original signature of the  
39 purported elector.

40 (b) The purported elector has accurately recorded on the



504424

41 form the date on which he or she signed the form.

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

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

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

50

51 The supervisor shall retain the signature forms for at least 1  
52 year following the election in which the issue appeared on the  
53 ballot or until the Division of Elections notifies the  
54 supervisors of elections that the committee that circulated the  
55 petition is no longer seeking to obtain ballot position.

56 (5) Upon determining that a constitutional amendment  
57 proposed by initiative has met the requirements to be placed on  
58 the ballot, the Secretary of State shall allow any interested  
59 person to file a position statement of not more than 50 words  
60 outlining why the person supports or opposes the amendment. The  
61 secretary shall publish each position statement on the webpage  
62 for constitutional amendments on the department's website.

63 (7) (a) ~~(5) (a)~~ Within 60 45 days after receipt of a proposed  
64 revision or amendment to the State Constitution by initiative  
65 petition from the Secretary of State, the Financial Impact  
66 Estimating Conference shall complete an analysis and financial  
67 impact statement to be placed on the ballot of the estimated  
68 increase or decrease in any revenues or costs to state or local  
69 governments and the estimated economic impact on both the state



504424

70 and local economies resulting from the proposed initiative. The  
71 Financial Impact Estimating Conference shall submit the  
72 financial impact statement to the Attorney General and Secretary  
73 of State.

74 (e)1. Any financial impact statement that the Supreme Court  
75 finds not to be in accordance with this subsection shall be  
76 remanded solely to the Financial Impact Estimating Conference  
77 for redrafting, provided the court's advisory opinion is  
78 rendered at least 75 days before the election at which the  
79 question of ratifying the amendment will be presented. The  
80 Financial Impact Estimating Conference shall prepare and adopt a  
81 revised financial impact statement no later than 5 p.m. on the  
82 15th day after the date of the court's opinion.

83 2. If, by 5 p.m. on the 75th day before the election, the  
84 Supreme Court has not issued an advisory opinion on the initial  
85 financial impact statement prepared by the Financial Impact  
86 Estimating Conference for an initiative amendment that otherwise  
87 meets the legal requirements for ballot placement, the financial  
88 impact statement shall be deemed approved for placement on the  
89 ballot.

90 3. In addition to the financial impact statement required  
91 by this subsection, the Financial Impact Estimating Conference  
92 shall draft an initiative financial information statement. The  
93 initiative financial information statement should describe in  
94 greater detail than the financial impact statement any projected  
95 increase or decrease in revenues or costs that the state or  
96 local governments would likely experience and the estimated  
97 economic impact on both the state and local economies if the  
98 ballot measure were approved. If appropriate, the initiative



504424

99 financial information statement may include both estimated  
100 dollar amounts and a description placing the estimated dollar  
101 amounts into context. The initiative financial information  
102 statement must include both a summary of not more than 500 words  
103 and additional detailed information that includes the  
104 assumptions that were made to develop the financial impacts,  
105 workpapers, and any other information deemed relevant by the  
106 Financial Impact Estimating Conference.

107 4. The Department of State shall have printed, and shall  
108 furnish to each supervisor of elections, a copy of the summary  
109 from the initiative financial information statements. The  
110 supervisors shall have the summary from the initiative financial  
111 information statements available at each polling place and at  
112 the main office of the supervisor of elections upon request.

113 5. The Secretary of State and the Office of Economic and  
114 Demographic Research shall make available on the Internet each  
115 initiative financial information statement in its entirety. In  
116 addition, each supervisor of elections whose office has a  
117 website shall post the summary from each initiative financial  
118 information statement on the website. Each supervisor shall  
119 include a copy of each summary from the initiative financial  
120 information statements and the Internet addresses for the  
121 information statements on the Secretary of State's and the  
122 Office of Economic and Demographic Research's websites in the  
123 publication or mailing required by s. 101.20.

124 ~~(8)-(6)~~ The Department of State may adopt rules in  
125 accordance with s. 120.54 to carry out the provisions of  
126 subsections (1)-(7) ~~(1)-(5)~~.

127 Section 2. Subsection (1) of section 101.161, Florida



504424

128 Statutes, is amended to read:

129 101.161 Referenda; ballots.—

130 (1) Whenever a constitutional amendment or other public  
131 measure is submitted to the vote of the people, a ballot summary  
132 of such amendment or other public measure shall be printed in  
133 clear and unambiguous language on the ballot after the list of  
134 candidates, followed by the word "yes" and also by the word  
135 "no," and shall be styled in such a manner that a "yes" vote  
136 will indicate approval of the proposal and a "no" vote will  
137 indicate rejection. The ballot summary of the amendment or other  
138 public measure and the ballot title to appear on the ballot  
139 shall be embodied in the constitutional revision commission  
140 proposal, constitutional convention proposal, taxation and  
141 budget reform commission proposal, or enabling resolution or  
142 ordinance. The ballot summary of the amendment or other public  
143 measure shall be an explanatory statement, not exceeding 75  
144 words in length, of the chief purpose of the measure. In  
145 addition, for every amendment proposed by initiative, the ballot  
146 shall include, following the ballot summary, in the following  
147 order:

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

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



504424

157        (c) If the financial impact statement estimates increased  
158 costs or decreased revenues, a range that includes increased  
159 costs or decreased revenues, or an indeterminate economic impact  
160 a statement in bold print describing the impact of the  
161 initiative on both the state and local economies.

162  
163 The ballot title shall consist of a caption, not exceeding 15  
164 words in length, by which the measure is commonly referred to or  
165 spoken of. This subsection does not apply to constitutional  
166 amendments or revisions proposed by joint resolution.

167        Section 3. Section 101.171, Florida Statutes, is amended to  
168 read:

169        101.171 Copy of constitutional amendment to be available at  
170 voting locations.—Whenever any amendment to the State  
171 Constitution is to be voted upon at any election, the Department  
172 of State shall have printed and shall furnish to each supervisor  
173 of elections a sufficient number of copies of the amendment  
174 either in poster or booklet form, and the supervisor shall have  
175 a copy thereof conspicuously posted or available at each voting  
176 booth ~~polling room or early voting area upon the day of~~  
177 ~~election.~~

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

180        104.186 Initiative petitions; prohibition on compensation  
181 based on the number of petitions gathered.—A person who  
182 compensates an initiative petition gatherer or entity based on  
183 the number of petitions gathered commits a misdemeanor of the  
184 first degree, punishable as provided in s. 775.082 or s.  
185 775.083. A petition gathered in violation of this section is



504424

186 void.

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

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

194  
195 ===== T I T L E   A M E N D M E N T =====

196 And the title is amended as follows:

197       Delete everything before the enacting clause  
198 and insert:

199                               A bill to be entitled  
200       An act relating to constitutional amendments; amending  
201       s. 100.371, F.S.; requiring a compensated petition  
202       gatherer to register with the Secretary of State and  
203       to attest that he or she is a Florida resident for a  
204       specified period before obtaining signatures on  
205       petition forms; requiring the Secretary of State to  
206       maintain a searchable database of such forms; revising  
207       requirements regarding the supervisor of elections'  
208       determination of a petition form's validity;  
209       authorizing interested persons to submit position  
210       statements on initiatives for publication on the  
211       Department of State's website; extending the timeframe  
212       for the Financial Impact Estimating Conference to  
213       complete its analysis of an initiative; requiring the  
214       analysis to summarize the impact to the state and





504424

215 local economies; requiring each supervisor to include  
216 a copy of the summary in the publication or mailing of  
217 a sample ballot; amending s. 101.161, F.S.; requiring  
218 the name of the sponsor of an initiative to appear on  
219 the ballot with the percentage of donations received  
220 from certain in-state donors; defining the term  
221 "person"; requiring a statement to appear on the  
222 ballot if the amendment is estimated to increase  
223 costs, decrease revenues, or have an indeterminate  
224 economic impact; amending s. 101.171, F.S.; requiring  
225 a copy of proposed amendments be provided in each  
226 voting booth; creating s. 104.186, F.S.; prohibiting  
227 compensation for initiative petition gatherers or  
228 entities based on the number of petitions gathered;  
229 providing a penalty; providing for application;  
230 providing effective dates.