

FOR CONSIDERATION By the Committee on Judiciary

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1                                   A bill to be entitled  
2           An act relating to constitutional amendments; amending  
3           s. 100.371, F.S.; requiring a petition gatherer to  
4           register with the Secretary of State and attest that  
5           he or she is a Florida resident before obtaining  
6           signatures on petition forms; revising requirements  
7           regarding the supervisor of elections' determination  
8           of a petition form's validity; authorizing interested  
9           persons to submit position statements on initiatives  
10          for publication on the Department of State's website;  
11          extending the timeframe for the Financial Impact  
12          Estimating Conference to complete its analysis of an  
13          initiative; requiring the analysis to summarize the  
14          impact to the state and local economy; requiring each  
15          supervisor to include a copy of the summary in the  
16          publication or mailing of a sample ballot; amending s.  
17          101.161, F.S.; requiring the name of the sponsor of an  
18          initiative to appear on the ballot with the percentage  
19          of donations received from certain in-state donors;  
20          defining the term "person"; requiring a statement to  
21          appear on the ballot if the amendment is estimated to  
22          increase costs, decrease revenues, or have an  
23          indeterminate economic impact; requiring a statement  
24          to appear on the ballot indicating whether the policy  
25          proposed by the initiative can be implemented by the  
26          Legislature; requiring the Attorney General to make  
27          specified requests of the Supreme Court relating to  
28          proposed amendments by initiative; amending s.  
29          101.171, F.S.; requiring a copy of proposed amendments

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30 be provided in each voting booth; creating s. 104.186,  
31 F.S.; prohibiting compensation for initiative petition  
32 gatherers based on the number of petitions gathered;  
33 providing a penalty; providing for application;  
34 providing an effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Present subsections (3) of section 100.371,  
39 Florida Statutes, is renumbered as subsection (4), present  
40 subsections (4) through (7) of that section are renumbered as  
41 subsections (6) through (9), respectively, present subsections  
42 (3) and (6) and paragraphs (a) and (e) of present subsection (5)  
43 of that section are amended, and new subsections (3) and (5) are  
44 added to that section, to read:

45 100.371 Initiatives; procedure for placement on ballot.—

46 (3) Before obtaining signatures, a petition gatherer must  
47 register with the Secretary of State. The registrant must  
48 provide his or her name, date of birth, residential address, and  
49 attestation that he or she is a Florida resident. The secretary  
50 shall maintain a searchable database of registered petition  
51 gatherers.

52 (4) An initiative petition form circulated for signature  
53 may not be bundled with or attached to any other petition. Each  
54 signature shall be dated when made and shall be valid for a  
55 period of 2 years following such date, provided all other  
56 requirements of law are met. The sponsor shall submit signed and  
57 dated forms to the supervisor of elections for the county of  
58 residence listed by the person signing the form for verification

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59 of the number of valid signatures obtained. If a signature on a  
60 petition is from a registered voter in another county, the  
61 supervisor shall notify the petition sponsor of the misfiled  
62 petition. The supervisor shall promptly verify the signatures  
63 within 30 days after receipt of the petition forms and payment  
64 of the fee required by s. 99.097. The supervisor shall promptly  
65 record, in the manner prescribed by the Secretary of State, the  
66 date each form is received by the supervisor, and the date the  
67 signature on the form is verified as valid. The supervisor may  
68 verify that the signature on a form is valid only if:

69 (a) The form contains the original signature of the  
70 purported elector.

71 (b) The purported elector has accurately recorded on the  
72 form the date on which he or she signed the form.

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

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

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

81  
82 The supervisor shall retain the signature forms for at least 1  
83 year following the election in which the issue appeared on the  
84 ballot or until the Division of Elections notifies the  
85 supervisors of elections that the committee that circulated the  
86 petition is no longer seeking to obtain ballot position.

87 (5) Upon determining that a constitutional amendment

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88 proposed by initiative has met the requirements to be placed on  
89 the ballot, the Secretary of State shall allow any interested  
90 person to file a position statement of no more than 50 words  
91 outlining why the person supports or opposes the amendment. The  
92 secretary shall publish each position statement on the webpage  
93 for constitutional amendments on the department's website.

94 (6)~~(4)~~ The Secretary of State shall determine from the  
95 signatures verified by the supervisors of elections the total  
96 number of verified valid signatures and the distribution of such  
97 signatures by congressional districts. Upon a determination that  
98 the requisite number and distribution of valid signatures have  
99 been obtained, the secretary shall issue a certificate of ballot  
100 position for that proposed amendment and shall assign a  
101 designating number pursuant to s. 101.161.

102 (7) (a)~~(5) (a)~~ Within 60 ~~45~~ days after receipt of a proposed  
103 revision or amendment to the State Constitution by initiative  
104 petition from the Secretary of State, the Financial Impact  
105 Estimating Conference shall complete an analysis and financial  
106 impact statement to be placed on the ballot of the estimated  
107 increase or decrease in any revenues or costs to state or local  
108 governments and the estimated economic impact on the state and  
109 local economy resulting from the proposed initiative. The  
110 Financial Impact Estimating Conference shall submit the  
111 financial impact statement to the Attorney General and Secretary  
112 of State.

113 (e)1. Any financial impact statement that the Supreme Court  
114 finds not to be in accordance with this subsection shall be  
115 remanded solely to the Financial Impact Estimating Conference  
116 for redrafting, provided the court's advisory opinion is

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117 rendered at least 75 days before the election at which the  
118 question of ratifying the amendment will be presented. The  
119 Financial Impact Estimating Conference shall prepare and adopt a  
120 revised financial impact statement no later than 5 p.m. on the  
121 15th day after the date of the court's opinion.

122 2. If, by 5 p.m. on the 75th day before the election, the  
123 Supreme Court has not issued an advisory opinion on the initial  
124 financial impact statement prepared by the Financial Impact  
125 Estimating Conference for an initiative amendment that otherwise  
126 meets the legal requirements for ballot placement, the financial  
127 impact statement shall be deemed approved for placement on the  
128 ballot.

129 3. In addition to the financial impact statement required  
130 by this subsection, the Financial Impact Estimating Conference  
131 shall draft an initiative financial information statement. The  
132 initiative financial information statement should describe in  
133 greater detail than the financial impact statement any projected  
134 increase or decrease in revenues or costs that the state or  
135 local governments would likely experience and the estimated  
136 economic impact on the state and local economy if the ballot  
137 measure were approved. If appropriate, the initiative financial  
138 information statement may include both estimated dollar amounts  
139 and a description placing the estimated dollar amounts into  
140 context. The initiative financial information statement must  
141 include both a summary of not more than 500 words and additional  
142 detailed information that includes the assumptions that were  
143 made to develop the financial impacts, workpapers, and any other  
144 information deemed relevant by the Financial Impact Estimating  
145 Conference.

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146 4. The Department of State shall have printed, and shall  
147 furnish to each supervisor of elections, a copy of the summary  
148 from the initiative financial information statements. The  
149 supervisors shall have the summary from the initiative financial  
150 information statements available at each polling place and at  
151 the main office of the supervisor of elections upon request.

152 5. The Secretary of State and the Office of Economic and  
153 Demographic Research shall make available on the Internet each  
154 initiative financial information statement in its entirety. In  
155 addition, each supervisor of elections whose office has a  
156 website shall post the summary from each initiative financial  
157 information statement on the website. Each supervisor shall  
158 include a copy of each summary from the initiative financial  
159 information statements and the Internet addresses for the  
160 information statements on the Secretary of State's and the  
161 Office of Economic and Demographic Research's websites in the  
162 publication or mailing required by s. 101.20.

163 ~~(8)-(6)~~ The Department of State may adopt rules in  
164 accordance with s. 120.54 to carry out the provisions of  
165 subsections (1)-(7) ~~(1)-(5)~~.

166 ~~(9)-(7)~~ No provision of this code shall be deemed to  
167 prohibit a private person exercising lawful control over  
168 privately owned property, including property held open to the  
169 public for the purposes of a commercial enterprise, from  
170 excluding from such property persons seeking to engage in  
171 activity supporting or opposing initiative amendments.

172 Section 2. Subsection (1) of section 101.161, Florida  
173 Statutes, is amended to read:

174 101.161 Referenda; ballots.-

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175 (1) (a) Whenever a constitutional amendment or other public  
176 measure is submitted to the vote of the people, a ballot summary  
177 of such amendment or other public measure shall be printed in  
178 clear and unambiguous language on the ballot after the list of  
179 candidates, followed by the word "yes" and also by the word  
180 "no," and shall be styled in such a manner that a "yes" vote  
181 will indicate approval of the proposal and a "no" vote will  
182 indicate rejection. The ballot summary of the amendment or other  
183 public measure and the ballot title to appear on the ballot  
184 shall be embodied in the constitutional revision commission  
185 proposal, constitutional convention proposal, taxation and  
186 budget reform commission proposal, or enabling resolution or  
187 ordinance. The ballot summary of the amendment or other public  
188 measure shall be an explanatory statement, not exceeding 75  
189 words in length, of the chief purpose of the measure. In  
190 addition, for every amendment proposed by initiative, the ballot  
191 shall include, following the ballot summary, in the following  
192 order:

193 1. The name of the initiative's sponsor and the percentage  
194 of total contributions obtained by the sponsor from in-state  
195 persons. For purposes of this subparagraph, the term "person"  
196 has the same meaning as provided in s. 106.011(14), except that  
197 the term does not include a political party, an affiliated party  
198 committee, or a political committee.

199 2. A separate financial impact statement concerning the  
200 measure prepared by the Financial Impact Estimating Conference  
201 in accordance with s. 100.371(7). ~~s. 100.371(5)~~

202 3. If the financial impact statement estimates increased  
203 costs or decreased revenues, a range that includes increased

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204 costs or decreased revenues, or an indeterminate economic  
 205 impact, the following statement in bold print:

206  
 207 THE FLORIDA CONSTITUTION REQUIRES A BALANCED BUDGET.  
 208 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO  
 209 RESULT IN INDETERMINATE OR INCREASED COSTS OR  
 210 INDETERMINATE OR DECREASED REVENUES, WHICH MAY REQUIRE  
 211 INCREASED TAXES OR A REDUCTION IN GOVERNMENT SERVICES  
 212 THAT ARE CURRENTLY FUNDED.

213  
 214 4. The following question, with an accompanying yes or no  
 215 answer provided by the Supreme Court pursuant to subparagraph  
 216 (b)1.:

217  
 218 CAN THE PROPOSED POLICY BE IMPLEMENTED BY THE  
 219 LEGISLATURE WITHOUT THE NEED FOR A CONSTITUTIONAL  
 220 AMENDMENT?

221  
 222 The ballot title shall consist of a caption, not exceeding 15  
 223 words in length, by which the measure is commonly referred to or  
 224 spoken of. This paragraph ~~subsection~~ does not apply to  
 225 constitutional amendments or revisions proposed by joint  
 226 resolution.

227 (b) When the Attorney General requests an advisory opinion  
 228 of the Supreme Court to review a proposed constitutional  
 229 amendment, the Attorney General shall include a request for the  
 230 Court to:

231 1. Address whether the proposed policy can be implemented  
 232 by the Legislature without the need for a constitutional



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233 amendment and indicate a yes or no answer, which must be printed  
234 on the ballot summary.

235 2. Identify any undefined terms within the proposed  
236 amendment which will have a substantive impact.

237 Section 3. Section 101.171, Florida Statutes, is amended to  
238 read:

239 101.171 Copy of constitutional amendment to be available at  
240 voting locations.—Whenever any amendment to the State  
241 Constitution is to be voted upon at any election, the Department  
242 of State shall have printed and shall furnish to each supervisor  
243 of elections a sufficient number of copies of the amendment  
244 either in poster or booklet form, and the supervisor shall have  
245 a copy thereof conspicuously posted or available at each voting  
246 booth ~~polling room or early voting area upon the day of~~  
247 ~~election.~~

248 Section 4. Section 104.186, Florida Statutes, is created to  
249 read:

250 104.186 Initiative petitions; prohibition on compensation  
251 based on the number of petitions gathered.—A person who  
252 compensates an initiative petition gatherer based on the number  
253 of petitions gathered commits a misdemeanor of the first degree,  
254 punishable as provided in s. 775.082 or s. 775.083.

255 Section 5. The provisions of this act apply to all  
256 revisions or amendments to the State Constitution by initiative  
257 which are proposed for the 2020 election ballot; however, this  
258 act does not affect the validity of any petition gathered before  
259 this act's effective date.

260 Section 6. This act shall take effect upon becoming a law.