

1                   A bill to be entitled  
2           An act relating to constitutional amendments; amending  
3           s. 97.021, F.S.; providing definitions; amending s.  
4           100.371, F.S.; requiring the sponsor of an initiative  
5           amendment to register with the Secretary of State and  
6           provide certain information; requiring petition forms  
7           to be made available to sponsors; requiring the  
8           secretary to maintain a specified database; requiring  
9           supervisors of elections to provide specified  
10          information to the division of elections; requiring  
11          the division of elections to keep specified  
12          information in a database; providing requirements for  
13          a sponsor that gathers petition forms; providing for  
14          the imposition of fines for failure to deliver  
15          petition forms within a specified time period;  
16          providing for defenses; allowing the Secretary of  
17          State to refer petition form violations to the  
18          Attorney General for enforcement; requiring the  
19          division to adopt rules; providing that the date the  
20          elector signs a petition form is presumed to be the  
21          date the sponsor collected the form; revising  
22          requirements that must be met for a supervisor to  
23          verify a signature on a petition form; providing a  
24          process for a qualified elector to cure a rejected  
25          signature on an initiative petition form in certain

26 | circumstances; requiring a the sponsor to make certain  
27 | disclosures; requiring the secretary to allow  
28 | interested persons to submit certain statements for  
29 | publication on the Department of State website;  
30 | revising the timeframe for and the information that  
31 | must be included in a Financial Impact Estimating  
32 | Conference analysis and financial impact statement;  
33 | revising information that the Financial Impact  
34 | Estimating Conference should include in an initiative  
35 | financial information statement; requiring the Office  
36 | of Economic and Demographic Research to request a list  
37 | of persons authorized to speak on behalf of a sponsor;  
38 | expanding the word limit for a financial impact  
39 | statement; requiring each supervisor to include  
40 | certain summaries in certain publications or mailings;  
41 | conforming a provision; amending s. 101.161, F.S.;  
42 | revising information that must be included on the  
43 | ballot for a proposed amendment; requiring the  
44 | Attorney General to make specified requests of the  
45 | Supreme Court relating to proposed constitutional  
46 | amendments; amending s. 101.171, F.S.; requiring a  
47 | copy of proposed constitutional amendments to be  
48 | posted or available at each voting booth; creating s.  
49 | 104.186, F.S.; prohibiting compensation for initiative  
50 | petition circulators based on the number of petition

51 forms gathered; prohibiting the submission of certain  
52 false information and the failure to disclose certain  
53 information; providing penalties; providing for  
54 severability; providing applicability; providing an  
55 effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:

58  
59 Section 1. Subsections (16) through (26) of section  
60 97.021, Florida Statutes, are renumbered as subsections (17)  
61 through (27), respectively, present subsection (27) and  
62 subsections (28) through (45) are renumbered as subsections (29)  
63 through (47), respectively, and new subsections (16) and (28)  
64 are added to that section, to read:

65 97.021 Definitions.—For the purposes of this code, except  
66 where the context clearly indicates otherwise, the term:

67 (16) "Fiscal impact projection" means the estimated  
68 financial impact of a proposed constitutional amendment, as  
69 embodied in:

70 (a) For an amendment proposed by initiative, a financial  
71 impact statement prepared by the Financial Impact Estimating  
72 Conference;

73 (b) For an amendment proposed by the constitution revision  
74 commission, an estimate provided in the commission proposal  
75 filed with the records custodian;

76        (c) For an amendment proposed by the taxation and budget  
77 reform commission, an estimate provided in the commission  
78 proposal filed with the records custodian;

79        (d) For an amendment proposed by constitutional  
80 convention, an estimate provided with the proposed revision  
81 filed with the records custodian; or

82        (e) For an amendment proposed by the legislature, the  
83 financial impact as included in the staff analysis of the joint  
84 resolution proposing the amendment.

85        (28) "Petition circulator" means an entity or individual  
86 who collects signatures for the purpose of qualifying a proposed  
87 constitutional amendment for ballot placement.

88        Section 2. Subsections (3), (4), (5), (6), and (7) of  
89 section 100.371, Florida Statutes, are renumbered as subsections  
90 (9), (12), (14), (15), and (16), respectively, paragraphs (a),  
91 (b), (c), and (e) of present subsection (5) and present  
92 subsection (6) are amended, and new subsections (3), (4), (5),  
93 (6), (7), (8), (10), (11), and (13) and new paragraphs (e) and  
94 (f) of present subsection (3) are added to that section, to  
95 read:

96        100.371 Initiatives; procedure for placement on ballot.—

97        (3) Before obtaining a signature, the sponsor of an  
98 initiative amendment must register with the Secretary of State.  
99 The sponsor must provide, in an electronic format, the following  
100 information:

101 (a) The sponsor's name.

102 (b) If the sponsor is an organization, the names of the  
103 organization's officers, the organization's permanent address,  
104 and the organization's registered agent in the state.

105 (c) For each petition circulator used by the sponsor to  
106 collect petition forms, the person's name, date of birth,  
107 permanent address, and temporary address.

108 (d) A sworn statement from each petition circulator used  
109 by the sponsor stating that he or she will obey all applicable  
110 state laws and rules. Such statement must be on a form  
111 containing notice of applicable penalties.

112 (4) The division or the supervisor of elections shall make  
113 petition forms available to registered sponsors. All such forms  
114 must contain information identifying the sponsor to which the  
115 forms are provided. The division shall maintain a database of  
116 all registered sponsors and the petition forms assigned to each  
117 sponsor. Each supervisor of elections shall provide to the  
118 division information on petition forms assigned to and received  
119 from sponsors. The information must be provided in a format and  
120 at times as required by the division by rule. The division must  
121 update information on petition forms daily and make the  
122 information publicly available.

123 (5) (a) A sponsor that collects petition forms or uses a  
124 petition circulator to collect petition forms serves as a  
125 fiduciary to the elector signing the petition form, ensuring

126 that any petition form entrusted to the sponsor shall be  
127 promptly delivered to the supervisor of elections within 10 days  
128 after the elector signs the form. If a petition form collected  
129 by any sponsor or by any sponsor's petition circulator is not  
130 promptly delivered to the supervisor of elections, the sponsor  
131 is liable for the following fines:

132 1. A fine in the amount of \$50 for each petition form  
133 received by the supervisor of elections more than 10 days after  
134 the elector signed the petition form or the next business day,  
135 if the office is closed. A fine in the amount of \$250 for each  
136 petition form received if the sponsor or person, entity, or  
137 agent acting on its behalf acted willfully.

138 2. A fine in the amount of \$500 for each petition form  
139 collected by a sponsor or any person, entity, or agent acting on  
140 its behalf, which is not submitted to the supervisor of  
141 elections. A fine in the amount of \$1,000 for any petition form  
142 not submitted if the sponsor or person, entity, or agent acting  
143 on its behalf acted willfully.

144  
145 The aggregate fine pursuant to this paragraph which may be  
146 assessed against a sponsor, including affiliate organizations,  
147 for violations committed in a calendar year is \$1,000.

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

151 defense to a violation of this subsection. The fines described  
152 in this subsection may be waived upon a showing that the failure  
153 to deliver the petition form promptly is based upon force  
154 majeure or impossibility of performance.

155 (6) If the Secretary of State reasonably believes that a  
156 person or entity has committed a violation of this section, the  
157 secretary may refer the matter to the Attorney General for  
158 enforcement. The Attorney General may institute a civil action  
159 for a violation of this section or to prevent a violation of  
160 this section. An action for relief may include a permanent or  
161 temporary injunction, a restraining order, or any other  
162 appropriate order.

163 (7) The division shall adopt by rule a complaint form for  
164 an elector who claims to have had his or her signature  
165 misrepresented or forged, or not delivered to the supervisor by  
166 a sponsor. The division shall also adopt rules to ensure the  
167 integrity of the petition form gathering process, including  
168 rules requiring sponsors to account for all petition forms used  
169 by their agents. Such rules may require a sponsor to provide  
170 sponsor identification and form specific identification  
171 information on each petition form as determined by the  
172 department as needed to assist in the accounting of petition  
173 forms.

174 (8) The date on which an elector signs a petition form is  
175 presumed to be the date on which the sponsor received or

176 | collected the petition form.

177 |       ~~(9)~~~~(3)~~ An initiative petition form circulated for  
178 | signature may not be bundled with or attached to any other  
179 | petition. Each signature shall be dated when made and shall be  
180 | valid for a period of 2 years following such date, provided all  
181 | other requirements of law are met. The sponsor shall submit  
182 | signed and dated forms to the supervisor of elections for the  
183 | county of residence listed by the person signing the form for  
184 | verification of the number of valid signatures obtained. If a  
185 | signature on a petition is from a registered voter in another  
186 | county, the supervisor shall notify the petition sponsor of the  
187 | misfiled petition. The supervisor shall promptly verify the  
188 | signatures within 30 days after receipt of the petition forms  
189 | and payment of the fee required by s. 99.097. The supervisor  
190 | shall promptly record, in the manner prescribed by the Secretary  
191 | of State, the date each form is received by the supervisor, and  
192 | the date the signature on the form is verified as valid. The  
193 | supervisor may verify that the signature on a form is valid only  
194 | if:

195 |       ~~(e)~~ The sponsor who collected the petition form is  
196 | registered with the Secretary of State under subsection (3).

197 |       ~~(f)~~ The petition is submitted to the supervisor within 10  
198 | days of a qualified elector signing the petition.

199 |  
200 | The supervisor shall retain the signature forms for at least 1



201 year following the election in which the issue appeared on the  
202 ballot or until the Division of Elections notifies the  
203 supervisors of elections that the committee that circulated the  
204 petition is no longer seeking to obtain ballot position.

205 (10) If a petition form signed by a qualified elector is  
206 invalid solely because of the sponsor's failure to register  
207 under subsection (3) or because the petition was not submitted  
208 within 10 days, the supervisor shall:

209 (a) Immediately notify the qualified elector of the  
210 invalidity of his or her signature.

211 (b) Allow the qualified elector to submit a new petition  
212 form directly to the supervisor. If the new form is submitted  
213 within the timeframes otherwise required by law and is otherwise  
214 valid, the supervisor shall consider the signature valid.

215 (11) At the same time a sponsor submits a petition form to  
216 the supervisor of elections, the sponsor must disclose whether  
217 an out-of-state petition circulator was used to collect a  
218 petition.

219 (13) Upon certifying an amendment proposed by initiative  
220 for ballot placement, the Secretary of State shall allow a  
221 person to file a position statement of no more than 50 words  
222 outlining support of or opposition to the amendment. The  
223 secretary shall publish each position statement on the webpage  
224 for constitutional amendments on the department website.

225 (14)-(5)-(a) Within 60 45 days after receipt of a proposed

226 revision or amendment to the State Constitution by initiative  
227 petition from the Secretary of State, the Financial Impact  
228 Estimating Conference shall complete an analysis and financial  
229 impact statement to be placed on the ballot of the estimated  
230 increase or decrease in any revenues or costs to state or local  
231 governments and estimated economic impact on the state and local  
232 economy resulting from the proposed initiative. The 60-day time  
233 limit is tolled when the Legislature is in session. The  
234 Financial Impact Estimating Conference shall submit the  
235 financial impact statement to the Attorney General and Secretary  
236 of State.

237 (b) Immediately upon receipt of a proposed revision or  
238 amendment from the Secretary of State, the Coordinator of the  
239 Office of Economic and Demographic Research shall contact the  
240 person identified as the sponsor to request an official list of  
241 all persons authorized to speak on behalf of the named sponsor  
242 and, if there is one, the sponsoring organization at meetings  
243 held by the Financial Impact Estimating Conference. All other  
244 persons shall be deemed interested parties or proponents or  
245 opponents of the initiative. The Financial Impact Estimating  
246 Conference shall provide an opportunity for any representatives  
247 of the sponsor, interested parties, proponents, or opponents of  
248 the initiative to submit information and may solicit information  
249 or analysis from any other entities or agencies, including the  
250 Office of Economic and Demographic Research.

251 (c) All meetings of the Financial Impact Estimating  
 252 Conference shall be open to the public. The President of the  
 253 Senate and the Speaker of the House of Representatives, jointly,  
 254 shall be the sole judge for the interpretation, implementation,  
 255 and enforcement of this subsection.

256 1. The Financial Impact Estimating Conference is  
 257 established to review, analyze, and estimate the financial  
 258 impact of amendments to or revisions of the State Constitution  
 259 proposed by initiative. The Financial Impact Estimating  
 260 Conference shall consist of four principals: one person from the  
 261 Executive Office of the Governor; the coordinator of the Office  
 262 of Economic and Demographic Research, or his or her designee;  
 263 one person from the professional staff of the Senate; and one  
 264 person from the professional staff of the House of  
 265 Representatives. Each principal shall have appropriate fiscal  
 266 expertise in the subject matter of the initiative. A Financial  
 267 Impact Estimating Conference may be appointed for each  
 268 initiative.

269 2. Principals of the Financial Impact Estimating  
 270 Conference shall reach a consensus or majority concurrence on a  
 271 clear and unambiguous financial impact statement, no more than  
 272 100 ~~75~~ words in length, and immediately submit the statement to  
 273 the Attorney General. Nothing in this subsection prohibits the  
 274 Financial Impact Estimating Conference from setting forth a  
 275 range of potential impacts in the financial impact statement.

276 Any financial impact statement that a court finds not to be in  
277 accordance with this section shall be remanded solely to the  
278 Financial Impact Estimating Conference for redrafting. The  
279 Financial Impact Estimating Conference shall redraft the  
280 financial impact statement within 15 days.

281 3. If the members of the Financial Impact Estimating  
282 Conference are unable to agree on the statement required by this  
283 subsection, or if the Supreme Court has rejected the initial  
284 submission by the Financial Impact Estimating Conference and no  
285 redraft has been approved by the Supreme Court by 5 p.m. on the  
286 75th day before the election, the following statement shall  
287 appear on the ballot pursuant to s. 101.161(1): "The financial  
288 impact of this measure, if any, cannot be reasonably determined  
289 at this time."

290 (e)1. Any financial impact statement that the Supreme  
291 Court finds not to be in accordance with this subsection shall  
292 be remanded solely to the Financial Impact Estimating Conference  
293 for redrafting, provided the court's advisory opinion is  
294 rendered at least 75 days before the election at which the  
295 question of ratifying the amendment will be presented. The  
296 Financial Impact Estimating Conference shall prepare and adopt a  
297 revised financial impact statement no later than 5 p.m. on the  
298 15th day after the date of the court's opinion.

299 2. If, by 5 p.m. on the 75th day before the election, the  
300 Supreme Court has not issued an advisory opinion on the initial

301 financial impact statement prepared by the Financial Impact  
302 Estimating Conference for an initiative amendment that otherwise  
303 meets the legal requirements for ballot placement, the financial  
304 impact statement shall be deemed approved for placement on the  
305 ballot.

306 3. In addition to the financial impact statement required  
307 by this subsection, the Financial Impact Estimating Conference  
308 shall draft an initiative financial information statement. The  
309 initiative financial information statement should describe in  
310 greater detail than the financial impact statement any projected  
311 increase or decrease in revenues or costs that the state or  
312 local governments would likely experience and the estimated  
313 economic impact on the state and local economy if the ballot  
314 measure were approved. If appropriate, the initiative financial  
315 information statement may include both estimated dollar amounts  
316 and a description placing the estimated dollar amounts into  
317 context. The initiative financial information statement must  
318 include both a summary of not more than 500 words and additional  
319 detailed information that includes the assumptions that were  
320 made to develop the financial impacts, workpapers, and any other  
321 information deemed relevant by the Financial Impact Estimating  
322 Conference.

323 4. The Department of State shall have printed, and shall  
324 furnish to each supervisor of elections, a copy of the summary  
325 from the initiative financial information statements. The

326 supervisors shall have the summary from the initiative financial  
327 information statements available at each polling place and at  
328 the main office of the supervisor of elections upon request.

329 5. The Secretary of State and the Office of Economic and  
330 Demographic Research shall make available on the Internet each  
331 initiative financial information statement in its entirety. In  
332 addition, each supervisor of elections whose office has a  
333 website shall post the summary from each initiative financial  
334 information statement on the website. Each supervisor shall  
335 include a copy of each summary from the initiative financial  
336 information statements and the Internet addresses for the  
337 information statements on the Secretary of State's and the  
338 Office of Economic and Demographic Research's websites in the  
339 publication or mailing required by s. 101.20.

340 ~~(15)-(6)~~ The Department of State may adopt rules in  
341 accordance with s. 120.54 to carry out the provisions of  
342 subsections ~~(1)-(14)-(5)~~.

343 Section 3. Subsection (1) of section 101.161, Florida  
344 Statutes, is amended to read:

345 101.161 Referenda; ballots.—

346 (1) (a) Whenever a constitutional amendment or other public  
347 measure is submitted to the vote of the people, a ballot summary  
348 of such amendment or other public measure shall be printed in  
349 clear and unambiguous language on the ballot after the list of  
350 candidates, followed by the word "yes" and also by the word

351 "no," and shall be styled in such a manner that a "yes" vote  
352 will indicate approval of the proposal and a "no" vote will  
353 indicate rejection. The ballot summary of the amendment or other  
354 public measure and the ballot title to appear on the ballot  
355 shall be embodied in the constitutional revision commission  
356 proposal, constitutional convention proposal, taxation and  
357 budget reform commission proposal, or enabling resolution or  
358 ordinance. The ballot summary of the amendment or other public  
359 measure shall be an explanatory statement, not exceeding 75  
360 words in length, of the chief purpose of the measure. In  
361 addition, ~~for every amendment proposed by initiative,~~ the ballot  
362 shall include, following the ballot summary, in the following  
363 order:

364 1. The percentage of total contributions obtained by the  
365 sponsor from in-state persons. For purposes of this  
366 subparagraph, the term "person" has the same meaning as provided  
367 in s. 106.011, except that the term does not include a political  
368 party as provided in s. 103.091, affiliated party committee as  
369 provided in s. 103.092, or political committee as defined in s.  
370 106.011.

371 2. A statement indicating whether an out-of-state petition  
372 circulator was used to collect any petitions.

373 3. For every amendment proposed by initiative, a separate  
374 financial impact statement concerning the measure prepared by  
375 the Financial Impact Estimating Conference in accordance with s.

376 | 100.371(14) ~~s. 100.371(5)~~.

377 |       4. If the fiscal impact projection indicates increased  
 378 | costs, decreased revenues, a range that includes increased costs  
 379 | or decreased revenues, or an indeterminate impact, the following  
 380 | statement in bold print:

381 |                       THE FLORIDA CONSTITUTION REQUIRES A BALANCED BUDGET. THIS  
 382 | PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO RESULT IN  
 383 | INCREASED COSTS, DECREASED REVENUES, OR AN INDETERMINATE  
 384 | FINANCIAL IMPACT, WHICH MAY REQUIRE INCREASED TAXES OR A  
 385 | DIVERSION OF FUNDS FROM OTHER GOVERNMENT SERVICES.

387 |                       5. If applicable, the following question, with an  
 388 | accompanying yes or no answer provided by the Supreme Court  
 389 | under subparagraph (b)1.:

391 |                       CAN THE PROPOSED POLICY BE IMPLEMENTED BY THE LEGISLATURE  
 392 | WITHOUT THE NEED FOR A CONSTITUTIONAL AMENDMENT?

394 |                       6. If applicable, the following question, with an  
 395 | accompanying yes, no, or indeterminate answer provided by the  
 396 | Supreme Court under subparagraph (b)3.:

397 |                       DOES THE PROPOSED POLICY RAISE ANY POTENTIAL CONSTITUTIONAL  
 398 | INFIRMITIES OR INCONSISTENCIES?



401  
402 The ballot title shall consist of a caption, not exceeding 15  
403 words in length, by which the measure is commonly referred to or  
404 spoken of. Except for subparagraphs 4. and 5., this paragraph  
405 ~~subsection~~ does not apply to constitutional amendments or  
406 revisions proposed by joint resolution.

407 (b) When the Attorney General requests the Supreme Court  
408 to review a proposed constitutional amendment and provide an  
409 advisory opinion, the Attorney General shall ask the Court to:

410 1. Address whether the policy of the proposed amendment  
411 can be implemented by the Legislature without the need for a  
412 constitutional amendment and indicate a yes or no answer, which  
413 must be printed on the ballot.

414 2. Identify any undefined terms in the proposed amendment  
415 that will have a substantive impact.

416 3. Address whether the proposed amendment raises any  
417 potential constitutional infirmities or inconsistencies and  
418 indicate a yes, no, or indeterminate answer, which must be  
419 printed on the ballot. The Court may also identify any relevant  
420 constitutional provision or case law.

421 Section 4. Section 101.171, Florida Statutes, is amended  
422 to read:

423 101.171 Copy of constitutional amendment to be available  
424 at voting locations.—Whenever any amendment to the State  
425 Constitution is to be voted upon at any election, the Department

426 of State shall have printed and shall furnish to each supervisor  
427 of elections a sufficient number of copies of the amendment  
428 either in poster or booklet form, and the supervisor shall have  
429 a copy thereof conspicuously posted or available at each voting  
430 booth ~~polling room or early voting area upon the day of~~  
431 ~~election.~~

432 Section 5. Section 104.186, Florida Statutes, is created  
433 to read:

434 104.186 Initiative petitions; violations.-

435 (1) A person who compensates a petition circulator as  
436 defined in s. 97.021 based on the number of petition forms  
437 gathered commits a misdemeanor of the first degree, punishable  
438 as provided in s. 775.082 or s. 775.083.

439 (2) A person who willfully submits false information or  
440 fails to disclose information required under s. 100.371(11)  
441 commits a felony of the third degree, punishable as provided in  
442 s. 775.082, s. 775.083, or s. 775.084.

443 Section 6. If any provision of this act or its application  
444 to any person or circumstance is held invalid for any reason,  
445 the remaining portion of this act, to the fullest extent  
446 possible, shall be severed from the void portion and given the  
447 fullest possible force and application.

448 Section 7. The provisions of this act apply to all  
449 revisions or amendments to the State Constitution by initiative  
450 that are proposed for the 2020 election ballot and each ballot

CS/HB 7111

2019

451 thereafter; provided, however, that nothing in this act affects  
452 the validity of any petition form gathered before the effective  
453 date of this act.

454 Section 8. This act shall take effect upon becoming a law.