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LEGISLATIVE ACTION

Senate	.	House
Comm: FC	.	
02/13/2020	.	
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	.	
	.	

The Committee on Judiciary (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 15.21, Florida Statutes, is amended to
read:

15.21 Initiative petitions; s. 3, Art. XI, State
Constitution.—The Secretary of State shall immediately submit an
initiative petition to the Attorney General, the President of
the Senate, and the Speaker of the House of Representatives ~~and~~
~~to the Financial Impact Estimating Conference~~ if the sponsor



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12 has:

13 (1) Registered as a political committee pursuant to s.
14 106.03;

15 (2) Submitted the ballot title, substance, and text of the
16 proposed revision or amendment to the Secretary of State
17 pursuant to ss. 100.371 and 101.161; and

18 (3) Obtained a letter from the Division of Elections
19 confirming that the sponsor has submitted to the appropriate
20 supervisors for verification, and the supervisors have verified,
21 forms signed and dated equal to 33 ~~40~~ percent of the number of
22 electors statewide and in at least two-thirds ~~one-fourth~~ of the
23 congressional districts required by s. 3, Art. XI of the State
24 Constitution.

25 Section 2. Subsection (1) of section 16.061, Florida
26 Statutes, is amended to read:

27 16.061 Initiative petitions.—

28 (1) The Attorney General shall, within 30 days after
29 receipt of a proposed revision or amendment to the State
30 Constitution by initiative petition from the Secretary of State,
31 petition the Supreme Court, requesting an advisory opinion
32 regarding the compliance of the text of the proposed amendment
33 or revision with s. 3, Art. XI of the State Constitution,
34 whether the proposed amendment is facially invalid under the
35 United States Constitution, and the compliance of the proposed
36 ballot title and substance with s. 101.161. The petition may
37 enumerate any specific factual issues that the Attorney General
38 believes would require a judicial determination.

39 Section 3. Subsections (3), (6), (11), and (13) of section
40 100.371, Florida Statutes, are amended to read:



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41 100.371 Initiatives; procedure for placement on ballot.-

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

45 (b) A citizen may challenge a petition circulator's
46 registration under this section by filing a petition in circuit
47 court. If the court finds that the respondent is not a
48 registered petition circulator, the court may enjoin the
49 respondent from collecting signatures or initiative petitions
50 for compensation until she or he is lawfully registered.

51 (6) The division or the supervisor of elections shall make
52 hard copy petition forms or electronic portable document format
53 petition forms available to registered petition circulators. All
54 such forms must contain information identifying the petition
55 circulator to which the forms are provided. The division shall
56 maintain a database of all registered petition circulators and
57 the petition forms assigned to each. Each supervisor of
58 elections shall provide to the division information on petition
59 forms assigned to and received from petition circulators. The
60 information must be provided in a format and at times as
61 required by the division by rule. The division must update
62 information on petition forms daily and make the information
63 publicly available.

64 (11) An initiative petition form circulated for signature
65 may not be bundled with or attached to any other petition. Each
66 signature shall be dated when made and shall be valid until the
67 next February 1 occurring in an even-numbered year for the
68 purpose of the amendment appearing on the ballot for the general
69 election occurring in that same year ~~for a period of 2 years~~



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70 ~~following such date~~, provided all other requirements of law are
71 met. The sponsor shall submit signed and dated forms to the
72 supervisor of elections for the county of residence listed by
73 the person signing the form for verification of the number of
74 valid signatures obtained. If a signature on a petition is from
75 a registered voter in another county, the supervisor shall
76 notify the petition sponsor of the misfiled petition. The
77 supervisor shall promptly verify the signatures within 60 ~~30~~
78 days after receipt of the petition forms and payment of a ~~the~~
79 fee for the actual cost of signature verification incurred by
80 the supervisor required by s. 99.097. The Department of State
81 shall adopt rules to set the cost to verify a petition under
82 this subsection and shall update the cost annually; however, the
83 actual cost to verify a petition may not exceed \$1 per petition.
84 The supervisor shall promptly record, in the manner prescribed
85 by the Secretary of State, the date each form is received by the
86 supervisor, and the date the signature on the form is verified
87 as valid. The supervisor may verify that the signature on a form
88 is valid only if:

89 (a) The form contains the original signature of the
90 purported elector.

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

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

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



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99 (e) The signature was obtained legally, including that if a
100 paid petition circulator was used, the circulator was validly
101 registered under subsection (3) when the signature was obtained.
102

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

108 (13) (a) At the same time the Secretary of State submits an
109 initiative petition to the Attorney General, the President of
110 the Senate, and the Speaker of the House of Representatives
111 pursuant to s. 15.21, the secretary shall submit a copy of the
112 initiative petition to the Financial Impact Estimating
113 Conference. Within 75 days after receipt of a proposed revision
114 or amendment to the State Constitution by initiative petition
115 from the Secretary of State, the Financial Impact Estimating
116 Conference shall complete an analysis and financial impact
117 statement to be placed on the ballot of the estimated increase
118 or decrease in any revenues or costs to state or local
119 governments, ~~estimated economic impact on the state and local~~
120 ~~economy,~~ and the overall impact to the state budget resulting
121 from the proposed initiative. The 75-day time limit is tolled
122 when the Legislature is in session. The Financial Impact
123 Estimating Conference shall submit the financial impact
124 statement to the Attorney General and Secretary of State.

125 (b) Immediately upon receipt of a proposed revision or
126 amendment from the Secretary of State, the coordinator of the
127 Office of Economic and Demographic Research shall contact the



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128 person identified as the sponsor to request an official list of
129 all persons authorized to speak on behalf of the named sponsor
130 and, if there is one, the sponsoring organization at meetings
131 held by the Financial Impact Estimating Conference. All other
132 persons shall be deemed interested parties or proponents or
133 opponents of the initiative. The Financial Impact Estimating
134 Conference shall provide an opportunity for any representatives
135 of the sponsor, interested parties, proponents, or opponents of
136 the initiative to submit information and may solicit information
137 or analysis from any other entities or agencies, including the
138 Office of Economic and Demographic Research.

139 (c) All meetings of the Financial Impact Estimating
140 Conference shall be open to the public. The President of the
141 Senate and the Speaker of the House of Representatives, jointly,
142 shall be the sole judge for the interpretation, implementation,
143 and enforcement of this subsection.

144 1. The Financial Impact Estimating Conference is
145 established to review, analyze, and estimate the financial
146 impact of amendments to or revisions of the State Constitution
147 proposed by initiative. The Financial Impact Estimating
148 Conference shall consist of four principals: one person from the
149 Executive Office of the Governor; the coordinator of the Office
150 of Economic and Demographic Research, or his or her designee;
151 one person from the professional staff of the Senate; and one
152 person from the professional staff of the House of
153 Representatives. Each principal shall have appropriate fiscal
154 expertise in the subject matter of the initiative. A Financial
155 Impact Estimating Conference may be appointed for each
156 initiative.



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157 2. Principals of the Financial Impact Estimating Conference
158 shall reach a consensus or majority concurrence on a clear and
159 unambiguous financial impact statement, no more than 150 words
160 in length, and immediately submit the statement to the Attorney
161 General. Nothing in this subsection prohibits the Financial
162 Impact Estimating Conference from setting forth a range of
163 potential impacts in the financial impact statement. Any
164 financial impact statement that a court finds not to be in
165 accordance with this section shall be remanded solely to the
166 Financial Impact Estimating Conference for redrafting. The
167 Financial Impact Estimating Conference shall redraft the
168 financial impact statement within 15 days.

169 3. ~~If the members of the Financial Impact Estimating~~
170 ~~Conference are unable to agree on the statement required by this~~
171 ~~subsection, or if the Supreme Court has rejected the initial~~
172 ~~submission by the Financial Impact Estimating Conference and no~~
173 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~
174 ~~75th day before the election, the following statement shall~~
175 ~~appear on the ballot pursuant to s. 101.161(1): "The financial~~
176 ~~impact of this measure, if any, has not been cannot be~~
177 ~~reasonably~~ determined at this time."

178 (d) The financial impact statement must be separately
179 contained and be set forth after the ballot summary as required
180 in s. 101.161(1).

181 1. If the financial impact statement projects a net
182 ~~estimates increased costs, decreased revenues, a negative impact~~
183 ~~on the state budget or local economy, or an indeterminate impact~~
184 ~~for any of these areas, the ballot must include the a statement~~
185 ~~required by s. 101.161(1)(b) indicating such estimated effect in~~



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186 ~~bold font.~~

187 2. If the financial impact statement projects a net
188 positive impact on the state budget, the ballot must include the
189 statement required by s. 101.161(1)(c).

190 3. If the financial impact statement estimates an
191 indeterminate financial impact, the ballot must include the
192 statement required by s. 101.161(1)(d).

193 4. If the members of the Financial Impact Estimating
194 Conference are unable to agree on the statement required by this
195 subsection, the ballot must include the statement required by s.
196 101.161(1)(e).

197 (e)1. Any financial impact statement that the Supreme Court
198 finds not to be in accordance with this subsection shall be
199 remanded solely to the Financial Impact Estimating Conference
200 for redrafting, provided the court's advisory opinion is
201 rendered at least 75 days before the election at which the
202 question of ratifying the amendment will be presented. The
203 Financial Impact Estimating Conference shall prepare and adopt a
204 revised financial impact statement no later than 5 p.m. on the
205 15th day after the date of the court's opinion.

206 2. If, by 5 p.m. on the 75th day before the election, the
207 Supreme Court has not issued an advisory opinion on the initial
208 financial impact statement prepared by the Financial Impact
209 Estimating Conference for an initiative amendment that otherwise
210 meets the legal requirements for ballot placement, the financial
211 impact statement shall be deemed approved for placement on the
212 ballot.

213 3. In addition to the financial impact statement required
214 by this subsection, the Financial Impact Estimating Conference



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215 shall draft an initiative financial information statement. The
216 initiative financial information statement should describe in
217 greater detail than the financial impact statement any projected
218 increase or decrease in revenues or costs that the state or
219 local governments would likely experience ~~and the estimated~~
220 ~~economic impact on the state and local economy~~ if the ballot
221 measure were approved. If appropriate, the initiative financial
222 information statement may include both estimated dollar amounts
223 and a description placing the estimated dollar amounts into
224 context. The initiative financial information statement must
225 include both a summary of not more than 500 words and additional
226 detailed information that includes the assumptions that were
227 made to develop the financial impacts, workpapers, and any other
228 information deemed relevant by the Financial Impact Estimating
229 Conference.

230 4. The Department of State shall have printed, and shall
231 furnish to each supervisor of elections, a copy of the summary
232 from the initiative financial information statements. The
233 supervisors shall have the summary from the initiative financial
234 information statements available at each polling place and at
235 the main office of the supervisor of elections upon request.

236 5. The Secretary of State and the Office of Economic and
237 Demographic Research shall make available on the Internet each
238 initiative financial information statement in its entirety. In
239 addition, each supervisor of elections whose office has a
240 website shall post the summary from each initiative financial
241 information statement on the website. Each supervisor shall
242 include a copy of each summary from the initiative financial
243 information statements and the Internet addresses for the



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244 information statements on the Secretary of State's and the
245 Office of Economic and Demographic Research's websites in the
246 publication or mailing required by s. 101.20.

247 (f) When the Secretary of State submits a proposed
248 initiative petition to the President of the Senate and the
249 Speaker of the House of Representatives pursuant to s. 15.21,
250 the President of the Senate and the Speaker of the House of
251 Representatives may direct legislative staff to prepare an
252 analysis of the petition. Such analysis may include, but is not
253 limited to, whether the amendment has undefined terms, conflicts
254 with an existing provision of the State Constitution, or will
255 cause unintended consequences or economic impacts.

256 Section 4. Subsection (1) of section 101.161, Florida
257 Statutes, is amended to read:

258 101.161 Referenda; ballots.—

259 (1) Whenever a constitutional amendment or other public
260 measure is submitted to the vote of the people, a ballot summary
261 of such amendment or other public measure shall be printed in
262 clear and unambiguous language on the ballot after the list of
263 candidates, followed by the word "yes" and also by the word
264 "no," and shall be styled in such a manner that a "yes" vote
265 will indicate approval of the proposal and a "no" vote will
266 indicate rejection. The ballot summary of the amendment or other
267 public measure and the ballot title to appear on the ballot
268 shall be embodied in the constitutional revision commission
269 proposal, constitutional convention proposal, taxation and
270 budget reform commission proposal, or enabling resolution or
271 ordinance. The ballot summary of the amendment or other public
272 measure shall be an explanatory statement, not exceeding 75



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273 words in length, of the chief purpose of the measure. In
274 addition, for every constitutional amendment proposed by
275 initiative, the ballot shall include, following the ballot
276 summary, in the following order:

277 (a) A separate financial impact statement concerning the
278 measure prepared by the Financial Impact Estimating Conference
279 in accordance with s. 100.371(13) ~~s. 100.371(5).~~

280 (b) If the financial impact statement projects a net
281 negative impact on the state budget, the following statement in
282 bold print:

283
284 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO
285 HAVE A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS
286 IMPACT MAY RESULT IN HIGHER TAXES OR A LOSS OF
287 GOVERNMENT SERVICES IN ORDER TO MAINTAIN A BALANCED
288 STATE BUDGET AS REQUIRED BY THE CONSTITUTION.

289
290 (c) If the financial impact statement projects a net
291 positive impact on the state budget, the following statement in
292 bold print:

293
294 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO
295 HAVE A NET POSITIVE IMPACT ON THE STATE BUDGET. THIS
296 IMPACT MAY RESULT IN GENERATING ADDITIONAL REVENUE.

297
298 (d) If the financial impact statement is indeterminate, the
299 following statement in bold print:

300
301 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE



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302 DETERMINED DUE TO AMBIGUITIES AND UNCERTAINTIES
303 SURROUNDING THE AMENDMENT'S IMPACT.

304
305 (e) If the members of the Financial Impact Estimating
306 Conference are unable to agree on the financial impact
307 statement, the following statement in bold print:

308
309 THE FINANCIAL IMPACT ESTIMATING CONFERENCE WAS UNABLE
310 TO AGREE ON THE FINANCIAL IMPACT OF THIS PROPOSED
311 CONSTITUTIONAL AMENDMENT. THIS AMENDMENT MAY RESULT IN
312 HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN ORDER
313 TO MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY THE
314 CONSTITUTION.

315
316 The ballot title shall consist of a caption, not exceeding 15
317 words in length, by which the measure is commonly referred to or
318 spoken of. This subsection does not apply to constitutional
319 amendments or revisions proposed by joint resolution.

320 Section 5. Section 101.171, Florida Statutes, is amended to
321 read:

322 101.171 Copy of constitutional amendment to be available at
323 voting locations.—Whenever any amendment to the State
324 Constitution is to be voted upon at any election, the Department
325 of State shall have printed and shall furnish to each supervisor
326 of elections a sufficient number of copies of the amendment
327 either in poster or booklet form, and the supervisor shall
328 provide have a copy in a designated area of each polling
329 location as determined by the supervisor thereof conspicuously
330 posted or available at each polling room or early voting area



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331 ~~upon the day of election.~~

332 Section 6. The provisions of this act apply to all
333 revisions or amendments to the State Constitution by initiative
334 that are proposed for the 2020 election ballot and each ballot
335 thereafter; provided, however, that nothing in this act affects
336 the validity of any petition form gathered before the effective
337 date of this act or any contract entered into before the
338 effective date of this act. Petition forms gathered before the
339 effective date of this act shall be governed by the laws
340 existing at the time that the form was initially gathered.

341 Section 7. If any provision of this act or its application
342 to any person or circumstance is held invalid for any reason,
343 the remaining portion of this act, to the fullest extent
344 possible, shall be severed from the void portion and given the
345 fullest possible force and application.

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

347
348 ===== T I T L E A M E N D M E N T =====

349 And the title is amended as follows:

350 Delete everything before the enacting clause
351 and insert:

352 A bill to be entitled
353 An act relating to constitutional amendments proposed
354 by initiative; amending s. 15.21, F.S.; requiring the
355 Secretary of State to submit an initiative petition to
356 the Legislature when a certain amount of signatures
357 are obtained and verified; amending s. 16.061, F.S.;
358 requiring the Attorney General to request the Supreme
359 Court to address in an advisory opinion the facial



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360 validity of the proposed amendment under the United
361 States Constitution; amending s. 100.371, F.S.;
362 providing that a citizen may challenge in circuit
363 court a petition circulator's registration with the
364 Secretary of State; authorizing the Division of
365 Elections or a supervisor of elections to provide
366 petition forms in a certain electronic format;
367 revising the length of time that a signature on a
368 petition form is valid; revising the timeframe within
369 which the supervisor must verify petition forms;
370 requiring the supervisor to charge the actual cost of
371 verifying petition forms; requiring the Department of
372 State to adopt certain rules; providing a limitation
373 on the cost of signature verification; revising the
374 circumstances under which a petition form is deemed
375 valid; requiring the Secretary of State to submit a
376 copy of an initiative petition to the Financial Impact
377 Estimating Conference; revising requirements for the
378 Financial Impact Estimating Conference's analysis of a
379 proposed initiative's economic impact; requiring
380 certain ballot language based on the findings of the
381 Financial Impact Estimating Conference; authorizing
382 the use of legislative staff to analyze the effects of
383 a citizen initiative under certain circumstances;
384 amending s. 101.161, F.S.; requiring that ballots
385 containing constitutional amendments proposed by
386 initiative include certain disclosures and statements;
387 amending s. 101.171, F.S.; revising requirements
388 regarding the availability of copies of constitutional



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389 amendments at polling locations; providing
390 applicability; providing for severability; providing
391 an effective date.