

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Grant, J. offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 15.21, Florida Statutes, is amended to
7 read:

8 15.21 Initiative petitions; s. 3, Art. XI, State
9 Constitution.—The Secretary of State shall immediately submit an
10 initiative petition to the Attorney General, the President of
11 the Senate and the Speaker of the House of Representatives ~~and~~
12 ~~to the Financial Impact Estimating Conference~~ if the sponsor
13 has:

14 (1) Registered as a political committee pursuant to s.
15 106.03;

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

19 (3) Obtained a letter from the Division of Elections
20 confirming that the sponsor has submitted to the appropriate
21 supervisors for verification, and the supervisors have verified,
22 forms signed and dated equal to 50 ~~40~~ percent of the number of
23 electors statewide and in all ~~at least one-fourth~~ of the
24 congressional districts required by s. 3, Art. XI of the State
25 Constitution.

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

28 16.061 Initiative petitions.—

29 (1) The Attorney General shall, within 30 days after
30 receipt of a proposed revision or amendment to the State
31 Constitution by initiative petition from the Secretary of State,
32 petition the Supreme Court, requesting an advisory opinion
33 regarding the compliance of the text of the proposed amendment
34 or revision with s. 3, Art. XI of the State Constitution, 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

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40 Section 3. Subsections (3), (6), (11), and (13) of section
41 100.371, Florida Statutes, are amended to read:

42 100.371 Initiatives; procedure for placement on ballot.-

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

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

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

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65 (11) An initiative petition form circulated for signature
66 may not be bundled with or attached to any other petition. Each
67 signature shall be dated when made and shall be valid until the
68 next February 1 occurring in an even-numbered year for the
69 purpose of appearing on the ballot for the general election
70 occurring in that same year ~~for a period of 2 years following~~
71 ~~such date~~, provided all other requirements of law are met. The
72 sponsor shall submit signed and dated forms to the supervisor of
73 elections for the county of residence listed by the person
74 signing the form for verification of the number of valid
75 signatures obtained. If a signature on a petition is from a
76 registered voter in another county, the supervisor shall notify
77 the petition sponsor of the misfiled petition. The supervisor
78 shall promptly verify the signatures within 60 ~~30~~ days after
79 receipt of the petition forms and payment of a the fee for the
80 actual cost of signature verification incurred by the supervisor
81 ~~required by s. 99.097. However, the supervisor shall promptly~~
82 ~~verify the signatures within 30 days after receipt of the~~
83 petition forms and payment of the fee for forms submitted less
84 than 60 days before February 1 of an even-numbered year. The
85 Department of State shall adopt rules to set the cost to verify
86 a petition under this subsection and update the cost annually.
87 The supervisor shall promptly record, in the manner prescribed
88 by the Secretary of State, the date each form is received by the
89 supervisor, and the date the signature on the form is verified

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90 as valid. The supervisor may verify that the signature on a form
91 is valid only if:

92 (a) The form contains the original signature of the
93 purported elector.

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

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

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

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

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

111 (13) (a) At the same time the Secretary of State submits an
112 initiative petition to the Attorney General pursuant to s.
113 15.21, the secretary shall submit a copy of the initiative
114 petition to the Financial Impact Estimating Conference. Within

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115 75 days after receipt of a proposed revision or amendment to the
116 State Constitution by initiative petition from the Secretary of
117 State, the Financial Impact Estimating Conference shall complete
118 an analysis and financial impact statement to be placed on the
119 ballot of the estimated increase or decrease in any revenues or
120 costs to state or local governments, ~~estimated economic impact~~
121 ~~on the state and local economy,~~ and the overall impact to the
122 state budget resulting from the proposed initiative. The 75-day
123 time limit is tolled when the Legislature is in session. The
124 Financial Impact Estimating Conference shall submit the
125 financial impact statement to the Attorney General and Secretary
126 of State.

127 (b) Immediately upon receipt of a proposed revision or
128 amendment from the Secretary of State, the coordinator of the
129 Office of Economic and Demographic Research shall contact the
130 person identified as the sponsor to request an official list of
131 all persons authorized to speak on behalf of the named sponsor
132 and, if there is one, the sponsoring organization at meetings
133 held by the Financial Impact Estimating Conference. All other
134 persons shall be deemed interested parties or proponents or
135 opponents of the initiative. The Financial Impact Estimating
136 Conference shall provide an opportunity for any representatives
137 of the sponsor, interested parties, proponents, or opponents of
138 the initiative to submit information and may solicit information

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

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

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

159 2. Principals of the Financial Impact Estimating
160 Conference shall reach a consensus or majority concurrence on a
161 clear and unambiguous financial impact statement, no more than
162 150 words in length, and immediately submit the statement to the
163 Attorney General. Nothing in this subsection prohibits the

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164 Financial Impact Estimating Conference from setting forth a
165 range of potential impacts in the financial impact statement.
166 Any financial impact statement that a court finds not to be in
167 accordance with this section shall be remanded solely to the
168 Financial Impact Estimating Conference for redrafting. The
169 Financial Impact Estimating Conference shall redraft the
170 financial impact statement within 15 days.

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

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

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

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189 2. If the financial impact statement estimates an
190 indeterminate financial impact, the ballot must include the
191 statement required by s. 101.161(1)(e).

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

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

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

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

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

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

235 5. The Secretary of State and the Office of Economic and
236 Demographic Research shall make available on the Internet each
237 initiative financial information statement in its entirety. In
238 addition, each supervisor of elections whose office has a

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239 website shall post the summary from each initiative financial
240 information statement on the website. Each supervisor shall
241 include a copy of each summary from the initiative financial
242 information statements and the Internet addresses for the
243 information statements on the Secretary of State's and the
244 Office of Economic and Demographic Research's websites in the
245 publication or mailing required by s. 101.20.

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

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

257 101.161 Referenda; ballots.—

258 (1) Whenever a constitutional amendment or other public
259 measure is submitted to the vote of the people, a ballot summary
260 of such amendment or other public measure shall be printed in
261 clear and unambiguous language on the ballot after the list of
262 candidates, followed by the word "yes" and also by the word
263 "no," and shall be styled in such a manner that a "yes" vote

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264 will indicate approval of the proposal and a "no" vote will
265 indicate rejection. The ballot summary of the amendment or other
266 public measure and the ballot title to appear on the ballot
267 shall be embodied in the constitutional revision commission
268 proposal, constitutional convention proposal, taxation and
269 budget reform commission proposal, or enabling resolution or
270 ordinance. The ballot summary of the amendment or other public
271 measure shall be an explanatory statement, not exceeding 75
272 words in length, of the chief purpose of the measure. In
273 addition, for every constitutional amendment proposed by
274 initiative, the ballot shall include, following the ballot
275 summary, in the following order:

276 (a) The name of the initiative's sponsor.

277 (b) Whether out-of-state petition circulators were used to
278 obtain signatures for ballot placement.

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

282 (d) If the financial impact statement projects a net
283 negative impact on the state budget, the following statement in
284 bold print:

285
286 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO HAVE
287 A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS IMPACT MAY
288 RESULT IN HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN

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289 ORDER TO MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY
290 THE CONSTITUTION.

291
292 (e) If the financial impact statement is indeterminate,
293 the following statement in bold print:

294
295 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE DETERMINED
296 DUE TO AMBIGUITIES OR UNCERTAINTIES SURROUNDING THE
297 AMENDMENT'S IMPACT.

298
299 (f) If the members of the Financial Impact Estimating
300 Conference are unable to agree on the financial impact
301 statement, the following statement in bold print:

302
303 THE FINANCIAL IMPACT ESTIMATING CONFERENCE WAS UNABLE TO
304 AGREE ON THE FINANCIAL IMPACT OF THIS PROPOSED
305 CONSTITUTIONAL AMENDMENT, AND THEREFORE CANNOT DETERMINE IF
306 IT MAY RESULT IN HIGHER TAXES OR A LOSS OF GOVERNMENT
307 SERVICES IN ORDER TO MAINTAIN A BALANCED STATE BUDGET AS
308 REQUIRED BY THE CONSTITUTION.

309
310 The ballot title shall consist of a caption, not exceeding 15
311 words in length, by which the measure is commonly referred to or
312 spoken of. This subsection does not apply to constitutional
313 amendments or revisions proposed by joint resolution.

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315 Section 5. Section 101.171, Florida Statutes, is amended
316 to read:

317 101.171 Copy of constitutional amendment to be available
318 at voting locations.— Whenever any amendment to the State
319 Constitution is to be voted upon at any election, the Department
320 of State shall have printed and shall furnish to each supervisor
321 of elections a sufficient number of copies of the amendment
322 either in poster or booklet form, and the supervisor shall
323 provide ~~have~~ a copy in a designated area of each polling
324 location as determined by the supervisor ~~thereof conspicuously~~
325 ~~posted or available at each polling room or early voting area~~
326 ~~upon the day of election.~~

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

336 Section 7. If any provision of this act or its application
337 to any person or circumstance is held invalid for any reason,
338 the remaining portion of this act, to the fullest extent

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339 possible, shall be severed from the void portion and given the
340 fullest possible force and application.

341 Section 8. This act shall take effect upon becoming a law.
342

343 -----

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

345 Remove everything before the enacting clause and insert:
346 An act relating to constitutional amendments; amending s. 15.21,
347 F.S.; requiring the Secretary of State to submit an initiative
348 petition to the Legislature when a certain number of signatures
349 are obtained; amending s. 16.061, F.S.; requiring the Attorney
350 General to ask the Supreme Court to address in an advisory
351 opinion the specific validity of the proposed amendment under
352 the United States Constitution; amending s. 100.371, F.S.;
353 providing that a citizen may challenge a failure to register by
354 a petition circulator; providing that the division or a
355 supervisor may provide petition forms in electronic format;
356 revising the length of time that a signature is valid; requiring
357 a supervisor to charge the actual cost of verifying petition
358 forms; requiring the Department of State to adopt rules;
359 providing that a petition form is invalid under certain
360 circumstances; requiring the Secretary of State to submit a copy
361 of an initiative petition to the Financial Impact Estimating
362 Conference; requiring the Financial Impact Estimating Conference
363 to analyze the financial impact to the state of a proposed

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7037 (2020)

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364 initiative; requiring certain ballot language based on the
365 findings of the Financial Impact Estimating Conference;
366 authorizing the use of legislative staff to analyze the effects
367 of a citizen initiative under certain circumstances; amending s.
368 101.161, F.S.; requiring that the ballot include certain
369 disclosures and statements; amending s. 101.171, F.S.; revising
370 requirements regarding the availability of copies of
371 constitutional amendments at polling locations; providing
372 applicability; providing for severability; providing an
373 effective date.