

1 A bill to be entitled
2 An act relating to constitutional amendments proposed
3 by initiative; amending s. 15.21, F.S.; requiring the
4 Secretary of State to submit an initiative petition to
5 the Legislature when a certain amount of signatures
6 are obtained; amending s. 16.061, F.S.; requiring the
7 Attorney General to ask the Supreme Court to address
8 in an advisory opinion the specific validity of the
9 proposed amendment under the United States
10 Constitution; amending s. 100.371, F.S.; providing
11 that a citizen may challenge a failure to register by
12 a petition circulator; providing that the division or
13 a supervisor may provide petition forms in electronic
14 format; revising the length of time that a signature
15 is valid; requiring a supervisor to charge the actual
16 cost of verifying petition forms; requiring the
17 Department of State to adopt rules; providing that a
18 petition form is invalid under certain circumstances;
19 requiring the Secretary of State to submit a copy of
20 an initiative petition to the Financial Impact
21 Estimating Conference; requiring the Financial Impact
22 Estimating Conference to analyze the financial impact
23 to the state of a proposed initiative; requiring
24 certain ballot language based on the findings of the
25 Financial Impact Estimating Conference; authorizing

26 | the use of legislative staff to analyze the effects of
 27 | a citizen initiative under certain circumstances;
 28 | amending s. 101.161, F.S.; requiring that the ballot
 29 | include certain disclosures and statements; amending
 30 | s. 101.171, F.S.; requiring a copy of the amendment
 31 | text in each voting booth; amending s. 106.07, F.S.;
 32 | requiring a political committee sponsoring an
 33 | initiative to disclose certain information; providing
 34 | applicability; providing for severability; providing
 35 | an effective date.

36 |

37 | Be It Enacted by the Legislature of the State of Florida:

38 |

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

41 | 15.21 Initiative petitions; s. 3, Art. XI, State
 42 | Constitution.—The Secretary of State shall immediately submit an
 43 | initiative petition to the Attorney General, the President of
 44 | the Senate and the Speaker of the House of Representatives ~~and~~
 45 | ~~to the Financial Impact Estimating Conference~~ if the sponsor
 46 | has:

47 | (1) Registered as a political committee pursuant to s.
 48 | 106.03;

49 | (2) Submitted the ballot title, substance, and text of the
 50 | proposed revision or amendment to the Secretary of State

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51 pursuant to ss. 100.371 and 101.161; and

52 (3) Obtained a letter from the Division of Elections
53 confirming that the sponsor has submitted to the appropriate
54 supervisors for verification, and the supervisors have verified,
55 forms signed and dated equal to 50 ~~40~~ percent of the number of
56 electors statewide and in at least one-fourth of the
57 congressional districts required by s. 3, Art. XI of the State
58 Constitution.

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

61 16.061 Initiative petitions.—

62 (1) The Attorney General shall, within 30 days after
63 receipt of a proposed revision or amendment to the State
64 Constitution by initiative petition from the Secretary of State,
65 petition the Supreme Court, requesting an advisory opinion
66 regarding the compliance of the text of the proposed amendment
67 or revision with s. 3, Art. XI of the State Constitution,
68 whether the proposed amendment is facially invalid under the
69 United States Constitution, and the compliance of the proposed
70 ballot title and substance with s. 101.161. The petition may
71 enumerate any specific factual issues that the Attorney General
72 believes would require a judicial determination.

73 Section 3. Subsections (3), (6), (11), and (13) of section
74 100.371, Florida Statutes, are amended to read:

75 100.371 Initiatives; procedure for placement on ballot.—

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

79 (b) A citizen may challenge a petition circulator's
80 registration under this section by filing a petition in circuit
81 court. If the court finds that the respondent is not a
82 registered petition circulator, the court may enjoin the
83 respondent from collecting signatures or initiative petitions
84 for compensation until she or he is lawfully registered.

85 (6) The division or the supervisor of elections shall make
86 hard copy petition forms or electronic portable document format
87 petition forms available to registered petition circulators. All
88 such forms must contain information identifying the petition
89 circulator to which the forms are provided. The division shall
90 maintain a database of all registered petition circulators and
91 the petition forms assigned to each. Each supervisor of
92 elections shall provide to the division information on petition
93 forms assigned to and received from petition circulators. The
94 information must be provided in a format and at times as
95 required by the division by rule. The division must update
96 information on petition forms daily and make the information
97 publicly available.

98 (11) An initiative petition form circulated for signature
99 may not be bundled with or attached to any other petition. Each
100 signature shall be dated when made and shall be valid until the

101 next February 1 occurring in an even-numbered year for the
102 purpose of appearing on the ballot for the general election
103 occurring in that same year ~~for a period of 2 years following~~
104 ~~such date~~, provided all other requirements of law are met. The
105 sponsor shall submit signed and dated forms to the supervisor of
106 elections for the county of residence listed by the person
107 signing the form for verification of the number of valid
108 signatures obtained. If a signature on a petition is from a
109 registered voter in another county, the supervisor shall notify
110 the petition sponsor of the misfiled petition. The supervisor
111 shall promptly verify the signatures within 30 days after
112 receipt of the petition forms and payment of a the fee for the
113 actual cost of signature verification incurred by the supervisor
114 ~~required by s. 99.097.~~ The Department of State shall adopt rules
115 to set the cost to verify a petition under this subsection and
116 update the cost annually. The supervisor shall promptly record,
117 in the manner prescribed by the Secretary of State, the date
118 each form is received by the supervisor, and the date the
119 signature on the form is verified as valid. The supervisor may
120 verify that the signature on a form is valid only if:

121 (a) The form contains the original signature of the
122 purported elector.

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

125 (c) The form sets forth the purported elector's name,

126 address, city, county, and voter registration number or date of
127 birth.

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

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

134

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

140 (13) (a) At the same time the Secretary of State submits an
141 initiative petition to the Attorney General pursuant to s.
142 15.21, the secretary shall submit a copy of the initiative
143 petition to the Financial Impact Estimating Conference. Within
144 75 days after receipt of a proposed revision or amendment to the
145 State Constitution by initiative petition from the Secretary of
146 State, the Financial Impact Estimating Conference shall complete
147 an analysis and financial impact statement to be placed on the
148 ballot of the estimated increase or decrease in any revenues or
149 costs to state or local governments, ~~estimated economic impact~~
150 ~~on the state and local economy,~~ and the overall impact to the

151 state budget resulting from the proposed initiative. The 75-day
152 time limit is tolled when the Legislature is in session. The
153 Financial Impact Estimating Conference shall submit the
154 financial impact statement to the Attorney General and Secretary
155 of State.

156 (b) Immediately upon receipt of a proposed revision or
157 amendment from the Secretary of State, the coordinator of the
158 Office of Economic and Demographic Research shall contact the
159 person identified as the sponsor to request an official list of
160 all persons authorized to speak on behalf of the named sponsor
161 and, if there is one, the sponsoring organization at meetings
162 held by the Financial Impact Estimating Conference. All other
163 persons shall be deemed interested parties or proponents or
164 opponents of the initiative. The Financial Impact Estimating
165 Conference shall provide an opportunity for any representatives
166 of the sponsor, interested parties, proponents, or opponents of
167 the initiative to submit information and may solicit information
168 or analysis from any other entities or agencies, including the
169 Office of Economic and Demographic Research.

170 (c) All meetings of the Financial Impact Estimating
171 Conference shall be open to the public. The President of the
172 Senate and the Speaker of the House of Representatives, jointly,
173 shall be the sole judge for the interpretation, implementation,
174 and enforcement of this subsection.

175 1. The Financial Impact Estimating Conference is

176 established to review, analyze, and estimate the financial
177 impact of amendments to or revisions of the State Constitution
178 proposed by initiative. The Financial Impact Estimating
179 Conference shall consist of four principals: one person from the
180 Executive Office of the Governor; the coordinator of the Office
181 of Economic and Demographic Research, or his or her designee;
182 one person from the professional staff of the Senate; and one
183 person from the professional staff of the House of
184 Representatives. Each principal shall have appropriate fiscal
185 expertise in the subject matter of the initiative. A Financial
186 Impact Estimating Conference may be appointed for each
187 initiative.

188 2. Principals of the Financial Impact Estimating
189 Conference shall reach a consensus or majority concurrence on a
190 clear and unambiguous financial impact statement, no more than
191 150 words in length, and immediately submit the statement to the
192 Attorney General. Nothing in this subsection prohibits the
193 Financial Impact Estimating Conference from setting forth a
194 range of potential impacts in the financial impact statement.
195 Any financial impact statement that a court finds not to be in
196 accordance with this section shall be remanded solely to the
197 Financial Impact Estimating Conference for redrafting. The
198 Financial Impact Estimating Conference shall redraft the
199 financial impact statement within 15 days.

200 3. ~~If the members of the Financial Impact Estimating~~

201 ~~Conference are unable to agree on the statement required by this~~
202 ~~subsection, or if the Supreme Court has rejected the initial~~
203 ~~submission by the Financial Impact Estimating Conference and no~~
204 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~
205 ~~75th day before the election, the following statement shall~~
206 ~~appear on the ballot pursuant to s. 101.161(1): "The ~~financial~~~~
207 ~~impact of this measure, if any, has not been ~~cannot be~~~~
208 ~~reasonably~~ determined at this time."

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

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

218 2. If the financial impact statement estimates an
219 ~~indeterminate financial impact, the ballot must include the~~
220 ~~statement required by s. 101.161(1)(e).~~

221 3. If the members of the Financial Impact Estimating
222 ~~Conference are unable to agree on the statement required by this~~
223 ~~subsection, the ballot must include the statement required by s.~~
224 ~~101.161(1)(f).~~

225 (e)1. Any financial impact statement that the Supreme

226 Court finds not to be in accordance with this subsection shall
227 be remanded solely to the Financial Impact Estimating Conference
228 for redrafting, provided the court's advisory opinion is
229 rendered at least 75 days before the election at which the
230 question of ratifying the amendment will be presented. The
231 Financial Impact Estimating Conference shall prepare and adopt a
232 revised financial impact statement no later than 5 p.m. on the
233 15th day after the date of the court's opinion.

234 2. If, by 5 p.m. on the 75th day before the election, the
235 Supreme Court has not issued an advisory opinion on the initial
236 financial impact statement prepared by the Financial Impact
237 Estimating Conference for an initiative amendment that otherwise
238 meets the legal requirements for ballot placement, the financial
239 impact statement shall be deemed approved for placement on the
240 ballot.

241 3. In addition to the financial impact statement required
242 by this subsection, the Financial Impact Estimating Conference
243 shall draft an initiative financial information statement. The
244 initiative financial information statement should describe in
245 greater detail than the financial impact statement any projected
246 increase or decrease in revenues or costs that the state or
247 local governments would likely experience ~~and the estimated~~
248 ~~economic impact on the state and local economy~~ if the ballot
249 measure were approved. If appropriate, the initiative financial
250 information statement may include both estimated dollar amounts

251 and a description placing the estimated dollar amounts into
252 context. The initiative financial information statement must
253 include both a summary of not more than 500 words and additional
254 detailed information that includes the assumptions that were
255 made to develop the financial impacts, workpapers, and any other
256 information deemed relevant by the Financial Impact Estimating
257 Conference.

258 4. The Department of State shall have printed, and shall
259 furnish to each supervisor of elections, a copy of the summary
260 from the initiative financial information statements. The
261 supervisors shall have the summary from the initiative financial
262 information statements available at each polling place and at
263 the main office of the supervisor of elections upon request.

264 5. The Secretary of State and the Office of Economic and
265 Demographic Research shall make available on the Internet each
266 initiative financial information statement in its entirety. In
267 addition, each supervisor of elections whose office has a
268 website shall post the summary from each initiative financial
269 information statement on the website. Each supervisor shall
270 include a copy of each summary from the initiative financial
271 information statements and the Internet addresses for the
272 information statements on the Secretary of State's and the
273 Office of Economic and Demographic Research's websites in the
274 publication or mailing required by s. 101.20.

275 (f) When the Secretary of State submits a proposed

276 initiative petition to the President of the Senate and the
277 Speaker of the House of Representatives pursuant to s. 15.21,
278 the President of the Senate and the Speaker of the House of
279 Representatives may direct legislative staff to prepare an
280 analysis of the petition. Such analysis may include, but is not
281 limited to, whether the amendment has undefined terms, conflicts
282 with an existing provision of the State Constitution, or will
283 cause unintended consequences or economic impacts.

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

286 101.161 Referenda; ballots.—

287 (1) Whenever a constitutional amendment or other public
288 measure is submitted to the vote of the people, a ballot summary
289 of such amendment or other public measure shall be printed in
290 clear and unambiguous language on the ballot after the list of
291 candidates, followed by the word "yes" and also by the word
292 "no," and shall be styled in such a manner that a "yes" vote
293 will indicate approval of the proposal and a "no" vote will
294 indicate rejection. The ballot summary of the amendment or other
295 public measure and the ballot title to appear on the ballot
296 shall be embodied in the constitutional revision commission
297 proposal, constitutional convention proposal, taxation and
298 budget reform commission proposal, or enabling resolution or
299 ordinance. The ballot summary of the amendment or other public
300 measure shall be an explanatory statement, not exceeding 75

301 words in length, of the chief purpose of the measure. In
302 addition, for every constitutional amendment proposed by
303 initiative, the ballot shall include, following the ballot
304 summary, in the following order:

305 (a) The name of the initiative's sponsor and the
306 percentage of total contributions obtained by the sponsor from
307 in-state persons. For purposes of this subparagraph, "person"
308 has the same meaning as provided in s. 106.011(14), except that
309 the term does not include a political party, affiliated party
310 committee, or political committee.

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

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

316 (d) If the financial impact statement projects a net
317 negative impact on the state budget, the following statement in
318 bold print:

319
320 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO HAVE
321 A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS IMPACT MAY
322 RESULT IN HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN
323 ORDER TO MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY
324 THE CONSTITUTION.
325

326 (e) If the financial impact statement is indeterminate,
327 the following statement in bold print:

328
329 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE DETERMINED
330 DUE TO AMBIGUITIES AND UNCERTAINTIES SURROUNDING THE
331 AMENDMENT'S IMPACT.

332
333 (f) If the members of the Financial Impact Estimating
334 Conference are unable to agree on the financial impact
335 statement, the following statement in bold print:

336
337 THE FINANCIAL IMPACT ESTIMATING CONFERENCE WAS UNABLE TO
338 AGREE ON THE FINANCIAL IMPACT OF THIS PROPOSED
339 CONSTITUTIONAL AMENDMENT. THIS AMENDMENT MAY RESULT IN
340 HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN ORDER TO
341 MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY THE
342 CONSTITUTION.

343
344 The ballot title shall consist of a caption, not exceeding 15
345 words in length, by which the measure is commonly referred to or
346 spoken of. This subsection does not apply to constitutional
347 amendments or revisions proposed by joint resolution.

348 Section 5. Section 101.171, Florida Statutes, is amended
349 to read:

350 101.171 Copy of constitutional amendment to be available

351 at voting locations.—Whenever any amendment to the State
352 Constitution is to be voted upon at any election, the Department
353 of State shall have printed and shall furnish to each supervisor
354 of elections a sufficient number of copies of the amendment
355 either in poster or booklet form, and the supervisor shall
356 provide ~~have a copy in thereof conspicuously posted or available~~
357 ~~at each voting booth polling room or early voting area upon the~~
358 ~~day of election.~~

359 Section 6. Paragraph (a) of subsection (4) of section
360 106.07, Florida Statutes, is amended to read:

361 106.07 Reports; certification and filing.—

362 (4) (a) Except for daily reports, to which only the
363 contributions provisions below apply, and except as provided in
364 paragraph (b), each report required by this section must
365 contain:

366 1. The full name, address, and occupation, if any, of each
367 person who has made one or more contributions to or for such
368 committee or candidate within the reporting period, together
369 with the amount and date of such contributions. For
370 corporations, the report must provide as clear a description as
371 practicable of the principal type of business conducted by the
372 corporation. However, if the contribution is \$100 or less or is
373 from a relative, as defined in s. 112.312, provided that the
374 relationship is reported, the occupation of the contributor or
375 the principal type of business need not be listed.

376 2. The name and address of each political committee from
 377 which the reporting committee or the candidate received, or to
 378 which the reporting committee or candidate made, any transfer of
 379 funds, together with the amounts and dates of all transfers.

380 3. Each loan for campaign purposes to or from any person
 381 or political committee within the reporting period, together
 382 with the full names, addresses, and occupations, and principal
 383 places of business, if any, of the lender and endorsers, if any,
 384 and the date and amount of such loans.

385 4. A statement of each contribution, rebate, refund, or
 386 other receipt not otherwise listed under subparagraphs 1.
 387 through 3.

388 5. The total sums of all loans, in-kind contributions, and
 389 other receipts by or for such committee or candidate during the
 390 reporting period. The reporting forms shall be designed to
 391 elicit separate totals for in-kind contributions, loans, and
 392 other receipts.

393 6. The full name and address of each person to whom
 394 expenditures have been made by or on behalf of the committee or
 395 candidate within the reporting period; the amount, date, and
 396 purpose of each such expenditure; and the name and address of,
 397 and office sought by, each candidate on whose behalf such
 398 expenditure was made. However, expenditures made from the petty
 399 cash fund provided by s. 106.12 need not be reported
 400 individually.

401 7. The full name and address of each person to whom an
402 expenditure for personal services, salary, or reimbursement for
403 authorized expenses as provided in s. 106.021(3) has been made
404 and which is not otherwise reported, including the amount, date,
405 and purpose of such expenditure. However, expenditures made from
406 the petty cash fund provided for in s. 106.12 need not be
407 reported individually. Receipts for reimbursement for authorized
408 expenditures shall be retained by the treasurer along with the
409 records for the campaign account.

410 8. The total amount withdrawn and the total amount spent
411 for petty cash purposes pursuant to this chapter during the
412 reporting period.

413 9. The total sum of expenditures made by such committee or
414 candidate during the reporting period.

415 10. The amount and nature of debts and obligations owed by
416 or to the committee or candidate, which relate to the conduct of
417 any political campaign.

418 11. Transaction information for each credit card purchase.
419 Receipts for each credit card purchase shall be retained by the
420 treasurer with the records for the campaign account.

421 12. The amount and nature of any separate interest-bearing
422 accounts or certificates of deposit and identification of the
423 financial institution in which such accounts or certificates of
424 deposit are located.

425 13. The primary purposes of an expenditure made indirectly

426 through a campaign treasurer pursuant to s. 106.021(3) for goods
427 and services such as communications media placement or
428 procurement services, campaign signs, insurance, and other
429 expenditures that include multiple components as part of the
430 expenditure. The primary purpose of an expenditure shall be that
431 purpose, including integral and directly related components,
432 that comprises 80 percent of such expenditure.

433 14. If filed by a political committee supporting an
434 initiative, the percentage of total contributions obtained
435 during the reporting period from in-state persons. For purposes
436 of this subparagraph, the term "person" has the same meaning as
437 provided in s. 106.011, except that the term does not include a
438 political party as provided in s. 103.091, affiliated party
439 committee as provided in s. 103.092, or political committee as
440 defined in s. 106.011.

441 Section 7. The provisions of this act apply to all
442 revisions or amendments to the State Constitution by initiative
443 that are proposed for the 2020 election ballot and each ballot
444 thereafter; provided, however, that nothing in this act affects
445 the validity of any petition form gathered before the effective
446 date of this act or any contract entered into before the
447 effective date of this act.

448 Section 8. If any provision of this act or its application
449 to any person or circumstance is held invalid for any reason,
450 the remaining portion of this act, to the fullest extent

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451 | possible, shall be severed from the void portion and given the
452 | fullest possible force and application.

453 | Section 9. This act shall take effect upon becoming a law.