

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

26 Conference to analyze the financial impact to the  
 27 state of a proposed initiative; requiring certain  
 28 ballot language based on the findings of the Financial  
 29 Impact Estimating Conference; authorizing the use of  
 30 legislative staff to analyze the effects of a citizen  
 31 initiative under certain circumstances; amending s.  
 32 101.161, F.S.; requiring that the ballot include  
 33 certain disclosures and statements; amending s.  
 34 101.171, F.S.; revising requirements regarding the  
 35 availability of copies of constitutional amendments at  
 36 polling locations; providing applicability; providing  
 37 for severability; providing an effective date.

38

39 Be It Enacted by the Legislature of the State of Florida:

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

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

49 (1) Registered as a political committee pursuant to s.  
 50 106.03;

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

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

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

63 16.061 Initiative petitions.—

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

75 Section 3. Subsections (3), (6), (11), and (13) of section

76 | 100.371, Florida Statutes, are amended to read:

77 |       100.371 Initiatives; procedure for placement on ballot.—

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

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

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

100 |       (11) An initiative petition form circulated for signature

101 may not be bundled with or attached to any other petition. Each  
102 signature shall be dated when made and shall be valid until the  
103 next February 1 occurring in an even-numbered year for the  
104 purpose of appearing on the ballot for the general election  
105 occurring in that same year ~~for a period of 2 years following~~  
106 ~~such date~~, provided all other requirements of law are met. The  
107 sponsor shall submit signed and dated forms to the supervisor of  
108 elections for the county of residence listed by the person  
109 signing the form for verification of the number of valid  
110 signatures obtained. If a signature on a petition is from a  
111 registered voter in another county, the supervisor shall notify  
112 the petition sponsor of the misfiled petition. The supervisor  
113 shall promptly verify the signatures within 60 ~~30~~ days after  
114 receipt of the petition forms and payment of a the fee for the  
115 actual cost of signature verification incurred by the supervisor  
116 ~~required by s. 99.097. However, for forms submitted less than 60~~  
117 days before February 1 of an even-numbered year the supervisor  
118 shall promptly verify the signatures within 30 days after  
119 receipt of the petition forms and payment of the fee. The  
120 Department of State shall adopt rules to set the cost to verify  
121 a petition under this subsection and update the cost annually.  
122 The supervisor shall promptly record, in the manner prescribed  
123 by the Secretary of State, the date each form is received by the  
124 supervisor, and the date the signature on the form is verified  
125 as valid. The supervisor may verify that the signature on a form

126 is valid only if:

127 (a) The form contains the original signature of the  
128 purported elector.

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

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

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

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

140  
141 The supervisor shall retain the signature forms for at least 1  
142 year following the election in which the issue appeared on the  
143 ballot or until the Division of Elections notifies the  
144 supervisors of elections that the committee that circulated the  
145 petition is no longer seeking to obtain ballot position.

146 (13) (a) At the same time the Secretary of State submits an  
147 initiative petition to the Attorney General pursuant to s.  
148 15.21, the secretary shall submit a copy of the initiative  
149 petition to the Financial Impact Estimating Conference. Within  
150 75 days after receipt of a proposed revision or amendment to the

151 State Constitution by initiative petition from the Secretary of  
152 State, the Financial Impact Estimating Conference shall complete  
153 an analysis and financial impact statement to be placed on the  
154 ballot of the estimated increase or decrease in any revenues or  
155 costs to state or local governments, ~~estimated economic impact~~  
156 ~~on the state and local economy,~~ and the overall impact to the  
157 state budget resulting from the proposed initiative. The 75-day  
158 time limit is tolled when the Legislature is in session. The  
159 Financial Impact Estimating Conference shall submit the  
160 financial impact statement to the Attorney General and Secretary  
161 of State.

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

176 (c) All meetings of the Financial Impact Estimating  
177 Conference shall be open to the public. The President of the  
178 Senate and the Speaker of the House of Representatives, jointly,  
179 shall be the sole judge for the interpretation, implementation,  
180 and enforcement of this subsection.

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

194 2. Principals of the Financial Impact Estimating  
195 Conference shall reach a consensus or majority concurrence on a  
196 clear and unambiguous financial impact statement, no more than  
197 150 words in length, and immediately submit the statement to the  
198 Attorney General. Nothing in this subsection prohibits the  
199 Financial Impact Estimating Conference from setting forth a  
200 range of potential impacts in the financial impact statement.

201 Any financial impact statement that a court finds not to be in  
202 accordance with this section shall be remanded solely to the  
203 Financial Impact Estimating Conference for redrafting. The  
204 Financial Impact Estimating Conference shall redraft the  
205 financial impact statement within 15 days.

206 3. ~~If the members of the Financial Impact Estimating~~  
207 ~~Conference are unable to agree on the statement required by this~~  
208 ~~subsection, or if the Supreme Court has rejected the initial~~  
209 ~~submission by the Financial Impact Estimating Conference and no~~  
210 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~  
211 ~~75th day before the election, the following statement shall~~  
212 ~~appear on the ballot pursuant to s. 101.161(1): "The financial~~  
213 ~~impact of this measure, if any, has not been cannot be~~  
214 ~~reasonably~~ determined at this time."

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

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

224 2. If the financial impact statement estimates an  
225 indeterminate financial impact, the ballot must include the

226 statement required by s. 101.161(1)(e).

227 3. If the members of the Financial Impact Estimating  
228 Conference are unable to agree on the statement required by this  
229 subsection, the ballot must include the statement required by s.  
230 101.161(1)(f).

231 (e)1. Any financial impact statement that the Supreme  
232 Court finds not to be in accordance with this subsection shall  
233 be remanded solely to the Financial Impact Estimating Conference  
234 for redrafting, provided the court's advisory opinion is  
235 rendered at least 75 days before the election at which the  
236 question of ratifying the amendment will be presented. The  
237 Financial Impact Estimating Conference shall prepare and adopt a  
238 revised financial impact statement no later than 5 p.m. on the  
239 15th day after the date of the court's opinion.

240 2. If, by 5 p.m. on the 75th day before the election, the  
241 Supreme Court has not issued an advisory opinion on the initial  
242 financial impact statement prepared by the Financial Impact  
243 Estimating Conference for an initiative amendment that otherwise  
244 meets the legal requirements for ballot placement, the financial  
245 impact statement shall be deemed approved for placement on the  
246 ballot.

247 3. In addition to the financial impact statement required  
248 by this subsection, the Financial Impact Estimating Conference  
249 shall draft an initiative financial information statement. The  
250 initiative financial information statement should describe in

251 greater detail than the financial impact statement any projected  
252 increase or decrease in revenues or costs that the state or  
253 local governments would likely experience ~~and the estimated~~  
254 ~~economic impact on the state and local economy~~ if the ballot  
255 measure were approved. If appropriate, the initiative financial  
256 information statement may include both estimated dollar amounts  
257 and a description placing the estimated dollar amounts into  
258 context. The initiative financial information statement must  
259 include both a summary of not more than 500 words and additional  
260 detailed information that includes the assumptions that were  
261 made to develop the financial impacts, workpapers, and any other  
262 information deemed relevant by the Financial Impact Estimating  
263 Conference.

264 4. The Department of State shall have printed, and shall  
265 furnish to each supervisor of elections, a copy of the summary  
266 from the initiative financial information statements. The  
267 supervisors shall have the summary from the initiative financial  
268 information statements available at each polling place and at  
269 the main office of the supervisor of elections upon request.

270 5. The Secretary of State and the Office of Economic and  
271 Demographic Research shall make available on the Internet each  
272 initiative financial information statement in its entirety. In  
273 addition, each supervisor of elections whose office has a  
274 website shall post the summary from each initiative financial  
275 information statement on the website. Each supervisor shall

276 include a copy of each summary from the initiative financial  
277 information statements and the Internet addresses for the  
278 information statements on the Secretary of State's and the  
279 Office of Economic and Demographic Research's websites in the  
280 publication or mailing required by s. 101.20.

281 (f) When the Secretary of State submits a proposed  
282 initiative petition to the President of the Senate and the  
283 Speaker of the House of Representatives pursuant to s. 15.21,  
284 the President of the Senate and the Speaker of the House of  
285 Representatives may direct legislative staff to prepare an  
286 analysis of the petition. Such analysis may include, but is not  
287 limited to, whether the amendment has undefined terms, conflicts  
288 with an existing provision of the State Constitution, or will  
289 cause unintended consequences or economic impacts.

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

292 101.161 Referenda; ballots.—

293 (1) Whenever a constitutional amendment or other public  
294 measure is submitted to the vote of the people, a ballot summary  
295 of such amendment or other public measure shall be printed in  
296 clear and unambiguous language on the ballot after the list of  
297 candidates, followed by the word "yes" and also by the word  
298 "no," and shall be styled in such a manner that a "yes" vote  
299 will indicate approval of the proposal and a "no" vote will  
300 indicate rejection. The ballot summary of the amendment or other

301 public measure and the ballot title to appear on the ballot  
 302 shall be embodied in the constitutional revision commission  
 303 proposal, constitutional convention proposal, taxation and  
 304 budget reform commission proposal, or enabling resolution or  
 305 ordinance. The ballot summary of the amendment or other public  
 306 measure shall be an explanatory statement, not exceeding 75  
 307 words in length, of the chief purpose of the measure. In  
 308 addition, for every constitutional amendment proposed by  
 309 initiative, the ballot shall include, following the ballot  
 310 summary, in the following order:

- 311 (a) The name of the initiative's sponsor.
- 312 (b) Whether out-of-state petition circulators were used to  
 313 obtain signatures for ballot placement.
- 314 (c) A separate financial impact statement concerning the  
 315 measure prepared by the Financial Impact Estimating Conference  
 316 in accordance with s. 100.371(13) ~~s. 100.371(5).~~
- 317 (d) If the financial impact statement projects a net  
 318 negative impact on the state budget, the following statement in  
 319 bold print:

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

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

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

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

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

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

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

351           101.171 Copy of constitutional amendment to be available  
352 at voting locations.—Whenever any amendment to the State  
353 Constitution is to be voted upon at any election, the Department  
354 of State shall have printed and shall furnish to each supervisor  
355 of elections a sufficient number of copies of the amendment  
356 either in poster or booklet form, and the supervisor shall  
357 provide ~~have~~ a copy in a designated area of each polling  
358 location as determined by the supervisor ~~thereof conspicuously~~  
359 ~~posted or available at each polling room or early voting area~~  
360 ~~upon the day of election.~~

361           Section 6. The provisions of this act apply to all  
362 revisions or amendments to the State Constitution by initiative  
363 that are proposed for the 2020 election ballot and each ballot  
364 thereafter; provided, however, that nothing in this act affects  
365 the validity of any petition form gathered before the effective  
366 date of this act or any contract entered into before the  
367 effective date of this act. Petition forms gathered before the  
368 effective date of this act shall be governed by the law existing  
369 at the time that the form was initially gathered.

370           Section 7. If any provision of this act or its application  
371 to any person or circumstance is held invalid for any reason,  
372 the remaining portion of this act, to the fullest extent  
373 possible, shall be severed from the void portion and given the  
374 fullest possible force and application.

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