



504424

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (3) of section 100.371,
Florida Statutes, is renumbered as subsection (4), present
subsections (4) through (7) of that section are renumbered as
subsections (6) through (9), respectively, new subsections (3)
and (5) are added to that section, and present subsection (3),
paragraphs (a) and (e) of present subsection (5), and present



504424

12 subsection (6) of that section are amended, to read:

13 100.371 Initiatives; procedure for placement on ballot.-

14 (3) Before obtaining signatures for compensation, a
15 petition gatherer must register with the Secretary of State on a
16 form prepared by the secretary. The registrant must provide his
17 or her name, date of birth, residential address, and attestation
18 that he or she has been a Florida resident for at least 29 days
19 before submitting the registration form. The secretary shall
20 maintain a searchable database of registered petition gatherers.

21 (4) An initiative petition form circulated for signature
22 may not be bundled with or attached to any other petition. Each
23 signature shall be dated when made and shall be valid for a
24 period of 2 years following such date, provided all other
25 requirements of law are met. The sponsor shall submit signed and
26 dated forms to the supervisor of elections for the county of
27 residence listed by the person signing the form for verification
28 of the number of valid signatures obtained. If a signature on a
29 petition is from a registered voter in another county, the
30 supervisor shall notify the petition sponsor of the misfiled
31 petition. The supervisor shall promptly verify the signatures
32 within 30 days after receipt of the petition forms and payment
33 of the fee required by s. 99.097. The supervisor shall promptly
34 record, in the manner prescribed by the Secretary of State, the
35 date each form is received by the supervisor, and the date the
36 signature on the form is verified as valid. The supervisor may
37 verify that the signature on a form is valid only if:

38 (a) The form contains the original signature of the
39 purported elector.

40 (b) The purported elector has accurately recorded on the



504424

41 form the date on which he or she signed the form.

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

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

48 (e) The petition gatherer who collected the petition is
49 registered with the Secretary of State under subsection (3).

50

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

56 (5) Upon determining that a constitutional amendment
57 proposed by initiative has met the requirements to be placed on
58 the ballot, the Secretary of State shall allow any interested
59 person to file a position statement of not more than 50 words
60 outlining why the person supports or opposes the amendment. The
61 secretary shall publish each position statement on the webpage
62 for constitutional amendments on the department's website.

63 (7) (a) ~~(5) (a)~~ Within 60 ~~45~~ days after receipt of a proposed
64 revision or amendment to the State Constitution by initiative
65 petition from the Secretary of State, the Financial Impact
66 Estimating Conference shall complete an analysis and financial
67 impact statement to be placed on the ballot of the estimated
68 increase or decrease in any revenues or costs to state or local
69 governments and the estimated economic impact on both the state



504424

70 and local economies resulting from the proposed initiative. The
71 Financial Impact Estimating Conference shall submit the
72 financial impact statement to the Attorney General and Secretary
73 of State.

74 (e)1. Any financial impact statement that the Supreme Court
75 finds not to be in accordance with this subsection shall be
76 remanded solely to the Financial Impact Estimating Conference
77 for redrafting, provided the court's advisory opinion is
78 rendered at least 75 days before the election at which the
79 question of ratifying the amendment will be presented. The
80 Financial Impact Estimating Conference shall prepare and adopt a
81 revised financial impact statement no later than 5 p.m. on the
82 15th day after the date of the court's opinion.

83 2. If, by 5 p.m. on the 75th day before the election, the
84 Supreme Court has not issued an advisory opinion on the initial
85 financial impact statement prepared by the Financial Impact
86 Estimating Conference for an initiative amendment that otherwise
87 meets the legal requirements for ballot placement, the financial
88 impact statement shall be deemed approved for placement on the
89 ballot.

90 3. In addition to the financial impact statement required
91 by this subsection, the Financial Impact Estimating Conference
92 shall draft an initiative financial information statement. The
93 initiative financial information statement should describe in
94 greater detail than the financial impact statement any projected
95 increase or decrease in revenues or costs that the state or
96 local governments would likely experience and the estimated
97 economic impact on both the state and local economies if the
98 ballot measure were approved. If appropriate, the initiative



504424

99 financial information statement may include both estimated
100 dollar amounts and a description placing the estimated dollar
101 amounts into context. The initiative financial information
102 statement must include both a summary of not more than 500 words
103 and additional detailed information that includes the
104 assumptions that were made to develop the financial impacts,
105 workpapers, and any other information deemed relevant by the
106 Financial Impact Estimating Conference.

107 4. The Department of State shall have printed, and shall
108 furnish to each supervisor of elections, a copy of the summary
109 from the initiative financial information statements. The
110 supervisors shall have the summary from the initiative financial
111 information statements available at each polling place and at
112 the main office of the supervisor of elections upon request.

113 5. The Secretary of State and the Office of Economic and
114 Demographic Research shall make available on the Internet each
115 initiative financial information statement in its entirety. In
116 addition, each supervisor of elections whose office has a
117 website shall post the summary from each initiative financial
118 information statement on the website. Each supervisor shall
119 include a copy of each summary from the initiative financial
120 information statements and the Internet addresses for the
121 information statements on the Secretary of State's and the
122 Office of Economic and Demographic Research's websites in the
123 publication or mailing required by s. 101.20.

124 ~~(8)-(6)~~ The Department of State may adopt rules in
125 accordance with s. 120.54 to carry out the provisions of
126 subsections (1)-(7) ~~(1)-(5)~~.

127 Section 2. Subsection (1) of section 101.161, Florida



504424

128 Statutes, is amended to read:

129 101.161 Referenda; ballots.—

130 (1) Whenever a constitutional amendment or other public
131 measure is submitted to the vote of the people, a ballot summary
132 of such amendment or other public measure shall be printed in
133 clear and unambiguous language on the ballot after the list of
134 candidates, followed by the word "yes" and also by the word
135 "no," and shall be styled in such a manner that a "yes" vote
136 will indicate approval of the proposal and a "no" vote will
137 indicate rejection. The ballot summary of the amendment or other
138 public measure and the ballot title to appear on the ballot
139 shall be embodied in the constitutional revision commission
140 proposal, constitutional convention proposal, taxation and
141 budget reform commission proposal, or enabling resolution or
142 ordinance. The ballot summary of the amendment or other public
143 measure shall be an explanatory statement, not exceeding 75
144 words in length, of the chief purpose of the measure. In
145 addition, for every amendment proposed by initiative, the ballot
146 shall include, following the ballot summary, in the following
147 order:

148 (a) The name of the initiative's sponsor and the percentage
149 of total contributions obtained by the sponsor from in-state
150 persons. For purposes of this subparagraph, the term "person"
151 has the same meaning as provided in s. 106.011(14), except that
152 the term does not include a political party, an affiliated party
153 committee, or a political committee.

154 (b) A separate financial impact statement concerning the
155 measure prepared by the Financial Impact Estimating Conference
156 in accordance with s. 100.371(7) ~~s. 100.371(5).~~



504424

157 (c) If the financial impact statement estimates increased
158 costs or decreased revenues, a range that includes increased
159 costs or decreased revenues, or an indeterminate economic impact
160 a statement in bold print describing the impact of the
161 initiative on both the state and local economies.

162
163 The ballot title shall consist of a caption, not exceeding 15
164 words in length, by which the measure is commonly referred to or
165 spoken of. This subsection does not apply to constitutional
166 amendments or revisions proposed by joint resolution.

167 Section 3. Section 101.171, Florida Statutes, is amended to
168 read:

169 101.171 Copy of constitutional amendment to be available at
170 voting locations.—Whenever any amendment to the State
171 Constitution is to be voted upon at any election, the Department
172 of State shall have printed and shall furnish to each supervisor
173 of elections a sufficient number of copies of the amendment
174 either in poster or booklet form, and the supervisor shall have
175 a copy thereof conspicuously posted or available at each voting
176 booth ~~polling room or early voting area upon the day of~~
177 ~~election.~~

178 Section 4. Effective 41 days after the effective date of
179 this act, section 104.186, Florida Statutes, is created to read:

180 104.186 Initiative petitions; prohibition on compensation
181 based on the number of petitions gathered.—A person who
182 compensates an initiative petition gatherer or entity based on
183 the number of petitions gathered commits a misdemeanor of the
184 first degree, punishable as provided in s. 775.082 or s.
185 775.083. A petition gathered in violation of this section is



504424

186 void.

187 Section 5. The provisions of this act apply to all
188 revisions or amendments to the State Constitution by initiative
189 which are proposed for the 2020 election ballot; however, this
190 act does not affect the validity of any petition gathered before
191 or within 40 days after this act's effective date.

192 Section 6. Except as otherwise expressly provided in this
193 act, this act shall take effect upon becoming a law.

194
195 ===== T I T L E A M E N D M E N T =====

196 And the title is amended as follows:

197 Delete everything before the enacting clause
198 and insert:

199 A bill to be entitled
200 An act relating to constitutional amendments; amending
201 s. 100.371, F.S.; requiring a compensated petition
202 gatherer to register with the Secretary of State and
203 to attest that he or she is a Florida resident for a
204 specified period before obtaining signatures on
205 petition forms; requiring the Secretary of State to
206 maintain a searchable database of such forms; revising
207 requirements regarding the supervisor of elections'
208 determination of a petition form's validity;
209 authorizing interested persons to submit position
210 statements on initiatives for publication on the
211 Department of State's website; extending the timeframe
212 for the Financial Impact Estimating Conference to
213 complete its analysis of an initiative; requiring the
214 analysis to summarize the impact to the state and



504424

215 local economies; requiring each supervisor to include
216 a copy of the summary in the publication or mailing of
217 a sample ballot; amending s. 101.161, F.S.; requiring
218 the name of the sponsor of an initiative to appear on
219 the ballot with the percentage of donations received
220 from certain in-state donors; defining the term
221 "person"; requiring a statement to appear on the
222 ballot if the amendment is estimated to increase
223 costs, decrease revenues, or have an indeterminate
224 economic impact; amending s. 101.171, F.S.; requiring
225 a copy of proposed amendments be provided in each
226 voting booth; creating s. 104.186, F.S.; prohibiting
227 compensation for initiative petition gatherers or
228 entities based on the number of petitions gathered;
229 providing a penalty; providing for application;
230 providing effective dates.