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LEGISLATIVE ACTION

Senate

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House

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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.