

By Senator Smith

5-1558A-02

See HB 909

1 A bill to be entitled

2 An act relating to constitutional amendments

3 proposed by initiative; amending s. 100.371,

4 F.S.; increasing the minimum time required

5 between certification of ballot position for a

6 constitutional amendment proposed by initiative

7 and the general election at which the amendment

8 will be voted on; reducing the period for which

9 signatures on petitions for such initiative

10 amendments remain valid; requiring submission

11 of the text of such initiative amendments to

12 the Office of Legislative Services for review

13 and correction; providing for inclusion of

14 fiscal impact statements in the text of such

15 initiative amendments prior to circulation for

16 signatures; providing duties of Revenue

17 Estimating Conference; providing rulemaking

18 authority; prohibiting the paying of another

19 person for a petition signature or to obtain

20 petition signatures; amending s. 106.19, F.S.;

21 providing penalties for submitting a petition

22 containing signatures that the sponsor has paid

23 another to obtain; providing an effective date.

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

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27 Section 1. Section 100.371, Florida Statutes, is

28 amended to read:

29 100.371 Initiatives; procedure for placement on

30 ballot.--

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1 (1) Constitutional amendments proposed by initiative
2 shall be placed on the ballot for the general election
3 occurring in excess of 180 ~~90~~ days from the certification of
4 ballot position by the Secretary of State.

5 (2) Such certification shall be issued when the
6 Secretary of State has received verification certificates from
7 the supervisors of elections indicating that the requisite
8 number and distribution of valid signatures of electors have
9 been submitted to and verified by the supervisors. Every
10 signature shall be dated when made and shall be valid for a
11 period of 24 months ~~4 years~~ following such date, provided all
12 other requirements of law are complied with.

13 (3) The sponsor of an initiative amendment shall,
14 prior to obtaining any signatures, register as a political
15 committee pursuant to s. 106.03 and submit the text of the
16 proposed amendment to the Secretary of State, with the form on
17 which the signatures will be affixed, and shall obtain the
18 approval of the Secretary of State of such form. The
19 Secretary of State shall adopt ~~promulgate~~ rules pursuant to
20 ss. 120.536(1) and s.120.54 prescribing the style and
21 requirements of such form.

22 (4) The sponsor shall, before obtaining any
23 signatures, submit the initiative amendment to the Revenue
24 Estimating Conference for the purpose of determining its
25 estimated impact on state and local revenues and expenditures,
26 if any. The Revenue Estimating Conference shall affix a fiscal
27 impact statement to the text that will be circulated to obtain
28 signatures. The Secretary of State shall adopt rules pursuant
29 to ss. 120.536(1) and 120.54 prescribing the style and
30 requirements of such fiscal impact statement.

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1 ~~(5)(4)~~ The sponsor shall submit signed and dated forms
2 to the appropriate supervisor of elections for verification as
3 to the number of registered electors whose valid signatures
4 appear thereon. The supervisor shall promptly verify the
5 signatures upon payment of the fee required by s. 99.097.
6 Upon completion of verification, the supervisor shall execute
7 a certificate indicating the total number of signatures
8 checked, the number of signatures verified as valid and as
9 being of registered electors, and the distribution by
10 congressional district. This certificate shall be immediately
11 transmitted to the Secretary of State. The supervisor shall
12 retain the signature forms for at least 1 year following the
13 election in which the issue appeared on the ballot or until
14 the Division of Elections notifies the supervisors of
15 elections that the committee which circulated the petition is
16 no longer seeking to obtain ballot position.

17 ~~(6)(5)~~ The Secretary of State shall determine from the
18 verification certificates received from supervisors of
19 elections the total number of verified valid signatures and
20 the distribution of such signatures by congressional
21 districts. Upon a determination that the requisite number and
22 distribution of valid signatures have been obtained, the
23 secretary shall issue a certificate of ballot position for
24 that proposed amendment and shall assign a designating number
25 pursuant to s. 101.161. A petition shall be deemed to be
26 filed with the Secretary of State upon the date of the receipt
27 by the secretary of a certificate or certificates from
28 supervisors of elections indicating the petition has been
29 signed by the constitutionally required number of electors.

30 (7) The sponsor of an initiative amendment may not pay
31 any person to sign the initiative petition, nor may the

1 sponsor use the services of a paid petition circulator, or pay
2 any person, to obtain signatures on an initiative petition.

3 However, the sponsor of an initiative amendment may use
4 signatures obtained through the use of a paid petition
5 circulator which were obtained before July 1, 2002.

6 (8)(6) The Department of State may adopt rules
7 pursuant to ss. 120.536(1) and ~~shall have the authority to~~
8 ~~promulgate rules in accordance with s.120.54~~ to carry out the
9 provisions of this section.

10 Section 2. Subsection (3) of section 106.19, Florida
11 Statutes, is amended to read:

12 106.19 Violations by candidates, persons connected
13 with campaigns, and political committees.--

14 (3) A political committee sponsoring a constitutional
15 amendment proposed by initiative which submits a petition form
16 gathered by a paid petition circulator which does not provide
17 the name and address of the paid petition circulator on the
18 form, or which submits a petition form that contains
19 signatures obtained after June 30, 2002, which the committee
20 has paid another for or to obtain, is subject to the civil
21 penalties prescribed in s. 106.265.

22 Section 3. This act shall take effect July 1, 2002.
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LEGISLATIVE SUMMARY

Increases the minimum time required between certification of ballot position for a constitutional amendment proposed by initiative and the general election at which the amendment will be voted on. Reduces the period for which signatures on petitions for such initiative amendments remain valid. Requires submission of the text of such initiative amendments to the Office of Legislative Services for review and correction. Provides for inclusion of fiscal impact statements in the text of such initiative amendments prior to circulation for signatures and provides duties of the Revenue Estimating Conference with respect thereto. Prohibits the sponsor of an initiative amendment from paying another to obtain signatures on an initiative petition and from paying a person for his or her signature on the petition. (See bill for details.)