

By the Committee on Ethics and Elections; and Senator Smith

313-2260-02

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A bill to be entitled
An act relating to constitutional amendments proposed by initiative; amending s. 100.371, F.S.; reducing the period for which signatures on petitions for such initiative amendments remain valid; providing for a printed legend on each petition; requiring that signed and dated petition forms be submitted to the appropriate supervisor of elections for verification within 60 days after the date of signing or no later than 180 days prior to the general election at which the proposed initiative amendment is to be voted on, whichever occurs earlier; providing for inclusion of fiscal impact statements in the text of such initiative amendments prior to circulation for signatures; providing duties of the Revenue Estimating Conference; providing rulemaking authority; providing an effective date.

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

Section 1. Section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.--

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

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

9 (3) The sponsor of an initiative amendment shall,
10 prior to obtaining any signatures, register as a political
11 committee pursuant to s. 106.03 and submit the text of the
12 proposed amendment to the Secretary of State, with the form on
13 which the signatures will be affixed, and shall obtain the
14 approval of the Secretary of State of such form. The
15 Secretary of State shall adopt ~~promulgate~~ rules pursuant to
16 ss. 120.536(1) and s. 120.54 prescribing the style and
17 requirements of such form. Each page of the petition form must
18 contain, at the top of the page and printed in red ink, a
19 statement that it is a misdemeanor of the first degree to sign
20 another person's name or a fictitious name to the petition,
21 and urging potential signatories not to sign the petition
22 unless they have read and understand the proposed initiatives.

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

1 ~~(5)(4)~~ The sponsor shall, within 60 days after the
2 date of signing or no later than 5 p.m. on the 180th day
3 before the general election at which the proposed initiative
4 is to be voted on, whichever occurs earlier, submit signed and
5 dated forms to the appropriate supervisor of elections for
6 verification as to the number of registered electors whose
7 valid signatures appear thereon. The supervisor shall
8 promptly verify the signatures upon payment of the fee
9 required by s. 99.097. Upon completion of verification, the
10 supervisor shall execute a certificate indicating the total
11 number of signatures checked, the number of signatures
12 verified as valid and as being of registered electors, and the
13 distribution by congressional district. This certificate
14 shall be immediately transmitted to the Secretary of State.
15 The supervisor shall retain the signature forms for at least 1
16 year following the election in which the issue appeared on the
17 ballot or until the Division of Elections notifies the
18 supervisors of elections that the committee which circulated
19 the petition is no longer seeking to obtain ballot position.

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

3 (7)(6) The Department of State may adopt rules
4 pursuant to ss. 120.536(1) and shall have the authority to
5 promulgate rules in accordance with s.120.54 to carry out the
6 provisions of this section.

7 Section 2. This act shall take effect July 1, 2002.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 SB 2250

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12 The Committee Substitute differs from the original bill by:

13 Requiring each page of a petition to contain a statement
14 that it is a misdemeanor of the first degree to sign
15 another person's name or a fictitious name to the
16 petition and urging potential signatories not to sign
17 the petition unless they have read and understand the
18 proposed initiatives.

19 Requiring the sponsor of an initiative to submit, within
20 60 days after the date of signing or no later than 5
21 p.m. on the 180th day before the general election at
22 which the proposed initiative is to be voted, whichever
23 occurs earlier, signed and dated petition forms to the
24 appropriate supervisor of elections for verification.

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