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A bill to be entitled

An act relating to constitutional amendments proposed by initiative; amending s. 15.21, F.S.; requiring supervisors of elections to verify initiative petition signatures within 30 days after submission, if feasible; encouraging submission by September 1 of the year preceding the next general election; amending s. 16.061, F.S.; requiring the Attorney General to attach to each petition a motion requesting that the Supreme Court complete its review prior to the first Tuesday in March of the year that the next general election is held, if feasible; amending s. 100.371, F.S.; reducing the period for which petition signatures remain valid; requiring an attesting witness 18 years of age or older to each petition signature; providing that a petition form is illegal if it doesn't include the signature and address of the attesting witness; requiring a printed warning of the penalty for fraudulent signing; prohibiting giving or offering to give anything of value in exchange for petition signatures; providing penalties; requiring periodic submission and prompt verification of elector signatures; encouraging the Revenue Estimating Conference to complete its analysis and fiscal impact statement no later than March 1 of the year that the next general election is held, if feasible; amending ss. 100.381, 101.161, and 216.136, F.S.; conforming cross references; providing effective dates.

WHEREAS, additional procedural measures are necessary to ensure ballot integrity for constitutional amendments proposed by initiative, and



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31 WHEREAS, timely and periodic submission of petition
 32 signatures for constitutional amendments proposed by initiative
 33 is necessary to ensure an orderly process for verification by
 34 supervisors of elections and review by the Secretary of State,
 35 the Attorney General, the Supreme Court, and the Revenue
 36 Estimating Conference, and

37 WHEREAS, it is the intent of the Legislature by this act to
 38 ensure expeditious and proper verification of such petition
 39 signatures, NOW, THEREFORE,

40
 41 Be It Enacted by the Legislature of the State of Florida:

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

45 15.21 Initiative petitions; s. 3, Art. XI, State
 46 Constitution.--The Secretary of State shall immediately submit
 47 an initiative petition to the Attorney General and to the
 48 Revenue Estimating Conference if the sponsor 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 petition forms signed and dated equal to 10 percent of the
 58 number of electors statewide and in at least one-fourth of the
 59 congressional districts required by s. 3, Art. XI of the State
 60 Constitution. Such verification shall be completed within 30



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61 days after submission of the forms by the sponsor, if feasible.
 62 To facilitate timely review by the Revenue Estimating Conference
 63 and the Supreme Court, sponsors are encouraged to submit the
 64 signed petition forms to the supervisors of elections no later
 65 than September 1 of the year preceding the next general
 66 election.

67 Section 2. Section 16.061, Florida Statutes, is amended to
 68 read:

69 16.061 Initiative petitions.--

70 (1) The Attorney General shall, within 30 days after
 71 receipt of a proposed revision or amendment to the State
 72 Constitution by initiative petition from the Secretary of State,
 73 petition the Supreme Court, requesting an advisory opinion
 74 regarding the compliance of the text of the proposed amendment
 75 or revision with s. 3, Art. XI of the State Constitution and the
 76 compliance of the proposed ballot title and substance with s.
 77 101.161. The Attorney General shall attach to each petition a
 78 motion requesting that the Supreme Court complete its review
 79 prior to the first Tuesday in March of the year that the next
 80 general election is held, if feasible. The petition may
 81 enumerate any specific factual issues that ~~which~~ the Attorney
 82 General believes would require a judicial determination.

83 (2) A copy of the petition shall be provided to the
 84 Secretary of State and the principal officer of the sponsor.

85 Section 3. Effective July 1, 2003, section 16.061, Florida
 86 Statutes, as amended by section 2 of chapter 2002-390, Laws of
 87 Florida, is amended to read:

88 16.061 Proposed constitutional revisions or amendments.--

89 (1) The Attorney General shall, within 30 days after
 90 receipt of a proposed revision or amendment to the State



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91 Constitution by initiative petition from the Secretary of State,
92 petition the Supreme Court, requesting an advisory opinion
93 regarding the compliance of the text of the proposed amendment
94 or revision with s. 3, Art. XI of the State Constitution and the
95 compliance of the proposed ballot title and substance with s.
96 101.161 and the compliance of the fiscal impact statement with
97 ss. 100.371 and 101.161. The Attorney General shall attach to
98 each petition a motion requesting that the Supreme Court
99 complete its review prior to the first Tuesday in March of the
100 year that the next general election is held, if feasible. For
101 all other proposed revisions or amendments to the State
102 Constitution, the Attorney General shall, upon the Revenue
103 Estimating Conference finalizing the fiscal impact statement,
104 petition the Supreme Court requesting an advisory opinion
105 regarding compliance of the text of the fiscal impact statement
106 with ss. 100.371, 100.381, and 101.161. The petition may
107 enumerate any specific factual issues that ~~which~~ the Attorney
108 General believes would require a judicial determination.

109 (2) A copy of the petition shall be provided to the
110 Secretary of State and the principal officer of the sponsor.

111 (3) Any fiscal impact statement that the court finds not
112 to be in accordance with s. 100.371, s. 100.381, or s. 101.161
113 shall be remanded solely to the Revenue Estimating Conference
114 for redrafting.

115 Section 4. Section 100.371, Florida Statutes, is amended
116 to read:

117 100.371 Initiatives; procedure for placement on ballot.--

118 (1) Constitutional amendments proposed by initiative shall
119 be placed on the ballot for the general election occurring in



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120 excess of 90 days from the certification of ballot position by
121 the Secretary of State.

122 (2) Such certification shall be issued when the Secretary
123 of State has received verification certificates from the
124 supervisors of elections indicating that the requisite number
125 and distribution of valid signatures of electors have been
126 submitted to and verified by the supervisors. Every signature
127 shall be dated when made and shall be valid for a period of 24
128 months ~~4 years~~ following the such date of signature
129 certification to the Secretary of State, provided all other
130 requirements of law are satisfied ~~complied with~~. For a signed
131 initiative petition to be counted, it must include the signature
132 and address of a witness 18 years of age or older affixed to the
133 petition form in conformance with the absentee ballot witness
134 requirement provided in the instruction sheet set forth in s.
135 101.65. A signed petition form shall be considered illegal if it
136 does not include the signature and address of an attesting
137 witness.

138 (3) The sponsor of an initiative amendment shall, prior to
139 obtaining any signatures, register as a political committee
140 pursuant to s. 106.03 and submit the text of the proposed
141 amendment to the Secretary of State, with the form on which the
142 signatures will be affixed, and shall obtain the approval of the
143 Secretary of State of such form. Each petition form shall
144 include a warning, in red ink and prominent type, regarding the
145 penalty for fraudulent signing pursuant to s. 104.185. The
146 Secretary of State shall adopt ~~promulgate~~ rules pursuant to s.
147 120.54 prescribing the style and requirements of such form.

148 (4) Any signature gatherer who gives or offers to give
149 anything of value to a person in exchange for the person's



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150 signature on a petition form commits a misdemeanor of the first
151 degree, punishable as provided in s. 775.082 or s. 775.083.

152 (5) Initiative sponsors shall submit collected signatures
153 to the appropriate supervisors of elections every 60 days after
154 10 percent of the required signatures have been verified
155 pursuant to s. 15.21(3). To further facilitate timely
156 verification of the requisite number and distribution of elector
157 signatures, petition sponsors are encouraged to submit the
158 signatures required by s. 3, Art. XI of the State Constitution
159 to the supervisors of elections for verification no later than
160 the third Friday in July of the year that the next general
161 election is held, if feasible.

162 (6)+(4) The sponsor shall submit signed and dated forms to
163 the appropriate supervisor of elections for verification as to
164 the number of registered electors whose valid signatures appear
165 thereon. The supervisor shall promptly verify the signatures
166 upon payment of the fee required by s. 99.097. Such verification
167 shall be completed within 30 days, if feasible. Upon completion
168 of verification, the supervisor shall execute a certificate
169 indicating the total number of signatures checked, the number of
170 signatures verified as valid and as being of registered
171 electors, and the distribution by congressional district. This
172 certificate shall be immediately transmitted to the Secretary of
173 State, who shall act pursuant to s. 15.21. The supervisor shall
174 retain the signature forms for at least 1 year following the
175 election in which the issue appeared on the ballot or until the
176 Division of Elections notifies the supervisors of elections that
177 the committee which circulated the petition is no longer seeking
178 to obtain ballot position.



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179 ~~(7)(5)~~ The Secretary of State shall determine from the
180 verification certificates received from supervisors of elections
181 the total number of verified valid signatures and the
182 distribution of such signatures by congressional districts. Upon
183 a determination that the requisite number and distribution of
184 valid signatures have been obtained, the secretary shall issue a
185 certificate of ballot position for that proposed amendment and
186 shall assign a designating number pursuant to s. 101.161. A
187 petition shall be deemed to be filed with the Secretary of State
188 upon the date of the receipt by the secretary of a certificate
189 or certificates from supervisors of elections indicating the
190 petition has been signed by the constitutionally required number
191 of electors.

192 ~~(8)(6)~~(a) Within 45 days after receipt of a proposed
193 revision or amendment to the State Constitution by initiative
194 petition from the Secretary of State or, for any initiative
195 approved by the Florida Supreme Court for the general election
196 ballot for 2002, within 45 days after the effective date of this
197 subsection, whichever occurs later, the Revenue Estimating
198 Conference shall complete an analysis and fiscal impact
199 statement to be placed on the ballot of the estimated increase
200 or decrease in any revenues or costs to state or local
201 governments resulting from the proposed initiative. To ensure
202 ballot integrity, the Revenue Estimating Conference is
203 encouraged to complete its analysis and fiscal impact statement
204 no later than March 1 of the year that the next general election
205 is held, if feasible. The Revenue Estimating Conference shall
206 provide an opportunity for any proponents or opponents of the
207 initiative to submit information and may solicit information or



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208 analysis from any other entities or agencies, including the
209 Office of Economic and Demographic Research.

210 (b)1. Members of the Revenue Estimating Conference shall
211 reach a consensus or majority concurrence on a clear and
212 unambiguous fiscal impact statement, no more than 50 words in
213 length. Nothing in this subsection prohibits the Revenue
214 Estimating Conference from setting forth a range of potential
215 impacts in the fiscal impact statement. Any fiscal impact
216 statement that a court finds not to be in accordance with this
217 section, s. 100.381, or s. 101.161 shall be remanded solely to
218 the Revenue Estimating Conference for redrafting. The Revenue
219 Estimating Conference shall redraft the fiscal impact statement
220 within 15 days.

221 2. If the members of the Revenue Estimating Conference are
222 unable to agree on the statement required by this subsection,
223 the following statement shall appear on the ballot pursuant to
224 s. 101.161(1): "The fiscal impact of this measure, if any,
225 cannot be reasonably determined at this time."

226 (c) The fiscal impact statement must be separately
227 contained and be set forth after the ballot summary as required
228 in s. 101.161(1).

229 ~~(9)-(7)~~ The Department of State may adopt rules in
230 accordance with s. 120.54 to carry out the provisions of
231 subsections (1)-(7) ~~(1)-(5)~~ of this section.

232 Section 5. Section 100.381, Florida Statutes, is amended
233 to read:

234 100.381 Constitutional amendments or revisions other than
235 initiatives; fiscal impact statement.--For any amendment or
236 revision proposed pursuant to Art. XI of the State Constitution
237 other than an initiative, the Revenue Estimating Conference



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238 shall prepare a fiscal impact statement as provided in s.
239 100.371(8)~~(6)~~ no later than 80 days before the election on the
240 proposed amendment or revision. The fiscal impact statement must
241 be separately contained and be set forth after the ballot
242 summary as required in s. 101.161(1).

243 Section 6. Subsection (1) of section 101.161, Florida
244 Statutes, is amended to read:

245 101.161 Referenda; ballots.--

246 (1) Whenever a constitutional amendment or other public
247 measure is submitted to the vote of the people, the substance of
248 such amendment or other public measure shall be printed in clear
249 and unambiguous language on the ballot after the list of
250 candidates, followed by the word "yes" and also by the word
251 "no," and shall be styled in such a manner that a "yes" vote
252 will indicate approval of the proposal and a "no" vote will
253 indicate rejection. The wording of the substance of the
254 amendment or other public measure and the ballot title to appear
255 on the ballot shall be embodied in the joint resolution,
256 constitutional revision commission proposal, constitutional
257 convention proposal, taxation and budget reform commission
258 proposal, or enabling resolution or ordinance. Except for
259 amendments and ballot language proposed by joint resolution, the
260 substance of the amendment or other public measure shall be an
261 explanatory statement, not exceeding 75 words in length, of the
262 chief purpose of the measure. In addition, the ballot shall
263 include a separate fiscal impact statement concerning the
264 measure prepared by the Revenue Estimating Conference in
265 accordance with s. 100.371(8)~~(6)~~ or s. 100.381. The ballot title
266 shall consist of a caption, not exceeding 15 words in length, by
267 which the measure is commonly referred to or spoken of.



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268 Section 7. Paragraph (a) of subsection (3) of section
269 216.136, Florida Statutes, is amended to read:

270 216.136 Consensus estimating conferences; duties and
271 principals.--

272 (3) REVENUE ESTIMATING CONFERENCE.--

273 (a) Duties.--The Revenue Estimating Conference shall
274 develop such official information with respect to anticipated
275 state and local government revenues as the conference determines
276 is needed for the state planning and budgeting system. Any
277 principal may request the conference to review and estimate
278 revenues for any trust fund. Also, the conference shall prepare
279 fiscal impact statements for constitutional amendments pursuant
280 to s. 100.371(8)~~(6)~~.

281 Section 8. Except as otherwise provided herein, this act
282 shall take effect upon becoming a law.