



CHAMBER ACTION

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The Committee on Procedures recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

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 the first 10 percent of initiative petition signatures within 30 days after submission; requiring sponsors of initiative petitions to submit the signatures required to the supervisors of elections no later than 180 days before 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 expedite its review of initiative petitions; amending s. 99.097, F.S.; requiring supervisors of electors to conduct a name-by-name, signature-by-signature check of the number of authorized signatures on initiative petitions; 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



29 | the attesting witness; requiring a printed warning of the  
 30 | penalty for fraudulent signing; prohibiting giving or  
 31 | offering to give anything of value in exchange for  
 32 | petition signatures; providing penalties; requiring prompt  
 33 | verification of elector signatures; amending ss. 100.381,  
 34 | 101.161, and 216.136, F.S.; conforming cross references;  
 35 | providing effective dates.

36 |  
 37 | WHEREAS, additional procedural measures are necessary to  
 38 | ensure ballot integrity for constitutional amendments proposed  
 39 | by initiative, and

40 | WHEREAS, timely submission of petition signatures for  
 41 | constitutional amendments proposed by initiative is necessary to  
 42 | ensure an orderly process for verification by supervisors of  
 43 | elections and review by the Secretary of State, the Attorney  
 44 | General, the Supreme Court, and the Revenue Estimating  
 45 | Conference, and

46 | WHEREAS, it is the intent of the Legislature by this act to  
 47 | ensure expeditious and proper verification of such petition  
 48 | signatures, NOW, THEREFORE,

49 |  
 50 | Be It Enacted by the Legislature of the State of Florida:

51 |  
 52 | Section 1. Section 15.21, Florida Statutes, is amended to  
 53 | read:

54 | 15.21 Initiative petitions; s. 3, Art. XI, State  
 55 | Constitution.--The Secretary of State shall immediately submit



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56 an initiative petition to the Attorney General and to the  
57 Revenue Estimating Conference if the sponsor has:

58 (1) Registered as a political committee pursuant to s.  
59 106.03;

60 (2) Submitted the ballot title, substance, and text of the  
61 proposed revision or amendment to the Secretary of State  
62 pursuant to ss. 100.371 and 101.161; and

63 (3) Obtained a letter from the Division of Elections  
64 confirming that the sponsor has submitted to the appropriate  
65 supervisors for verification, and the supervisors have verified,  
66 petition forms signed and dated equal to 10 percent of the  
67 number of electors statewide and in at least one-fourth of the  
68 congressional districts required by s. 3, Art. XI of the State  
69 Constitution. Verification of the 10-percent signature  
70 submission shall be completed within 30 days after submission of  
71 the forms by the sponsor. To facilitate timely review by the  
72 Revenue Estimating Conference and the Supreme Court, sponsors  
73 are required to submit the signatures required by this section  
74 to the supervisors of elections no later than 180 days before  
75 the next general election.

76 Section 2. Section 16.061, Florida Statutes, is amended to  
77 read:

78 16.061 Initiative petitions.--

79 (1) The Attorney General shall, within 30 days after  
80 receipt of a proposed revision or amendment to the State  
81 Constitution by initiative petition from the Secretary of State,  
82 petition the Supreme Court, requesting an advisory opinion  
83 regarding the compliance of the text of the proposed amendment



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84 or revision with s. 3, Art. XI of the State Constitution and the  
85 compliance of the proposed ballot title and substance with s.  
86 101.161. The Attorney General shall attach to each petition a  
87 motion requesting that the Supreme Court expedite its review of  
88 the initiative petition. The petition may enumerate any specific  
89 factual issues that ~~which~~ the Attorney General believes would  
90 require a judicial determination.

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

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

96 16.061 Proposed constitutional revisions or amendments.--

97 (1) The Attorney General shall, within 30 days after  
98 receipt of a proposed revision or amendment to the State  
99 Constitution by initiative petition from the Secretary of State,  
100 petition the Supreme Court, requesting an advisory opinion  
101 regarding the compliance of the text of the proposed amendment  
102 or revision with s. 3, Art. XI of the State Constitution and the  
103 compliance of the proposed ballot title and substance with s.  
104 101.161 and the compliance of the fiscal impact statement with  
105 ss. 100.371 and 101.161. The Attorney General shall attach to  
106 each petition a motion requesting that the Supreme Court  
107 expedite its review of the initiative petition. For all other  
108 proposed revisions or amendments to the State Constitution, the  
109 Attorney General shall, upon the Revenue Estimating Conference  
110 finalizing the fiscal impact statement, petition the Supreme  
111 Court requesting an advisory opinion regarding compliance of the



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112 text of the fiscal impact statement with ss. 100.371, 100.381,  
113 and 101.161. The petition may enumerate any specific factual  
114 issues that ~~which~~ the Attorney General believes would require a  
115 judicial determination.

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

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

122 Section 4. Subsection (1) of section 99.097, Florida  
123 Statutes, is amended to read:

124 99.097 Verification of signatures on petitions.--

125 (1) Supervisors of elections must conduct a name-by-name,  
126 signature-by-signature check of the number of authorized  
127 signatures on initiative petitions. As determined by each  
128 supervisor, based upon local conditions, the checking of names  
129 on petitions, with the exception of initiative petitions, may be  
130 based on the most inexpensive and administratively feasible of  
131 either of the following methods of verification:

132 (a) A name-by-name, signature-by-signature check of the  
133 number of authorized signatures on the petitions; or

134 (b) A check of a random sample, as provided by the  
135 Department of State, of names and signatures on the petitions.  
136 The sample must be such that a determination can be made as to  
137 whether or not the required number of signatures have been  
138 obtained with a reliability of at least 99.5 percent. Rules and  
139 guidelines for this method of petition verification shall be



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140 promulgated by the Department of State, which may include a  
141 requirement that petitions bear an additional number of names  
142 and signatures, not to exceed 15 percent of the names and  
143 signatures otherwise required. If the petitions do not meet such  
144 criteria, then the use of the verification method described in  
145 this paragraph shall not be available to supervisors.

146 Section 5. Section 100.371, Florida Statutes, is amended  
147 to read:

148 100.371 Initiatives; procedure for placement on ballot.--

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

153 (2) Such certification shall be issued when the Secretary  
154 of State has received verification certificates from the  
155 supervisors of elections indicating that the requisite number  
156 and distribution of valid signatures of electors have been  
157 submitted to and verified by the supervisors. Every signature  
158 shall be dated when made and shall be valid for a period of 18  
159 months ~~4 years~~ following such date, provided all other  
160 requirements of law are satisfied ~~complied with~~. For a signed  
161 initiative petition to be counted, it must include the signature  
162 and address of a witness 18 years of age or older affixed to the  
163 petition form. A signed petition form shall be considered  
164 illegal if it does not include the signature and address of an  
165 attesting witness who has attested to the validity of the  
166 signature witnessed.



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167 (3) The sponsor of an initiative amendment shall, prior to  
168 obtaining any signatures, register as a political committee  
169 pursuant to s. 106.03 and submit the text of the proposed  
170 amendment to the Secretary of State, with the form on which the  
171 signatures will be affixed, and shall obtain the approval of the  
172 Secretary of State of such form. Each petition form shall  
173 include a warning, in red ink and prominent type, regarding the  
174 penalty for fraudulent signing pursuant to s. 104.185. The  
175 Secretary of State shall adopt ~~promulgate~~ rules pursuant to s.  
176 120.54 prescribing the style and requirements of such form.

177 (4) Any signature gatherer who gives or offers to give  
178 anything of value to a person in exchange for the person's  
179 signature on a petition form commits a misdemeanor of the first  
180 degree, punishable as provided in s. 775.082 or s. 775.083.

181 ~~(5)~~(4) The sponsor shall submit signed and dated forms to  
182 the appropriate supervisor of elections for verification as to  
183 the number of registered electors whose valid signatures appear  
184 thereon. The supervisor shall promptly verify the signatures  
185 upon payment of the fee required by s. 99.097. Verification of  
186 each petition signature shall be completed within 30 days. Upon  
187 completion of verification, the supervisor shall execute a  
188 certificate indicating the total number of signatures checked,  
189 the number of signatures verified as valid and as being of  
190 registered electors, and the distribution by congressional  
191 district. This certificate shall be immediately transmitted to  
192 the Secretary of State, who shall act pursuant to s. 15.21. The  
193 supervisor shall retain the signature forms for at least 1 year  
194 following the election in which the issue appeared on the ballot



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195 or until the Division of Elections notifies the supervisors of  
196 elections that the committee which circulated the petition is no  
197 longer seeking to obtain ballot position.

198 (6)~~(5)~~ The Secretary of State shall determine from the  
199 verification certificates received from supervisors of elections  
200 the total number of verified valid signatures and the  
201 distribution of such signatures by congressional districts. Upon  
202 a determination that the requisite number and distribution of  
203 valid signatures have been obtained, the secretary shall issue a  
204 certificate of ballot position for that proposed amendment and  
205 shall assign a designating number pursuant to s. 101.161. A  
206 petition shall be deemed to be filed with the Secretary of State  
207 upon the date of the receipt by the secretary of a certificate  
208 or certificates from supervisors of elections indicating the  
209 petition has been signed by the constitutionally required number  
210 of electors.

211 (7)~~(6)~~(a) Within 45 days after receipt of a proposed  
212 revision or amendment to the State Constitution by initiative  
213 petition from the Secretary of State ~~or, for any initiative~~  
214 ~~approved by the Florida Supreme Court for the general election~~  
215 ~~ballot for 2002, within 45 days after the effective date of this~~  
216 ~~subsection, whichever occurs later~~, the Revenue Estimating  
217 Conference shall complete an analysis and fiscal impact  
218 statement to be placed on the ballot of the estimated increase  
219 or decrease in any revenues or costs to state or local  
220 governments resulting from the proposed initiative. The Revenue  
221 Estimating Conference shall provide an opportunity for any  
222 proponents or opponents of the initiative to submit information





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223 and may solicit information or analysis from any other entities  
224 or agencies, including the Office of Economic and Demographic  
225 Research.

226 (b)1. Members of the Revenue Estimating Conference shall  
227 reach a consensus or majority concurrence on a clear and  
228 unambiguous fiscal impact statement, no more than 50 words in  
229 length. Nothing in this subsection prohibits the Revenue  
230 Estimating Conference from setting forth a range of potential  
231 impacts in the fiscal impact statement. Any fiscal impact  
232 statement that a court finds not to be in accordance with this  
233 section, s. 100.381, or s. 101.161 shall be remanded solely to  
234 the Revenue Estimating Conference for redrafting. The Revenue  
235 Estimating Conference shall redraft the fiscal impact statement  
236 within 15 days.

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

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

245 (8)~~(7)~~ The Department of State may adopt rules in  
246 accordance with s. 120.54 to carry out the provisions of  
247 subsections (1)-(6) ~~(1)-(5)~~ of this section.

248 Section 6. Section 100.381, Florida Statutes, is amended  
249 to read:



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250           100.381 Constitutional amendments or revisions other than  
251 initiatives; fiscal impact statement.--For any amendment or  
252 revision proposed pursuant to Art. XI of the State Constitution  
253 other than an initiative, the Revenue Estimating Conference  
254 shall prepare a fiscal impact statement as provided in s.  
255 100.371(7)~~(6)~~ no later than 80 days before the election on the  
256 proposed amendment or revision. The fiscal impact statement must  
257 be separately contained and be set forth after the ballot  
258 summary as required in s. 101.161(1).

259           Section 7. Subsection (1) of section 101.161, Florida  
260 Statutes, is amended to read:

261           101.161 Referenda; ballots.--

262           (1) Whenever a constitutional amendment or other public  
263 measure is submitted to the vote of the people, the substance of  
264 such amendment or other public measure shall be printed in clear  
265 and unambiguous language on the ballot after the list of  
266 candidates, followed by the word "yes" and also by the word  
267 "no," and shall be styled in such a manner that a "yes" vote  
268 will indicate approval of the proposal and a "no" vote will  
269 indicate rejection. The wording of the substance of the  
270 amendment or other public measure and the ballot title to appear  
271 on the ballot shall be embodied in the joint resolution,  
272 constitutional revision commission proposal, constitutional  
273 convention proposal, taxation and budget reform commission  
274 proposal, or enabling resolution or ordinance. Except for  
275 amendments and ballot language proposed by joint resolution, the  
276 substance of the amendment or other public measure shall be an  
277 explanatory statement, not exceeding 75 words in length, of the



278 chief purpose of the measure. In addition, the ballot shall  
 279 include a separate fiscal impact statement concerning the  
 280 measure prepared by the Revenue Estimating Conference in  
 281 accordance with s. 100.371(7)(~~6~~) or s. 100.381. The ballot title  
 282 shall consist of a caption, not exceeding 15 words in length, by  
 283 which the measure is commonly referred to or spoken of.

284 Section 8. Paragraph (a) of subsection (3) of section  
 285 216.136, Florida Statutes, is amended to read:

286 216.136 Consensus estimating conferences; duties and  
 287 principals.--

288 (3) REVENUE ESTIMATING CONFERENCE.--

289 (a) Duties.--The Revenue Estimating Conference shall  
 290 develop such official information with respect to anticipated  
 291 state and local government revenues as the conference determines  
 292 is needed for the state planning and budgeting system. Any  
 293 principal may request the conference to review and estimate  
 294 revenues for any trust fund. Also, the conference shall prepare  
 295 fiscal impact statements for constitutional amendments pursuant  
 296 to s. 100.371(7)(~~6~~).

297 Section 9. Except as otherwise provided herein, this act  
 298 shall take effect upon becoming a law.