

By Senator Cowin

20-472A-03

1 A bill to be entitled
2 An act relating to constitutional amendments
3 proposed by initiative; amending s. 15.21,
4 F.S.; encouraging submission of signed
5 petitions by September 1 of the year preceding
6 the next general election; amending s. 16.061,
7 F.S.; requiring the Attorney General to attach
8 to each petition a motion requesting that the
9 Supreme Court complete its review prior to the
10 first Tuesday in March of the year that the
11 next general election is held, if feasible;
12 amending s. 100.371, F.S.; reducing the period
13 for which petition signatures remain valid;
14 requiring a printed statement of the penalty
15 for fraudulent signing; prohibiting giving or
16 offering to give any pecuniary benefit in
17 exchange for petition signatures; providing
18 penalties; requiring periodic submission and
19 prompt verification of elector signatures;
20 encouraging the Revenue Estimating Conference
21 to complete its analysis and fiscal impact
22 statement no later than March 1 of the year
23 that the next general election is held, if
24 feasible; amending ss. 100.381, 101.161, and
25 216.136, F.S.; conforming cross-references;
26 providing effective dates.

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28 WHEREAS, additional procedural measures are necessary
29 to ensure ballot integrity for constitutional amendments
30 proposed by initiative, and
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1 WHEREAS, timely and periodic submission of petition
2 signatures for constitutional amendments proposed by
3 initiative is necessary to ensure an orderly process for
4 verification by supervisors of elections and review by the
5 Secretary of State, the Attorney General, the Supreme Court,
6 and the Revenue Estimating Conference, and

7 WHEREAS, it is the intent of the Legislature by this
8 act to ensure expeditious and proper verification of such
9 petition signatures, NOW, THEREFORE,

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

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13 Section 1. Section 15.21, Florida Statutes, is amended
14 to read:

15 15.21 Initiative petitions; s. 3, Art. XI, State
16 Constitution.--The Secretary of State shall immediately submit
17 an initiative petition to the Attorney General and to the
18 Revenue Estimating Conference if the sponsor has:

19 (1) Registered as a political committee pursuant to s.
20 106.03;

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

24 (3)(a) Obtained a letter from the Division of
25 Elections confirming that the sponsor has submitted to the
26 appropriate supervisors for verification, and the supervisors
27 have verified, petition forms signed and dated equal to 10
28 percent of the number of electors statewide and in at least
29 one-fourth of the congressional districts required by s. 3,
30 Art. XI of the State Constitution.

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1 (b) To facilitate timely review by the Revenue
2 Estimating Conference and the Supreme Court, sponsors are
3 encouraged to submit the signed petition forms to the
4 supervisors of elections no later than September 1 of the year
5 preceding the next general election.

6 Section 2. Section 16.061, Florida Statutes, is
7 amended to read:

8 16.061 Initiative petitions.--

9 (1) The Attorney General shall, within 30 days after
10 receipt of a proposed revision or amendment to the State
11 Constitution by initiative petition from the Secretary of
12 State, petition the Supreme Court, requesting an advisory
13 opinion regarding the compliance of the text of the proposed
14 amendment or revision with s. 3, Art. XI of the State
15 Constitution and the compliance of the proposed ballot title
16 and substance with s. 101.161. The Attorney General shall
17 attach to each petition a motion requesting that the Supreme
18 Court complete its review prior to the first Tuesday in March
19 of the year that the next general election is held, if
20 feasible.The petition may enumerate any specific factual
21 issues that ~~which~~ the Attorney General believes would require
22 a judicial determination.

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

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

28 16.061 Proposed constitutional revisions or
29 amendments.--

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

1 Constitution by initiative petition from the Secretary of
2 State, petition the Supreme Court, requesting an advisory
3 opinion regarding the compliance of the text of the proposed
4 amendment or revision with s. 3, Art. XI of the State
5 Constitution and the compliance of the proposed ballot title
6 and substance with s. 101.161 and the compliance of the fiscal
7 impact statement with ss. 100.371 and 101.161. The Attorney
8 General shall attach to each petition a motion requesting that
9 the Supreme Court complete its review prior to the first
10 Tuesday in March of the year that the next general election is
11 held, if feasible.For all other proposed revisions or
12 amendments to the State Constitution, the Attorney General
13 shall, upon the Revenue Estimating Conference finalizing the
14 fiscal impact statement, petition the Supreme Court requesting
15 an advisory opinion regarding compliance of the text of the
16 fiscal impact statement with ss. 100.371, 100.381, and
17 101.161. The petition may enumerate any specific factual
18 issues that ~~which~~ the Attorney General believes would require
19 a judicial determination.

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

22 (3) Any fiscal impact statement that the court finds
23 not to be in accordance with s. 100.371, s. 100.381, or s.
24 101.161 shall be remanded solely to the Revenue Estimating
25 Conference for redrafting.

26 Section 4. Section 100.371, Florida Statutes, is
27 amended to read:

28 100.371 Initiatives; procedure for placement on
29 ballot.--

30 (1) Constitutional amendments proposed by initiative
31 shall be placed on the ballot for the general election

1 occurring in excess of 90 days from the certification of
2 ballot position by the Secretary of State.

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

12 (3) The sponsor of an initiative amendment shall,
13 prior to obtaining any signatures, register as a political
14 committee pursuant to s. 106.03 and submit the text of the
15 proposed amendment to the Secretary of State, with the form on
16 which the signatures will be affixed, and shall obtain the
17 approval of the Secretary of State of such form. Each petition
18 form shall include a conspicuous statement in red ink
19 identifying the prohibitions and penalties for fraudulent
20 signing pursuant to s. 104.185. The Secretary of State shall
21 adopt ~~promulgate~~ rules pursuant to s. 120.54 prescribing the
22 style and requirements of such form.

23 (4) Any signature gatherer who provides a pecuniary or
24 other benefit to a person in exchange for the person's
25 signature on a petition form commits a misdemeanor of the
26 first degree, punishable as provided in s. 775.082 or s.
27 775.083.

28 (5) Initiative sponsors shall submit collected
29 signatures to the appropriate supervisors of elections every
30 60 days after 10 percent of the required signatures have been
31 verified pursuant to s. 15.21(3). To further facilitate timely

1 verification of the requisite number and distribution of
2 elector signatures, petition sponsors are encouraged to submit
3 the signatures required by s. 3, Art. XI of the State
4 Constitution to the supervisors of elections for verification
5 no later than the third Friday in July of the year that the
6 next general election is held.

7 (6)~~(4)~~ The sponsor shall submit signed and dated forms
8 to the appropriate supervisor of elections for verification as
9 to the number of registered electors whose valid signatures
10 appear thereon. The supervisor shall promptly verify the
11 signatures upon payment of the fee required by s. 99.097. Such
12 verification shall be completed within 30 days. Upon
13 completion of verification, the supervisor shall execute a
14 certificate indicating the total number of signatures checked,
15 the number of signatures verified as valid and as being of
16 registered electors, and the distribution by congressional
17 district. This certificate shall be immediately transmitted to
18 the Secretary of State, who shall act pursuant to s. 15.21.
19 The supervisor shall retain the signature forms for at least 1
20 year following the election in which the issue appeared on the
21 ballot or until the Division of Elections notifies the
22 supervisors of elections that the committee which circulated
23 the petition is no longer seeking to obtain ballot position.

24 (7)~~(5)~~ The Secretary of State shall determine from the
25 verification certificates received from supervisors of
26 elections the total number of verified valid signatures and
27 the distribution of such signatures by congressional
28 districts. Upon a determination that the requisite number and
29 distribution of valid signatures have been obtained, the
30 secretary shall issue a certificate of ballot position for
31 that proposed amendment and shall assign a designating number

1 pursuant to s. 101.161. A petition shall be deemed to be filed
2 with the Secretary of State upon the date of the receipt by
3 the secretary of a certificate or certificates from
4 supervisors of elections indicating the petition has been
5 signed by the constitutionally required number of electors.

6 (8)~~(6)~~(a) Within 45 days after receipt of a proposed
7 revision or amendment to the State Constitution by initiative
8 petition from the Secretary of State ~~or, for any initiative~~
9 ~~approved by the Florida Supreme Court for the general election~~
10 ~~ballot for 2002, within 45 days after the effective date of~~
11 ~~this subsection, whichever occurs later,~~the Revenue
12 Estimating Conference shall complete an analysis and fiscal
13 impact statement to be placed on the ballot of the estimated
14 increase or decrease in any revenues or costs to state or
15 local governments resulting from the proposed initiative. To
16 ensure ballot integrity, the Revenue Estimating Conference is
17 encouraged to complete its analysis and fiscal impact
18 statement no later than March 1 of the year that the next
19 general election is held, unless meeting such deadline is not
20 feasible.The Revenue Estimating Conference shall provide an
21 opportunity for any proponents or opponents of the initiative
22 to submit information and may solicit information or analysis
23 from any other entities or agencies, including the Office of
24 Economic and Demographic Research.

25 (b)1. Members of the Revenue Estimating Conference
26 shall reach a consensus or majority concurrence on a clear and
27 unambiguous fiscal impact statement, no more than 50 words in
28 length. Nothing in this subsection prohibits the Revenue
29 Estimating Conference from setting forth a range of potential
30 impacts in the fiscal impact statement. Any fiscal impact
31 statement that a court finds not to be in accordance with this

1 section, s. 100.381, or s. 101.161 shall be remanded solely to
2 the Revenue Estimating Conference for redrafting. The Revenue
3 Estimating Conference shall redraft the fiscal impact
4 statement within 15 days.

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

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

13 ~~(9)(7)~~ The Department of State may adopt rules in
14 accordance with s. 120.54 to carry out the provisions of
15 subsections ~~(1)-(7)(1)-(5)~~ of this section.

16 Section 5. Section 100.381, Florida Statutes, is
17 amended to read:

18 100.381 Constitutional amendments or revisions other
19 than initiatives; fiscal impact statement.--For any amendment
20 or revision proposed pursuant to Art. XI of the State
21 Constitution other than an initiative, the Revenue Estimating
22 Conference shall prepare a fiscal impact statement as provided
23 in s. 100.371 ~~(8)(6)~~ no later than 80 days before the election
24 on the proposed amendment or revision. The fiscal impact
25 statement must be separately contained and be set forth after
26 the ballot summary as required in s. 101.161(1).

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

29 101.161 Referenda; ballots.--

30 (1) Whenever a constitutional amendment or other
31 public measure is submitted to the vote of the people, the

1 substance of such amendment or other public measure shall be
2 printed in clear and unambiguous language on the ballot after
3 the list of candidates, followed by the word "yes" and also by
4 the word "no," and shall be styled in such a manner that a
5 "yes" vote will indicate approval of the proposal and a "no"
6 vote will indicate rejection. The wording of the substance of
7 the amendment or other public measure and the ballot title to
8 appear on the ballot shall be embodied in the joint
9 resolution, constitutional revision commission proposal,
10 constitutional convention proposal, taxation and budget reform
11 commission proposal, or enabling resolution or ordinance.
12 Except for amendments and ballot language proposed by joint
13 resolution, the substance of the amendment or other public
14 measure shall be an explanatory statement, not exceeding 75
15 words in length, of the chief purpose of the measure. In
16 addition, the ballot shall include a separate fiscal impact
17 statement concerning the measure prepared by the Revenue
18 Estimating Conference in accordance with s. 100.371~~(8)~~(6) or
19 s. 100.381. The ballot title shall consist of a caption, not
20 exceeding 15 words in length, by which the measure is commonly
21 referred to or spoken of.

22 Section 7. Paragraph (a) of subsection (3) of section
23 216.136, Florida Statutes, is amended to read:

24 216.136 Consensus estimating conferences; duties and
25 principals.--

26 (3) REVENUE ESTIMATING CONFERENCE.--

27 (a) Duties.--The Revenue Estimating Conference shall
28 develop such official information with respect to anticipated
29 state and local government revenues as the conference
30 determines is needed for the state planning and budgeting
31 system. Any principal may request the conference to review and

1 estimate revenues for any trust fund. Also, the conference
2 shall prepare fiscal impact statements for constitutional
3 amendments pursuant to s. 100.371(8)~~(6)~~.

4 Section 8. Except as otherwise expressly provided in
5 this act, this act shall take effect upon becoming a law.

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8 SENATE SUMMARY

9 Revises requirements for collecting and submitting
10 initiative petitions for proposing an amendment to the
11 State Constitution. Provides for the Attorney General to
12 request that the Supreme Court complete its review of the
13 petition before the first Tuesday in March of the year
14 the petition is placed on the ballot. Revises
15 requirements for collecting signatures. (See bill for
16 details.)
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