

By Senator Bennett

21-311-04

1 A bill to be entitled
2 An act relating to constitutional amendments
3 proposed by initiative; amending s. 100.371,
4 F.S., and creating s. 100.3715, F.S.; providing
5 prerequisites to placing on the ballot a
6 constitutional amendment proposed by
7 initiative; providing an effective date.

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

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

13 100.371 Initiatives; procedure for placement on
14 ballot.--

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

19 (2) Such certification may ~~shall~~ be issued only after
20 ~~when~~ the Secretary of State has received verification
21 certificates from the supervisors of elections indicating that
22 the requisite number and distribution of valid signatures of
23 electors have been submitted to and verified by the
24 supervisors and the requirements of s. 100.3715 have been
25 satisfied. Every signature shall be dated when made and shall
26 be valid for a period of 4 years following such date, provided
27 all other requirements of law are complied with.

28 (3) The sponsor of an initiative amendment shall,
29 prior to obtaining any signatures, register as a political
30 committee pursuant to s. 106.03 and submit the text of the
31 proposed amendment to the Secretary of State, with the form on

1 which the signatures will be affixed, and shall obtain the
2 approval of the Secretary of State of such form. The Secretary
3 of State shall promulgate rules pursuant to s. 120.54
4 prescribing the style and requirements of such form.

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

21 (5) The Secretary of State shall determine from the
22 verification certificates received from supervisors of
23 elections the total number of verified valid signatures and
24 the distribution of such signatures by congressional
25 districts. Upon a determination that the requisite number and
26 distribution of valid signatures have been obtained and that
27 the requirements of s. 100.3715 have been satisfied, the
28 secretary shall issue a certificate of ballot position for
29 that proposed amendment and shall assign a designating number
30 pursuant to s. 101.161. A petition shall be deemed to be filed
31 with the Secretary of State upon the date of the receipt by

1 the secretary of a certificate or certificates from
2 supervisors of elections indicating the petition has been
3 signed by the constitutionally required number of electors.

4 (6)(a) Within 45 days after receipt of a proposed
5 revision or amendment to the State Constitution by initiative
6 petition from the Secretary of State ~~or, for any initiative~~
7 ~~approved by the Florida Supreme Court for the general election~~
8 ~~ballot for 2002, within 45 days after the effective date of~~
9 ~~this subsection, whichever occurs later,~~ the Revenue
10 Estimating Conference shall complete an analysis and fiscal
11 impact statement to be placed on the ballot of the estimated
12 increase or decrease in any revenues or costs to state or
13 local governments resulting from the proposed initiative. The
14 Revenue Estimating Conference shall provide an opportunity for
15 any proponents or opponents of the initiative to submit
16 information and may solicit or use information or analysis
17 from any other entities or agencies, including the Office of
18 Economic and Demographic Research and the Office of Program
19 Policy Analysis and Government Accountability.

20 (b)1. Members of the Revenue Estimating Conference
21 shall reach a consensus or majority concurrence on a clear and
22 unambiguous fiscal impact statement, no more than 50 words in
23 length. Nothing in this subsection prohibits the Revenue
24 Estimating Conference from setting forth a range of potential
25 impacts in the fiscal impact statement. Any fiscal impact
26 statement that a court finds not to be in accordance with this
27 section, s. 100.381, or s. 101.161 shall be remanded solely to
28 the Revenue Estimating Conference for redrafting. The Revenue
29 Estimating Conference shall redraft the fiscal impact
30 statement within 15 days.

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

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

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

12 Section 2. Section 100.3715, Florida Statutes, is
13 created to read:

14 100.3715 Constitutional amendment proposed by
15 initiative; evaluation.--A constitutional amendment proposed
16 by initiative may not be placed on the ballot until:

17 (1) At least 1 year has passed since the supervisors
18 of elections have submitted to the Secretary of State the
19 verification certificates required under s. 100.371; and

20 (2) The Office of Program Policy Analysis and
21 Government Accountability has:

22 (a) Evaluated the financial and social costs likely to
23 result from the passage of the amendment;

24 (b) Published its findings in writing or on the
25 Internet; and

26 (c) Made any other reasonable efforts to disseminate
27 its findings broadly to the prospective voters in this state.

28 Section 3. This act shall take effect July 1, 2004.
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SENATE SUMMARY

Provides that a constitutional amendment proposed by initiative may not be placed on the ballot until at least 1 year has passed since verification certificates were submitted to the Secretary of State and OPPAGA has evaluated the financial and social costs likely to result from the passage of the amendment and has disseminated those findings to the public.