

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 elections 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 does not 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 prompt verification of elector signatures; 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

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30 by initiative, and

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

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

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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

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59 congressional districts required by s. 3, Art. XI of the State
 60 Constitution. Verification of the 10-percent signature
 61 submission shall be completed within 30 days after submission of
 62 the forms by the sponsor. To facilitate timely review by the
 63 Revenue Estimating Conference and the Supreme Court, sponsors
 64 are required to submit the signatures required by this section
 65 to the supervisors of elections no later than 180 days before
 66 the next general election.

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

69 16.061 Proposed constitutional revisions or amendments.--

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 and the compliance of the fiscal impact statement with
 78 ss. 100.371 and 101.161. The Attorney General shall attach to
 79 each petition a motion requesting that the Supreme Court
 80 expedite its review of the initiative petition. For all other
 81 proposed revisions or amendments to the State Constitution, the
 82 Attorney General shall, upon the Revenue Estimating Conference
 83 finalizing the fiscal impact statement, petition the Supreme
 84 Court requesting an advisory opinion regarding compliance of the
 85 text of the fiscal impact statement with ss. 100.371, 100.381,
 86 and 101.161. The petition may enumerate any specific factual

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87 issues that ~~which~~ the Attorney General believes would require a
 88 judicial determination.

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

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

95 Section 3. Subsection (1) of section 99.097, Florida
 96 Statutes, is amended to read:

97 99.097 Verification of signatures on petitions.--

98 (1) Supervisors of elections must conduct a name-by-name,
 99 signature-by-signature check of the number of authorized
 100 signatures on initiative petitions. As determined by each
 101 supervisor, based upon local conditions, the checking of names
 102 on petitions, with the exception of initiative petitions, may be
 103 based on the most inexpensive and administratively feasible of
 104 either of the following methods of verification:

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

107 (b) A check of a random sample, as provided by the
 108 Department of State, of names and signatures on the petitions.
 109 The sample must be such that a determination can be made as to
 110 whether or not the required number of signatures have been
 111 obtained with a reliability of at least 99.5 percent. Rules and
 112 guidelines for this method of petition verification shall be
 113 promulgated by the Department of State, which may include a
 114 requirement that petitions bear an additional number of names
 115 and signatures, not to exceed 15 percent of the names and

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116 signatures otherwise required. If the petitions do not meet such
 117 criteria, then the use of the verification method described in
 118 this paragraph shall not be available to supervisors.

119 Section 4. Section 100.371, Florida Statutes, is amended
 120 to read:

121 100.371 Initiatives; procedure for placement on ballot.--

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

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

140 (3) The sponsor of an initiative amendment shall, prior to
 141 obtaining any signatures, register as a political committee
 142 pursuant to s. 106.03 and submit the text of the proposed
 143 amendment to the Secretary of State, with the form on which the
 144 signatures will be affixed, and shall obtain the approval of the

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145 Secretary of State of such form. Each petition form shall
 146 include a warning, in red ink and prominent type, regarding the
 147 penalty for fraudulent signing pursuant to s. 104.185. The
 148 Secretary of State shall adopt ~~promulgate~~ rules pursuant to s.
 149 120.54 prescribing the style and requirements of such form.

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

154 (5)~~(4)~~ The sponsor shall submit signed and dated forms to
 155 the appropriate supervisor of elections for verification as to
 156 the number of registered electors whose valid signatures appear
 157 thereon. The supervisor shall promptly verify the signatures
 158 upon payment of the fee required by s. 99.097. Verification of
 159 each petition signature shall be completed within 30 days after
 160 submission of the forms by the sponsor. Upon completion of
 161 verification, the supervisor shall execute a certificate
 162 indicating the total number of signatures checked, the number of
 163 signatures verified as valid and as being of registered
 164 electors, and the distribution by congressional district. This
 165 certificate shall be immediately transmitted to the Secretary of
 166 State, who shall act pursuant to s. 15.21. The supervisor shall
 167 retain the signature forms for at least 1 year following the
 168 election in which the issue appeared on the ballot or until the
 169 Division of Elections notifies the supervisors of elections that
 170 the committee which circulated the petition is no longer seeking
 171 to obtain ballot position.

172 (6)~~(5)~~ The Secretary of State shall determine from the
 173 verification certificates received from supervisors of elections

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174 the total number of verified valid signatures and the
 175 distribution of such signatures by congressional districts. Upon
 176 a determination that the requisite number and distribution of
 177 valid signatures have been obtained, the secretary shall issue a
 178 certificate of ballot position for that proposed amendment and
 179 shall assign a designating number pursuant to s. 101.161. A
 180 petition shall be deemed to be filed with the Secretary of State
 181 upon the date of the receipt by the secretary of a certificate
 182 or certificates from supervisors of elections indicating the
 183 petition has been signed by the constitutionally required number
 184 of electors.

185 (7)~~(6)~~(a) Within 45 days after receipt of a proposed
 186 revision or amendment to the State Constitution by initiative
 187 petition from the Secretary of State ~~or, for any initiative~~
 188 ~~approved by the Florida Supreme Court for the general election~~
 189 ~~ballot for 2002, within 45 days after the effective date of this~~
 190 ~~subsection, whichever occurs later,~~ the Revenue Estimating
 191 Conference shall complete an analysis and fiscal impact
 192 statement to be placed on the ballot of the estimated increase
 193 or decrease in any revenues or costs to state or local
 194 governments resulting from the proposed initiative. The Revenue
 195 Estimating Conference shall provide an opportunity for any
 196 proponents or opponents of the initiative to submit information
 197 and may solicit information or analysis from any other entities
 198 or agencies, including the Office of Economic and Demographic
 199 Research.

200 (b)1. Members of the Revenue Estimating Conference shall
 201 reach a consensus or majority concurrence on a clear and
 202 unambiguous fiscal impact statement, no more than 50 words in

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203 length. Nothing in this subsection prohibits the Revenue
 204 Estimating Conference from setting forth a range of potential
 205 impacts in the fiscal impact statement. Any fiscal impact
 206 statement that a court finds not to be in accordance with this
 207 section, s. 100.381, or s. 101.161 shall be remanded solely to
 208 the Revenue Estimating Conference for redrafting. The Revenue
 209 Estimating Conference shall redraft the fiscal impact statement
 210 within 15 days.

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

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

219 (8)~~(7)~~ The Department of State may adopt rules in
 220 accordance with s. 120.54 to carry out the provisions of
 221 subsections (1)-(6) ~~(1)-(5)~~ of this section.

222 Section 5. Section 100.381, Florida Statutes, is amended
 223 to read:

224 100.381 Constitutional amendments or revisions other than
 225 initiatives; fiscal impact statement.--For any amendment or
 226 revision proposed pursuant to Art. XI of the State Constitution
 227 other than an initiative, the Revenue Estimating Conference
 228 shall prepare a fiscal impact statement as provided in s.
 229 100.371(7)~~(6)~~ no later than 80 days before the election on the
 230 proposed amendment or revision. The fiscal impact statement must

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231 be separately contained and be set forth after the ballot
 232 summary as required in s. 101.161(1).

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

235 101.161 Referenda; ballots.--

236 (1) Whenever a constitutional amendment or other public
 237 measure is submitted to the vote of the people, the substance of
 238 such amendment or other public measure shall be printed in clear
 239 and unambiguous language on the ballot after the list of
 240 candidates, followed by the word "yes" and also by the word
 241 "no," and shall be styled in such a manner that a "yes" vote
 242 will indicate approval of the proposal and a "no" vote will
 243 indicate rejection. The wording of the substance of the
 244 amendment or other public measure and the ballot title to appear
 245 on the ballot shall be embodied in the joint resolution,
 246 constitutional revision commission proposal, constitutional
 247 convention proposal, taxation and budget reform commission
 248 proposal, or enabling resolution or ordinance. Except for
 249 amendments and ballot language proposed by joint resolution, the
 250 substance of the amendment or other public measure shall be an
 251 explanatory statement, not exceeding 75 words in length, of the
 252 chief purpose of the measure. In addition, the ballot shall
 253 include a separate fiscal impact statement concerning the
 254 measure prepared by the Revenue Estimating Conference in
 255 accordance with s. 100.371(7)~~(6)~~ or s. 100.381. The ballot title
 256 shall consist of a caption, not exceeding 15 words in length, by
 257 which the measure is commonly referred to or spoken of.

258 Section 7. Paragraph (a) of subsection (3) of section
 259 216.136, Florida Statutes, is amended to read:

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260 216.136 Consensus estimating conferences; duties and
 261 principals.--

262 (3) REVENUE ESTIMATING CONFERENCE.--

263 (a) *Duties*.--The Revenue Estimating Conference shall
 264 develop such official information with respect to anticipated
 265 state and local government revenues as the conference determines
 266 is needed for the state planning and budgeting system. Any
 267 principal may request the conference to review and estimate
 268 revenues for any trust fund. Also, the conference shall prepare
 269 fiscal impact statements for constitutional amendments pursuant
 270 to s. 100.371(7)~~(6)~~.

271 Section 8. This act shall take effect upon becoming a law.