

1 A bill to be entitled
2 An act relating to initiative and referenda; amending s.
3 15.21, F.S.; revising requirements relating to initiative
4 petitions; amending s. 16.061, F.S.; revising duties of
5 the Attorney General relating to initiative petitions;
6 amending s. 99.097, F.S.; providing for certain petitions
7 and petition revocations to be verified by a certain
8 method; requiring certain provisions to be satisfied
9 before a signature on a petition may be counted; revising
10 requirements by which supervisors of elections must submit
11 certain signatures to the Chief Financial Officer;
12 prohibiting compensation to any paid petition circulator
13 in certain circumstances; providing for waiver of
14 verification fees; providing the procedure to contest and
15 resolve the alleged improper verification of certain
16 signatures; amending s. 100.371, F.S.; revising
17 requirements for placement of constitutional amendments
18 proposed by initiative on the ballot for the general
19 election; providing limitations on when the Secretary of
20 State shall issue the certification of ballot position and
21 approval of initiative amendment forms; revising and
22 providing rulemaking authority; providing limitations on
23 the contents of a petition form; establishing compliance
24 criteria for petition forms; providing an elector's right;
25 providing notices that must be contained in each petition
26 form; providing for revocation of an elector's signature;
27 revising the duties of supervisors of elections; providing
28 for the financial impact of initiatives on the private and

29 public sectors of the state to be placed on the ballot;
30 revising requirements relating to the Financial Impact
31 Estimating Conference and financial impact statements;
32 creating s. 100.372, F.S.; providing for the regulation of
33 initiative petition circulators; providing definitions;
34 providing qualification requirements; providing
35 requirements for the practice of paid petition
36 circulation; creating s. 101.162, F.S.; providing ballot
37 summary and ballot title requirements for proposed
38 constitutional amendments and referenda; creating s.
39 101.163, F.S.; establishing the Commission on Statewide
40 Ballot Issues; requiring proposed constitutional
41 amendments and certain statewide issues to be supplied to
42 the commission for review and recommendation; providing
43 for membership qualifications, terms, and pay; providing
44 for nomination and appointment of members; requiring the
45 Division of Elections to provide professional and
46 administrative support; authorizing the Attorney General
47 to participate as intervenor in commission proceedings;
48 providing for the Secretary of State's determination and
49 adoption of ballot language recommended by the commission;
50 providing procedure for determining ballot language;
51 creating s. 101.164, F.S.; providing ballot title and
52 statement requirements for certain local issues; creating
53 s. 101.165, F.S.; providing ballot statement requirements
54 for local questions determining the judicial selection
55 method; creating s. 101.166, F.S.; requiring the Division
56 of Elections to adopt rules governing the numbering and

57 placement of certain ballot issues; amending s. 101.62,
 58 F.S.; correcting a cross reference; amending s. 104.185,
 59 F.S.; revising and providing violations involving
 60 petitions and providing penalties therefor; amending s.
 61 104.42, F.S.; revising provisions relating to unlawful
 62 registrations, petitions, petition revocations, and voting
 63 and the investigation of such matters; requiring
 64 documentation and reporting thereof to the Attorney
 65 General and the Department of Law Enforcement within a
 66 specified time period; requiring the Department of Law
 67 Enforcement to file a certain report with the President of
 68 the Senate and the Speaker of the House of
 69 Representatives; amending ss. 125.82, 212.055, and
 70 1011.73, F.S.; correcting cross references; providing for
 71 the validity of certain petition signatures gathered
 72 before the effective date of the act; requiring previously
 73 approved petition forms to be resubmitted for approval in
 74 accordance with the requirements of the act; repealing s.
 75 101.161, F.S., relating to referenda and ballots;
 76 repealing s. 106.191, F.S., relating to signatures
 77 gathered for initiative petition; providing an effective
 78 date.

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

81
 82 Section 1. Section 15.21, Florida Statutes, is amended to
 83 read:

84 15.21 Initiative petitions; ~~s. 3, Art. XI, State~~
 85 ~~Constitution.~~--The Secretary of State shall immediately submit
 86 an initiative petition to the Attorney General and to the
 87 Financial Impact Estimating Conference if the sponsor has:

88 (1) Registered as a political committee pursuant to s.
 89 106.03.~~;~~

90 (2) Submitted the ballot title, substance, and text of the
 91 proposed revision or amendment to the Secretary of State
 92 pursuant to s. ss. 100.371 and 101.161; and

93 ~~(3) Obtained a letter from the Division of Elections~~
 94 ~~confirming that the sponsor has submitted to the appropriate~~
 95 ~~supervisors for verification, and the supervisors have verified,~~
 96 ~~forms signed and dated equal to 10 percent of the number of~~
 97 ~~electors statewide and in at least one fourth of the~~
 98 ~~congressional districts required by s. 3, Art. XI of the State~~
 99 ~~Constitution.~~

100 Section 2. Section 16.061, Florida Statutes, is amended to
 101 read:

102 16.061 Initiative petitions.--

103 (1) The Attorney General shall, as provided in this
 104 section ~~within 30 days after receipt of a proposed revision or~~
 105 ~~amendment to the State Constitution by initiative petition from~~
 106 ~~the Secretary of State, petition the Supreme Court, requesting~~
 107 an advisory opinion regarding the compliance of the text of the
 108 proposed amendment or revision with s. 3, Art. XI of the State
 109 Constitution ~~and the compliance of the proposed ballot title and~~
 110 ~~substance with s. 101.161.~~ The petition may enumerate any

111 specific factual issues that the Attorney General believes would
 112 require a judicial determination.

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

115 (3) Upon notice that a constitutional amendment has been
 116 proposed by initiative, the Attorney General shall, within 30
 117 days, issue a written legal opinion as to the validity of the
 118 proposal pursuant to s. 3, Art. XI of the State Constitution. If
 119 the opinion of the Attorney General is that the proposal is
 120 invalid, the proposal shall be void unless, within 15 days, the
 121 sponsor demands the Attorney General to request the opinion of
 122 the Supreme Court as to the validity of the proposal, in which
 123 case the Attorney General shall petition the Supreme Court for
 124 an opinion within 15 days after demand by the sponsor. During
 125 the pendency of the petition for an opinion of the court, the
 126 proposal shall be presumed valid pursuant to s. 3, Art. XI of
 127 the State Constitution.

128 (4) Unless an opinion of the Supreme Court has been
 129 obtained pursuant to subsection (3), the Attorney General shall
 130 petition for an opinion within 30 days after notice that the
 131 sponsor of an initiative has submitted to the appropriate
 132 supervisors for verification, and the supervisors have verified,
 133 forms signed and dated equal to 10 percent of the number of
 134 electors statewide and in at least one-fourth of the
 135 congressional districts required for ballot placement. Any
 136 ~~fiscal impact statement that the court finds not to be in~~
 137 ~~accordance with s. 100.371 shall be remanded solely to the~~
 138 ~~Financial Impact Estimating Conference for redrafting.~~

139 Section 3. Subsections (1), (3), and (4) of section
 140 99.097, Florida Statutes, are amended, and subsection (6) is
 141 added to said section, to read:

142 99.097 Verification of signatures on petitions.--

143 (1) As determined by each supervisor, based upon local
 144 conditions, the verification of signatures ~~checking of names~~ on
 145 petitions may be based on the most inexpensive and
 146 administratively feasible of either of the following methods of
 147 verification:

148 (a) A name-by-name, signature-by-signature check of the
 149 number of valid ~~authorized~~ signatures on the petitions; or

150 (b) A check of a random sample, as provided by the
 151 Department of State, of names and signatures on the petitions.
 152 The sample must be such that a determination can be made as to
 153 whether or not the required number of valid signatures ~~has~~ have
 154 been obtained with a reliability of at least 99.5 percent. Rules
 155 and guidelines for this method of petition verification shall be
 156 adopted ~~promulgated~~ by the Department of State and, ~~which~~ may
 157 include a requirement that petitions bear an additional number
 158 of names and signatures, not to exceed 15 percent of the names
 159 and signatures otherwise required. If the petitions do not meet
 160 such criteria, then the use of the verification method described
 161 in this paragraph shall not be available to supervisors.

162
 163 Notwithstanding any other provision of law, petitions to secure
 164 ballot placement for an issue, and petition revocations directed
 165 thereto pursuant to s. 100.371(7), must be verified by the
 166 method provided in paragraph (a).

167 (3)(a) A ~~name on a petition signature in a,~~ which name
 168 that is not in substantially the same form as a name on the
 169 voter registration books, shall be counted as a valid signature
 170 if, after comparing the signature on the petition with the
 171 signature of the alleged signer as shown on the registration
 172 books, the supervisor determines that the person signing the
 173 petition and the person who registered to vote are one and the
 174 same. In any situation in which this code requires the form of
 175 the petition to be prescribed by the division, no signature
 176 shall be counted toward the number of signatures required unless
 177 it is on a petition form prescribed by the division. No
 178 signature on a petition shall be counted toward the number of
 179 valid signatures required for ballot placement unless all
 180 relevant provisions of this section have been satisfied.

181 (b) If a voter signs a petition and lists an address other
 182 than the legal residence where the voter is registered, the
 183 supervisor shall treat the signature as if the voter had listed
 184 the address where the voter is registered.

185 (4)(a) The supervisor shall be paid in advance the sum of
 186 10 cents for each signature checked or the actual cost of
 187 checking such signature, whichever is less, by the candidate or,
 188 in the case of a petition to have an issue placed on the ballot,
 189 by the person or organization submitting the petition. However,
 190 if a candidate, person, or organization seeking to have an issue
 191 placed upon the ballot cannot pay such charges without imposing
 192 an undue burden on personal resources or upon the resources
 193 otherwise available to such candidate, person, or organization,
 194 such candidate, person, or organization shall, upon written

195 certification of such inability given under oath to the
 196 supervisor, be entitled to have the signatures verified at no
 197 charge. In the event a candidate, person, or organization
 198 submitting a petition to have an issue placed upon the ballot is
 199 entitled to have the signatures verified at no charge, the
 200 supervisor of elections of each county in which the signatures
 201 are verified at no charge shall submit the total number of such
 202 signatures checked in the county and the total amount of
 203 verification fees paid for each initiative to the Chief
 204 Financial Officer no later than March ~~December~~ 1 of each ~~the~~
 205 ~~general election year.~~, ~~and~~ The Chief Financial Officer shall
 206 cause such supervisor of elections to be reimbursed from the
 207 General Revenue Fund in an amount equal to 10 cents for each
 208 signature ~~name~~ checked or the actual cost of checking such
 209 signatures, whichever is less. In no event shall such
 210 reimbursement of costs be deemed or applied as extra
 211 compensation for the supervisor. Petitions shall be retained by
 212 the supervisors for a period of 1 year following the election
 213 for which the petitions were circulated.

214 (b) A person or organization submitting a petition to have
 215 an issue placed upon the ballot that has filed a certification
 216 of undue burden may not provide compensation to any paid
 217 petition circulator, as defined in s. 100.372(2), unless the
 218 person or organization first pays all supervisors for each
 219 signature checked or reimburses the General Revenue Fund for
 220 such costs. If a person or organization subject to this
 221 paragraph provides compensation to a paid petition circulator
 222 prior to the date the person or organization pays all

223 supervisors for each signature checked or reimburses the General
 224 Revenue Fund for such costs, no signature on a petition
 225 circulated by the petition circulator prior to that date shall
 226 be counted toward the number of valid signatures required for
 227 ballot placement.

228 (c) Verification fees shall not be waived with respect to
 229 an initiative petition unless and only to the extent that the
 230 total verification fees exceed 10 percent of the total
 231 contributions received by the sponsor to promote the initiative.
 232 The sponsor shall reimburse any fees waived pursuant to this
 233 section, and the Chief Financial Officer shall be entitled to
 234 recover waived fees, if and to the extent that campaign finance
 235 reports demonstrate at any time that the verification fees paid
 236 by the sponsor are less than 10 percent of the total
 237 contributions received to promote the initiative.

238 (6)(a) The alleged improper verification of a signature on
 239 a petition to have an issue placed upon the ballot pursuant to
 240 paragraph (1)(a) may be contested in the circuit court by a
 241 political committee or by an elector. The contestant shall file
 242 a complaint setting forth the basis of the contest, together
 243 with the fees prescribed in chapter 28, with the clerk of the
 244 circuit court in the county in which the petition is certified,
 245 or in Leon County if the petition covers more than one county,
 246 within 180 days after the date the verified signature was
 247 certified to the Secretary of State but not later than February
 248 1 of the year in which the question is to appear on the ballot.

249 (b) If the contestant demonstrates that one or more
 250 petitions were improperly verified, the signatures appearing on

251 such petitions shall not be counted toward the number of valid
 252 signatures required for ballot placement. If an action brought
 253 pursuant to this subsection is resolved after the Secretary of
 254 State has issued a certificate of ballot position for the issue
 255 but the contestant demonstrates that the person or organization
 256 submitting the petition had obtained verification of an
 257 insufficient number of valid and verified signatures to qualify
 258 for ballot placement, then the issue shall be removed from the
 259 ballot, or if such action is impractical, any votes cast for or
 260 against the issue shall not be counted and shall be invalidated.

261 Section 4. Section 100.371, Florida Statutes, as amended
 262 by chapter 2002-281, Laws of Florida, is amended to read:

263 100.371 Initiatives; procedure for placement on ballot.--

264 (1) Constitutional amendments proposed by initiative shall
 265 be placed on the ballot for the general election if occurring in
 266 ~~excess of 90 days from~~ the certification of ballot position is
 267 issued by the Secretary of State no later than February 1 of the
 268 year in which the general election is to be held.

269 (2) Such certification shall be issued when the Secretary
 270 of State has received verification certificates from the
 271 supervisors of elections indicating that the requisite number
 272 and distribution of valid petitions bearing the signatures of
 273 electors have been submitted to and verified by the supervisors.
 274 Every signature shall be dated by the elector when made.
 275 Signatures ~~and~~ shall be valid for a period of 4 years following
 276 such date, provided all other requirements of law are complied
 277 with.

278 (3) The sponsor of an initiative amendment shall, prior to

279 obtaining any signatures, register as a political committee
 280 pursuant to s. 106.03 and submit the text of the proposed
 281 amendment and recommended ballot language to the Secretary of
 282 State, with the form on which the signatures will be affixed,
 283 and shall obtain the approval of the Secretary of State of such
 284 form. The Secretary of State shall not approve any form until
 285 the ballot language has been determined pursuant to s.
 286 101.163(5). The division ~~Secretary of State~~ shall adopt rules
 287 pursuant to s. 120.54 prescribing the style and requirements of
 288 such form. Upon filing with the Secretary of State, the text of
 289 the proposed amendment and all forms filed in connection with
 290 this section must, upon request, be made available in
 291 alternative formats. The contents of a petition form shall be
 292 limited to those items required by statute or rule. A petition
 293 form shall be deemed a political advertisement as defined in s.
 294 106.011 and, as such, shall comply with all relevant
 295 requirements of chapter 106.

296 (4) The supervisor of elections shall date stamp each
 297 petition form to indicate the date the form was received by the
 298 supervisor of elections. The supervisor of elections shall also
 299 date stamp each petition form to indicate the date the signature
 300 on the form was verified as valid. The supervisor of elections
 301 shall verify that the signature on a petition form is valid only
 302 if the form complies with all of the following:

303 (a) The form must contain the original signature of the
 304 purported elector.

305 (b) The purported elector must accurately record on the
 306 form the date on which he or she signed the form.

307 (c) The purported elector must accurately record on the
 308 form his or her name, street address, county, voter registration
 309 number, and any other information required by rule by the
 310 division.

311 (d) The purported elector must be, at the time he or she
 312 signs the form, a duly qualified and registered elector
 313 authorized to vote in the congressional district for which his
 314 or her signature is submitted.

315 (e) The date the elector signed the form, as recorded by
 316 the elector, must be no more than 10 days prior to the date the
 317 form was received by the supervisor of elections.

318 (f) The elector must accurately record on the form whether
 319 the elector was presented with the petition form for his or her
 320 signature by a petition circulator, as defined in s. 100.372(1).

321 (g) If the elector was presented with the petition form
 322 for his or her signature by a petition circulator, the petition
 323 form must comply with the requirements of s. 100.372.

324 (5) An elector has the right to submit his or her signed
 325 form to the sponsor of the initiative amendment, by mail or
 326 otherwise, at an address listed on the form for this purpose.

327 (6) Each form shall contain the following three notices at
 328 the top of the form in bold type and in a 16-point or larger
 329 font, immediately following the title "Constitutional Amendment
 330 Petition Form":

331
 332 RIGHT TO MAIL-IN - You have the right to take this
 333 petition home and study the issue before signing. If
 334 you choose to sign the petition, you may return it to

335 the sponsors of the amendment at the following
 336 address: _____.

337
 338 PAID PETITION CIRCULATOR - The person presenting this
 339 petition for your signature may be receiving
 340 compensation to do so. You have the right to ask for
 341 this information and the person's rate of compensation
 342 before you sign the petition.

343
 344 NATURE OF AMENDMENT - The merits of the proposed
 345 change to the Florida Constitution appearing below
 346 have not been officially reviewed by any court or
 347 agency of state government.

348
 349 (7) An elector's signature on a petition form may be
 350 revoked by submitting to the supervisor of elections a signed
 351 petition revocation form adopted by rule for this purpose by the
 352 division. The petition revocation form shall be subject to the
 353 same requirements as the corresponding petition form under this
 354 chapter. The petition revocation form shall be filed with the
 355 appropriate supervisor of elections no later than the January 1
 356 preceding the next general election or, if the initiative
 357 amendment is not certified for ballot position in that election,
 358 no later than the January 1 preceding the next successive
 359 general election. The supervisor of elections shall promptly
 360 check the signature on the revocation form and process such
 361 revocation upon payment of a fee, in advance, of 10 cents or the
 362 actual cost of checking such signature, whichever is less.

363 ~~(8)(4)~~ The sponsor shall submit signed and dated forms to
 364 the appropriate supervisor of elections for verification as to
 365 the number of registered electors whose valid signatures appear
 366 thereon. The supervisor shall promptly verify the signatures
 367 upon payment of the fee required by s. 99.097. Upon completion
 368 of verification, the supervisor shall execute a certificate
 369 indicating, through the date specified in the certificate, the
 370 total number of signatures checked, the number of signatures
 371 verified as valid and as being of registered electors, the
 372 number of signatures validly revoked pursuant to subsection (7),
 373 the number of signatures that have expired and are no longer
 374 valid, the net number of signatures verified that remain valid,
 375 and the distribution of such signatures by congressional
 376 district. This certificate shall be immediately transmitted to
 377 the Secretary of State. The supervisor shall retain the signed
 378 ~~signature~~ forms and revocation forms for at least 1 year
 379 following the election in which the issue appeared on the ballot
 380 or until the Division of Elections notifies the supervisors of
 381 elections that the committee which circulated the petition is no
 382 longer seeking to obtain ballot position.

383 ~~(9)(5)~~ The Secretary of State shall determine from the
 384 verification certificates received from supervisors of elections
 385 the total number of verified valid signatures and the
 386 distribution of such signatures by congressional districts. Upon
 387 a determination that the requisite number and distribution of
 388 valid signatures have been obtained, the secretary shall issue a
 389 certificate of ballot position for that proposed amendment ~~and~~
 390 ~~shall assign a designating number pursuant to s. 101.161. A~~

391 petition shall be deemed to be filed with the Secretary of State
 392 upon the date of the receipt by the secretary of a certificate
 393 or certificates from supervisors of elections indicating the
 394 petition has been signed by the constitutionally required number
 395 of electors.

396 (10)~~(6)~~(a) Within 45 days after receipt of a proposed
 397 revision or amendment to the State Constitution by initiative
 398 petition from the Secretary of State ~~or, within 30 days after~~
 399 ~~such receipt if receipt occurs 120 days or less before the~~
 400 ~~election at which the question of ratifying the amendment will~~
 401 ~~be presented~~, the Financial Impact Estimating Conference shall
 402 complete an analysis and ~~financial impact~~ statement to be
 403 included in placed on the ballot summary of the estimated
 404 financial impact of the initiative on the private and public
 405 sectors of the state, including any increase or decrease in any
 406 revenues or costs to state or local governments resulting from
 407 the proposed initiative. The Financial Impact Estimating
 408 Conference shall submit the financial impact statement to the
 409 Attorney General and Secretary of State.

410 (b)1. The Financial Impact Estimating Conference shall
 411 provide an opportunity for any proponents or opponents of the
 412 initiative to submit information and may solicit information or
 413 analysis from any other entities or agencies, including the
 414 Office of Economic and Demographic Research. All meetings of the
 415 Financial Impact Estimating Conference shall be open to the
 416 public as provided in chapter 286.

417 2. The Financial Impact Estimating Conference is
 418 established to review, analyze, and estimate the financial

419 impact of amendments to or revisions of the State Constitution
 420 proposed by initiative. The Financial Impact Estimating
 421 Conference shall consist of four principals: one person from the
 422 Executive Office of the Governor; the coordinator of the Office
 423 of Economic and Demographic Research, or his or her designee;
 424 one person from the professional staff of the Senate; and one
 425 person from the professional staff of the House of
 426 Representatives. Each principal shall have appropriate fiscal
 427 expertise in the subject matter of the initiative. A Financial
 428 Impact Estimating Conference may be appointed for each
 429 initiative.

430 3. Principals of the Financial Impact Estimating
 431 Conference shall reach a consensus or majority concurrence on a
 432 clear and unambiguous financial impact statement, no more than
 433 75 words in length, and immediately submit the statement to the
 434 Attorney General. Nothing in this subsection prohibits the
 435 Financial Impact Estimating Conference from setting forth a
 436 range of potential impacts in the financial impact statement.
 437 Any financial impact statement that a court finds not to be in
 438 accordance with this section shall be remanded solely to the
 439 Financial Impact Estimating Conference for redrafting. The
 440 Financial Impact Estimating Conference shall redraft the
 441 financial impact statement within 15 days.

442 4. If the members of the Financial Impact Estimating
 443 Conference are unable to agree on the statement required by this
 444 subsection, ~~or if the Supreme Court has rejected the initial~~
 445 ~~submission by the Financial Impact Estimating Conference and no~~
 446 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~

447 ~~75th day before the election,~~ the following statement shall be
448 included in ~~appear on~~ the ballot summary pursuant to s. 101.163
449 ~~101.161(1)~~: "The financial impact of this measure, if any,
450 cannot be reasonably determined at this time."

451 (c) The financial impact statement must be included in
452 ~~separately contained and be set forth after~~ the ballot summary
453 as required in s. 101.163 ~~101.161(1)~~.

454 ~~(d)1.~~ Any financial impact statement that any ~~the~~ Supreme
455 court finds not to be in accordance with this subsection shall
456 be remanded solely to the Financial Impact Estimating Conference
457 for redrafting, ~~provided the court's advisory opinion is~~
458 ~~rendered at least 75 days before the election at which the~~
459 ~~question of ratifying the amendment will be presented.~~ The
460 Financial Impact Estimating Conference shall prepare and adopt a
461 revised financial impact statement no later than 5 p.m. on the
462 15th day after the date of the court's opinion.

463 ~~2.~~ ~~If, by 5 p.m. on the 75th day before the election, the~~
464 ~~Supreme Court has not issued an advisory opinion on the initial~~
465 ~~financial impact statement prepared by the Financial Impact~~
466 ~~Estimating Conference for an initiative amendment that otherwise~~
467 ~~meets the legal requirements for ballot placement, the financial~~
468 ~~impact statement shall be deemed approved for placement on the~~
469 ~~ballot.~~

470 ~~(d)1.3.~~ In addition to the financial impact statement
471 required by this subsection, the Financial Impact Estimating
472 Conference shall draft an initiative financial information
473 statement. The initiative financial information statement should
474 describe in greater detail than the financial impact statement

475 any projected financial impact of the initiative on the private
476 and public sectors of the state, including any increase or
477 decrease in revenues or costs that the state or local
478 governments would likely experience if the ballot measure were
479 approved. If appropriate, the initiative financial information
480 statement may include both estimated dollar amounts and a
481 description placing the estimated dollar amounts into context.
482 The initiative financial information statement must include both
483 a summary of not more than 500 words and additional detailed
484 information that includes the assumptions that were made to
485 develop the financial impacts, workpapers, and any other
486 information deemed relevant by the Financial Impact Estimating
487 Conference.

488 ~~2.4.~~ The Department of State shall have printed, and shall
489 furnish to each supervisor of elections, a copy of the summary
490 from the initiative financial information statements. The
491 supervisors shall have the summary from the initiative financial
492 information statements available at each polling place and at
493 the main office of the supervisor of elections upon request.

494 ~~3.5.~~ The Secretary of State and the Office of Economic and
495 Demographic Research shall make available on the Internet each
496 initiative financial information statement in its entirety. In
497 addition, each supervisor of elections whose office has a
498 website shall post the summary from each initiative financial
499 information statement on the website. Each supervisor shall
500 include the Internet addresses for the information statements on
501 the Secretary of State's and the Office of Economic and

502 Demographic Research's websites in the publication or mailing
 503 required by s. 101.20.

504 ~~(11)(7)~~ The Department of State may adopt rules in
 505 accordance with s. 120.54 to carry out the provisions of this
 506 section subsections (1)-(6).

507 Section 5. Section 100.372, Florida Statutes, is created
 508 to read:

509 100.372 Regulation of initiative petition circulators.--

510 (1) For purposes of this section, a "petition circulator"
 511 is any person who, in the context of a direct, face-to-face
 512 conversation, presents an initiative petition form or petition
 513 revocation form to an elector for his or her possible signature.
 514 Such term does not include an elector's family member who
 515 presents a petition form or petition revocation form to the
 516 elector for his or her possible signature.

517 (2) For purposes of this section, a "paid petition
 518 circulator" is a petition circulator who receives any
 519 compensation as either a direct or indirect consequence of the
 520 activities described in subsection (1).

521 (3) A petition circulator must be, at the time he or she
 522 presents a petition form or petition revocation form to any
 523 elector for his or her possible signature, at least 18 years of
 524 age and eligible to register to vote in this state pursuant to
 525 s. 97.041.

526 (4) A paid petition circulator shall, when engaged in the
 527 activities described in subsection (1), wear a prominent badge,
 528 in a form and manner prescribed by rule by the division,
 529 identifying him or her as a "PAID PETITION CIRCULATOR."

530 (5) In addition to any other practice or action
 531 permissible under law, an owner, lessee, or other person
 532 lawfully exercising control over private property may:

533 (a) Prohibit petition circulators from operating on the
 534 property and prohibit persons from engaging in other activities
 535 supporting or opposing an initiative.

536 (b) Permit such conduct on the property subject to
 537 restrictions on time, place, and manner that are reasonable and
 538 uniformly applied.

539 (6)(a) Prior to submission of a petition form or petition
 540 revocation form to an elector for his or her possible signature,
 541 the form must set forth the following information in a format
 542 and manner prescribed by rule by the division:

543 1. The name of any organization or entity with which the
 544 petition circulator is affiliated and on behalf of which the
 545 petition circulator is presenting forms to electors for possible
 546 signature.

547 2. The name of the sponsor of the initiative if different
 548 from the entity with which the petition circulator is
 549 affiliated.

550 3. The Internet website address of the division website
 551 providing the contribution and expenditure information
 552 respecting political organizations and initiative sponsors.

553 4. A statement disclosing whether the petition circulator
 554 is a paid petition circulator and, if so, the amount or rate of
 555 compensation.

556 (b) Prior to submission to the supervisor of elections for
 557 verification, each signed petition form or petition revocation

558 form obtained by a petition circulator must also contain the
 559 following information in a format and manner prescribed by rule
 560 by the division:

- 561 1. The name of the petition circulator.
- 562 2. The street address at which the petition circulator
 563 resides, including county.
- 564 3. The petition circulator's date of birth.
- 565 4. The petition circulator's state voter registration
 566 number and county of registration, if applicable, or an
 567 identification number from a valid current government-issued
 568 photo identification card along with information identifying the
 569 issuer.

570 (7)(a) A paid petition circulator shall attach to each
 571 signed petition form, petition revocation form, or group of such
 572 forms obtained by the paid petition circulator a signed,
 573 notarized, and dated affidavit executed by the paid petition
 574 circulator in a form prescribed by rule by the division. If the
 575 affidavit pertains to a group of forms, the forms shall be
 576 consecutively numbered on their faces by the paid petition
 577 circulator, and the affidavit shall reference the forms by
 578 number.

579 (b) The affidavit shall include the paid petition
 580 circulator's printed name, the street address at which he or she
 581 resides, including county, and the date he or she signed the
 582 affidavit.

583 (c) The affidavit shall attest that the paid petition
 584 circulator has read and understands the laws governing the
 585 circulation of petition and petition revocation forms; that he

586 or she was 18 years of age and eligible to register to vote at
 587 the time the attached form or forms were circulated and signed
 588 by the listed electors; that he or she circulated the attached
 589 form or forms; that each signature thereon was affixed in the
 590 circulator's presence; that each signature thereon is the
 591 signature of the elector whose name it purports to be; that to
 592 the best of the circulator's knowledge and belief, each of the
 593 persons signing the form or forms was, at the time of signing, a
 594 registered elector; and that he or she has not paid and will not
 595 in the future pay, and that he or she believes that no other
 596 person has paid and will in the future pay, directly or
 597 indirectly, any money or other thing of value to any elector for
 598 the purpose of inducing or causing such elector to affix his or
 599 her signature to the form.

600 (d) A signature on a petition form or petition revocation
 601 form to which an affidavit required by this subsection is not
 602 attached is invalid and shall not be verified by a supervisor of
 603 elections.

604 (8) Each paid petition circulator shall provide to the
 605 sponsor of the initiative amendment for which he or she is
 606 circulating petitions a copy of a valid and current government-
 607 issued photo identification card that accurately reflects the
 608 address at which the paid petition circulator resides. The
 609 sponsor of the initiative amendment shall maintain the copies of
 610 these identification cards in its files and shall make them
 611 available for inspection by any person. If a sponsor fails to
 612 maintain such a copy with respect to a particular paid petition
 613 circulator, all petitions obtained by that paid petition

614 circulator prior to the date the sponsor produces the required
 615 copy of the identification card shall be invalid and shall not
 616 be verified by the supervisor of elections.

617 (9) If a supervisor of elections or the division seeks to
 618 contact a paid petition circulator at the residence address
 619 listed on a petition, affidavit, or identification card copy,
 620 whichever is dated latest, and receives no response from the
 621 paid petition circulator within 15 days, all petitions obtained
 622 by that paid petition circulator shall be invalid and shall not
 623 be verified by the supervisor of elections.

624 (10) A signature on a petition form or petition revocation
 625 form that does not fully comply with the applicable provisions
 626 of this chapter, or that was obtained in violation of the
 627 applicable provisions of this chapter or chapter 104, is invalid
 628 and shall not be verified by a supervisor of elections.

629 Section 6. Section 101.162, Florida Statutes, is created
 630 to read:

631 101.162 Referenda, ballots.--

632 (1) Whenever a constitutional amendment or other public
 633 measure is submitted to a vote of the people, a ballot summary
 634 describing the substance of such amendment or other public
 635 measure shall be printed in clear and unambiguous language on
 636 the ballot placed as determined pursuant to ss. 101.163-101.166,
 637 followed by the word "yes" and also by the word "no," and shall
 638 be styled in such a manner that a "yes" vote will indicate
 639 approval of the proposal and a "no" vote will indicate
 640 rejection.

641 (2) Except as otherwise provided in s. 101.163, the ballot
 642 summary shall not exceed 75 words in length and shall explain
 643 the chief purpose of the measure.

644 (3) The ballot title shall consist of a caption, not
 645 exceeding 15 words in length, by which the measure is commonly
 646 referred to or spoken of.

647 Section 7. Section 101.163, Florida Statutes, is created
 648 to read:

649 101.163 Statewide issues; ballot language.--For all
 650 proposed constitutional amendments and other issues submitted to
 651 a statewide vote of the electors, the ballot title and ballot
 652 summary shall be supplied to the Commission on Statewide Ballot
 653 Issues for review and recommendation as provided in this
 654 section.

655 (1) There is created a Commission on Statewide Ballot
 656 Issues with power to recommend the wording of ballot language on
 657 all issues appearing on a statewide ballot. The commission shall
 658 be comprised of five electors who do not hold any other public
 659 office and who have legal training or significant political or
 660 professional experience working with the state's election laws.
 661 No more than three commissioners may be members of the same
 662 political party. The commissioners shall serve without salary
 663 for a term of 2 years to begin May 1 of each odd-numbered year
 664 and ending April 30 of the next succeeding odd-numbered year.
 665 Commissioners may be reappointed to succeed themselves if
 666 properly nominated. The Governor may appoint commissioners as
 667 soon as practicable after the effective date of this act, to
 668 serve until April 30, 2007. The members shall be appointed by

669 the Governor from lists of nominees provided on or before March
 670 1 of each odd-numbered year, as follows:

671 (a) The majority leader and minority leader of each house
 672 of the Legislature shall each nominate one person who is a
 673 member of the respective leader's political party. For purposes
 674 of this section, the majority leader and minority leader shall
 675 be determined pursuant to the rules of each respective house.
 676 From these nominees, the Governor shall appoint two persons who
 677 are not members of the same party.

678 (b) Any supervisor of elections may nominate two persons
 679 who are electors residing in the county. One of such nominees
 680 shall be a member of the political party having the largest
 681 number of registered voters in the supervisor's county at the
 682 time of the nomination, and the other of such nominees shall not
 683 be a member of such political party. From all supervisor
 684 nominees, the Governor shall appoint two persons who are not
 685 members of the same party.

686 (c) The Secretary of State shall nominate four persons,
 687 not more than two of whom may be members of the same political
 688 party. From these nominees, the Governor shall appoint one
 689 person.

690 (d) The director of the Division of Elections or a
 691 designee shall serve as a nonvoting chair of the commission.

692 (2) The commission shall meet upon the call of the chair,
 693 at least once per year, and as often as necessary to complete
 694 its work. The commission shall establish its own rules of
 695 procedure. The staff of the Division of Elections shall provide
 696 the professional and administrative support for the commission.

697 (3) The Attorney General may participate as intervenor in
698 commission proceedings to provide independent legal analysis.
699 The Attorney General shall notify the Division of Elections
700 whenever an initiative proposal is voided pursuant to s.
701 16.061(3).

702 (4) Decisions of the commission recommending ballot
703 language for a statewide issue shall be adopted by the Secretary
704 of State if the secretary determines that the recommended ballot
705 language satisfies the requirements of law. If not, the
706 secretary shall remand the ballot language to the commission.
707 Any determination of the secretary adopting ballot language
708 shall be
709 final unless appealed to the First District Court of Appeal
710 within 30 days after publication of the determination. If, on
711 appeal, ballot language is determined to be invalid, the
712 secretary shall reconsider the determination as soon as
713 practicable. In all other respects, the appeal shall proceed
714 under the same requirements as an appeal of a final order under
715 chapter 120. The Attorney General, any party, or any elector
716 participating in the proceeding may appeal a determination of
717 the secretary.

718 (5) The following process shall be used to determine
719 ballot language:

720 (a) When a constitutional amendment is proposed by joint
721 resolution, constitutional revision commission proposal,
722 constitutional convention proposal, or taxation and budget
723 reform commission proposal, or when any other state question is

724 proposed by general law, recommended ballot language may be
725 included in the joint resolution, proposal, or law.

726 (b) When a constitutional amendment is proposed by
727 initiative, ballot language shall be recommended by the sponsor
728 and shall be filed with Division of Elections along with the
729 initial submission of the text of the proposed amendment. The
730 division shall prepare proposed ballot language for
731 consideration by the commission. The division may select the
732 ballot language proposed by the sponsor of an initiative or
733 submit alternative ballot language. The division shall include
734 financial impact language provided pursuant to s. 100.371.

735 (c) Within 30 days after receipt of the proposed amendment
736 or within a reasonable time after receipt of financial impact
737 language in the case of an initiative, the Division of Elections
738 shall submit its draft ballot language to the commission along
739 with any draft ballot language submitted by the sponsor for
740 consideration at its next meeting to be held at least 20 days
741 after submission by the division.

742 (d) Within 15 days after the submission of draft ballot
743 language to the commission, any interested elector may submit an
744 argument, pursuant to rules adopted by the commission,
745 respecting the legality of the proposed ballot language.

746 (e) At the hearing, the commission shall determine whether
747 the ballot language submitted by the Division of Elections
748 satisfies the requirements of law.

749 1. If the ballot language submitted by the Division of
750 Elections does not satisfy the requirements of law, the
751 commission shall determine if alternate ballot language proposed

752 by the sponsor and filed with the original proposal satisfies
753 such requirements. If the ballot language submitted by the
754 division does not satisfy the requirements of law and the ballot
755 language proposed by the sponsor does satisfy the requirements
756 of law, the commission shall recommend the ballot language
757 proposed by the sponsor as the official ballot language.

758 2. If the ballot language submitted by the Division of
759 Elections satisfies the requirements of law, the commission
760 shall recommend such language as the official ballot language,
761 unless the commission determines that the ballot language
762 proposed by the sponsor more clearly explains the chief purpose
763 of the amendment and otherwise satisfies the requirements of
764 law, in which case the commission shall recommend the ballot
765 language proposed by the sponsor as the official ballot
766 language.

767 3. If the commission determines that neither the ballot
768 language submitted by the Division of Elections nor the ballot
769 language proposed by the sponsor satisfies the requirements of
770 law, the commission shall refer the amendment back to the
771 division with instructions to resubmit ballot language within 30
772 days.

773 (f) Notwithstanding paragraph (e), when an amendment is
774 proposed by initiative, the commission shall recommend any
775 ballot language agreed to by both the sponsor and the Division
776 of Elections.

777 (g) The commission shall issue a recommendation or other
778 report, signed by a majority of the commissioners, within 5 days
779 after its hearing.

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780 (h) Any recommendation of the commission shall be
781 submitted to the Secretary of State immediately. The secretary
782 shall act on the recommendation in accordance with subsection
783 (4) not later than 5 days after receiving the recommendation.

784 Section 8. Section 101.164, Florida Statutes, is created
785 to read:

786 101.164 Local questions; ballot language.--For public
787 measures other than state issues or those local questions
788 described in s. 101.165, the title and statement describing the
789 substance of the measure shall be embodied in the enabling
790 legislation, resolution, ordinance, or petition.

791 Section 9. Section 101.165, Florida Statutes, is created
792 to read:

793 101.165 Local questions determining judicial selection
794 method.--For any general election in which the Secretary of
795 State, for any circuit, or the supervisor of elections, for any
796 county, has certified the ballot position for an initiative to
797 change the method of selection of judges, the ballot must
798 contain the appropriate statement as provided in this section.

799 (1) In any circuit where the initiative is to change the
800 selection of circuit court judges to selection by merit
801 selection and retention, the ballot shall state: "Shall the
802 method of selecting circuit court judges in the ...(number of
803 the circuit)... judicial circuit be changed from election by a
804 vote of the people to selection by the judicial nominating
805 commission and appointment by the Governor with subsequent terms
806 determined by a retention vote of the people?" This statement
807 must be followed by the word "yes" and also by the word "no."

808 (2) In any circuit where the initiative is to change the
 809 selection of circuit court judges to election by the voters, the
 810 ballot shall state: "Shall the method of selecting circuit court
 811 judges in the ...(number of the circuit)... judicial circuit be
 812 changed from selection by the judicial nominating commission and
 813 appointment by the Governor with subsequent terms determined by
 814 a retention vote of the people to election by a vote of the
 815 people?" This statement must be followed by the word "yes" and
 816 also by the word "no."

817 (3) In any county where the initiative is to change the
 818 selection of county court judges to merit selection and
 819 retention, the ballot shall state: "Shall the method of
 820 selecting county court judges in ...(name of county)... be
 821 changed from election by a vote of the people to selection by
 822 the judicial nominating commission and appointment by the
 823 Governor with subsequent terms determined by a retention vote of
 824 the people?" This statement must be followed by the word "yes"
 825 and also by the word "no."

826 (4) In any county where the initiative is to change the
 827 selection of county court judges to election by the voters, the
 828 ballot shall state: "Shall the method of selecting county court
 829 judges in ...(name of county)... be changed from selection by
 830 the judicial nominating commission and appointment by the
 831 Governor with subsequent terms determined by a retention vote of
 832 the people to election by a vote of the people?" This statement
 833 must be followed by the word "yes" and also by the word "no."

834 Section 10. Section 101.166, Florida Statutes, is created
 835 to read:

836 101.166 Referenda; ballot placement.--The Division of
 837 Elections shall adopt rules governing the numbering and
 838 placement of statewide issues on the general election ballot.
 839 The rules shall provide for grouping of statewide issues,
 840 beginning with constitutional amendments grouped by the source
 841 of the proposal, whether joint resolution of the Legislature,
 842 constitutional convention, or other source listed in Art. XI of
 843 the State Constitution. Initiatives shall appear after other
 844 proposed amendments. Each proposal shall be identified by the
 845 source of such proposal, with all initiatives under the single
 846 heading "Citizen Initiatives," or similar wording. The proposals
 847 in each group shall be placed in the order of the dates on which
 848 they qualified for ballot position.

849 Section 11. Paragraph (a) of subsection (4) of section
 850 101.62, Florida Statutes, is amended to read:

851 101.62 Request for absentee ballots.--

852 (4)(a) To each absent qualified elector overseas who has
 853 requested an absentee ballot, the supervisor of elections shall,
 854 not fewer than 35 days before the first primary election, mail
 855 an absentee ballot. Not fewer than 45 days before the second
 856 primary and general election, the supervisor of elections shall
 857 mail an advance absentee ballot to those persons requesting
 858 ballots for such elections. The advance absentee ballot for the
 859 second primary shall be the same as the first primary absentee
 860 ballot as to the names of candidates, except that for any
 861 offices where there are only two candidates, those offices and
 862 all political party executive committee offices shall be
 863 omitted. Except as provided in ss. 99.063(4) and 100.371(10)~~(6)~~,

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864 the advance absentee ballot for the general election shall be as
 865 specified in s. 101.151, except that in the case of candidates
 866 of political parties where nominations were not made in the
 867 first primary, the names of the candidates placing first and
 868 second in the first primary election shall be printed on the
 869 advance absentee ballot. The advance absentee ballot or advance
 870 absentee ballot information booklet shall be of a different
 871 color for each election and also a different color from the
 872 absentee ballots for the first primary, second primary, and
 873 general election. The supervisor shall mail an advance absentee
 874 ballot for the second primary and general election to each
 875 qualified absent elector for whom a request is received until
 876 the absentee ballots are printed. The supervisor shall enclose
 877 with the advance second primary absentee ballot and advance
 878 general election absentee ballot an explanation stating that the
 879 absentee ballot for the election will be mailed as soon as it is
 880 printed; and, if both the advance absentee ballot and the
 881 absentee ballot for the election are returned in time to be
 882 counted, only the absentee ballot will be counted. The
 883 Department of State may prescribe by rule the requirements for
 884 preparing and mailing absentee ballots to absent qualified
 885 electors overseas.

886 Section 12. Section 104.185, Florida Statutes, is amended
 887 to read:

888 104.185 Violations involving petitions; ~~knowingly signing~~
 889 ~~more than once; signing another person's name or a fictitious~~
 890 ~~name.~~ --

891 (1) A person who knowingly signs a petition or petitions
 892 to secure ballot position for a candidate, a minor political
 893 party, or an issue more than one time commits a misdemeanor of
 894 the first degree, punishable as provided in s. 775.082 or s.
 895 775.083.

896 (2) A person who signs another person's name or a
 897 fictitious name to any petition to secure ballot position for a
 898 candidate, a minor political party, or an issue, or to a
 899 petition revocation form, commits a felony ~~misdemeanor~~ of the
 900 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
 901 775.083, or s. 775.084.

902 (3) A person who willfully swears or affirms falsely to
 903 any oath or affirmation, or willfully induces another person to
 904 swear or affirm falsely to an oath or affirmation, in connection
 905 with or arising out of the petitioning process commits a felony
 906 of the third degree, punishable as provided in s. 775.082, s.
 907 775.083, or s. 775.084.

908 (4) A person who willfully submits any false information
 909 on a petition or petition revocation form commits a felony of
 910 the third degree, punishable as provided in s. 775.082, s.
 911 775.083, or s. 775.084.

912 (5) A person who directly or indirectly gives or promises
 913 anything of value to any other person to induce that other
 914 person to sign a petition or petition revocation form commits a
 915 felony of the third degree, punishable as provided in s.
 916 775.082, s. 775.083, or s. 775.084.

917 (6) A person who by bribery, menace, threat, or other
 918 corruption either directly or indirectly influences, deceives,

919 or deters, or attempts to influence, deceive, or deter, any
920 person in the free exercise of that person's right to sign a
921 petition or petition revocation form commits, upon the first
922 conviction, a felony of the third degree, punishable as provided
923 in s. 775.082, s. 775.083, or s. 775.084, and upon any
924 subsequent conviction, a felony of the second degree, punishable
925 as provided in s. 775.082, s. 775.083, or s. 775.084.

926 (7) A person who provides or receives compensation that is
927 based, directly or indirectly, upon the number of signatures
928 obtained on a petition or petition revocation form commits a
929 felony of the second degree, punishable as provided in s.
930 775.082, s. 775.083, or s. 775.084.

931 (8) A person who alters the petition or petition
932 revocation form signed by any other person without the other
933 person's knowledge and consent commits a felony of the third
934 degree, punishable as provided in s. 775.082, s. 775.083, or s.
935 775.084.

936 (9) A person who perpetrates, or attempts to perpetrate or
937 aids in the perpetration of, any fraud in connection with
938 obtaining the signature of an elector on a petition or petition
939 revocation form commits a felony of the third degree, punishable
940 as provided in s. 775.082, s. 775.083, or s. 775.084.

941 (10) A person other than the signer who, without the
942 express prior written consent of the signer, copies a signed
943 petition or petition revocation form, or records information
944 from such a document, prior to its submission to the supervisor
945 of elections for verification, or who willfully receives such a
946 copy or recorded information, commits a felony of the third

947 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 948 775.084.

949 (11) In addition to any other penalty provided for by law,
 950 if a petition circulator, as defined in s. 100.372(1), violates
 951 any provision of this section, the Florida Elections Commission
 952 may, pursuant to s. 106.265, impose a civil penalty in the form
 953 of a fine not to exceed \$1,000 per violation on any person or
 954 entity on behalf of which the petition circulator was acting at
 955 the time of the violation.

956 Section 13. Section 104.42, Florida Statutes, is amended
 957 to read:

958 104.42 Unlawful registrations, petitions, petition
 959 revocations, ~~Fraudulent registration~~ and ~~illegal~~ voting;
 960 investigation; report.--

961 (1) The supervisor of elections is authorized to
 962 investigate unlawful ~~fraudulent~~ registrations, petitions,
 963 petition revocations, and ~~illegal~~ voting and to report his or
 964 her findings to the local state attorney, the Attorney General,
 965 the Department of Law Enforcement, and the Florida Elections
 966 Commission.

967 (2) The board of county commissioners in any county may
 968 appropriate funds to the supervisor of elections for the purpose
 969 of investigating unlawful ~~fraudulent~~ registrations, petitions,
 970 petition revocations, and ~~illegal~~ voting.

971 (3) The supervisor of elections shall document and report
 972 suspected unlawful registrations, petitions, petition
 973 revocations, and voting to the Attorney General and the
 974 Department of Law Enforcement within 10 days after becoming

975 informed of suspected unlawful conduct. Within 6 months after
 976 each general election, the Department of Law Enforcement shall
 977 file a report with the President of the Senate and the Speaker
 978 of the House of Representatives detailing suspected unlawful
 979 registrations, petitions, petition revocations, and voting and
 980 providing the status of any pending investigations or
 981 prosecutions.

982 Section 14. Section 125.82, Florida Statutes, is amended
 983 to read:

984 125.82 Charter adoption by ordinance.--

985 (1) As a supplemental and alternative way to the
 986 provisions of ss. 125.60-125.64, inclusive, the board of county
 987 commissioners may propose by ordinance a charter consistent with
 988 the provisions of this part and provide for a special election
 989 pursuant to the procedures established in ss. 101.162 and
 990 101.164 ~~s. 101.161(1)~~ with notice published as provided in s.
 991 100.342. The time period provided in s. 125.64 does not apply to
 992 the proposal of a charter by ordinance under this section.

993 (2) Any charter proposed under this section which was
 994 adopted by vote of the electors at an election conducted and
 995 noticed in conformance with the requirements of ss. 100.342,
 996 101.162, and 101.164 ~~101.161(1)~~ is hereby ratified.

997 Section 15. Paragraph (b) of subsection (2), paragraph (b)
 998 of subsection (3), subsection (4), paragraph (b) of subsection
 999 (6), and paragraph (b) of subsection (7) of section 212.055,
 1000 Florida Statutes, are amended to read:

1001 212.055 Discretionary sales surtaxes; legislative intent;
 1002 authorization and use of proceeds.--It is the legislative intent

1003 that any authorization for imposition of a discretionary sales
 1004 surtax shall be published in the Florida Statutes as a
 1005 subsection of this section, irrespective of the duration of the
 1006 levy. Each enactment shall specify the types of counties
 1007 authorized to levy; the rate or rates which may be imposed; the
 1008 maximum length of time the surtax may be imposed, if any; the
 1009 procedure which must be followed to secure voter approval, if
 1010 required; the purpose for which the proceeds may be expended;
 1011 and such other requirements as the Legislature may provide.
 1012 Taxable transactions and administrative procedures shall be as
 1013 provided in s. 212.054.

1014 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

1015 (b) A statement which includes a brief general description
 1016 of the projects to be funded by the surtax and which conforms to
 1017 the requirements of ss. 101.162 and 101.164 ~~s. 101.161~~ shall be
 1018 placed on the ballot by the governing authority of any county
 1019 which enacts an ordinance calling for a referendum on the levy
 1020 of the surtax or in which the governing bodies of the
 1021 municipalities representing a majority of the county's
 1022 population adopt uniform resolutions calling for a referendum on
 1023 the surtax. The following question shall be placed on the
 1024 ballot:

1025 _____FOR the _____-cent sales tax

1026 _____AGAINST the _____-cent sales tax

1027
 1028

1029 (3) SMALL COUNTY SURTAX.--

1030 (b) A statement that includes a brief general description
 1031 of the projects to be funded by the surtax and conforms to the
 1032 requirements of ss. 101.162 and 101.164 ~~s. 101.161~~ shall be
 1033 placed on the ballot by the governing authority of any county
 1034 that enacts an ordinance calling for a referendum on the levy of
 1035 the surtax for the purpose of servicing bond indebtedness. The
 1036 following question shall be placed on the ballot:

1037 _____FOR the _____-cent sales tax

1038 _____AGAINST the _____-cent sales tax

1039
 1040 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.--

1041 (a)1. The governing body in each county the government of
 1042 which is not consolidated with that of one or more
 1043 municipalities, which has a population of at least 800,000
 1044 residents and is not authorized to levy a surtax under
 1045 subsection (5), may levy, pursuant to an ordinance either
 1046 approved by an extraordinary vote of the governing body or
 1047 conditioned to take effect only upon approval by a majority vote
 1048 of the electors of the county voting in a referendum, a
 1049 discretionary sales surtax at a rate that may not exceed 0.5
 1050 percent.

1051 2. If the ordinance is conditioned on a referendum, a
 1052 statement that includes a brief and general description of the
 1053 purposes to be funded by the surtax and that conforms to the
 1054 requirements of ss. 101.162 and 101.164 ~~s. 101.161~~ shall be

1055 placed on the ballot by the governing body of the county. The
 1056 following questions shall be placed on the ballot:

1057
 1058 FOR THE. . . .CENTS TAX
 1059 AGAINST THE. . . .CENTS TAX

1060
 1061 3. The ordinance adopted by the governing body providing
 1062 for the imposition of the surtax shall set forth a plan for
 1063 providing health care services to qualified residents, as
 1064 defined in subparagraph 4. Such plan and subsequent amendments
 1065 to it shall fund a broad range of health care services for both
 1066 indigent persons and the medically poor, including, but not
 1067 limited to, primary care and preventive care as well as hospital
 1068 care. The plan must also address the services to be provided by
 1069 the Level I trauma center. It shall emphasize a continuity of
 1070 care in the most cost-effective setting, taking into
 1071 consideration both a high quality of care and geographic access.
 1072 Where consistent with these objectives, it shall include,
 1073 without limitation, services rendered by physicians, clinics,
 1074 community hospitals, mental health centers, and alternative
 1075 delivery sites, as well as at least one regional referral
 1076 hospital where appropriate. It shall provide that agreements
 1077 negotiated between the county and providers, including hospitals
 1078 with a Level I trauma center, will include reimbursement
 1079 methodologies that take into account the cost of services
 1080 rendered to eligible patients, recognize hospitals that render a
 1081 disproportionate share of indigent care, provide other
 1082 incentives to promote the delivery of charity care, promote the

1083 advancement of technology in medical services, recognize the
 1084 level of responsiveness to medical needs in trauma cases, and
 1085 require cost containment including, but not limited to, case
 1086 management. It must also provide that any hospitals that are
 1087 owned and operated by government entities on May 21, 1991, must,
 1088 as a condition of receiving funds under this subsection, afford
 1089 public access equal to that provided under s. 286.011 as to
 1090 meetings of the governing board, the subject of which is
 1091 budgeting resources for the rendition of charity care as that
 1092 term is defined in the Florida Hospital Uniform Reporting System
 1093 (FHURS) manual referenced in s. 408.07. The plan shall also
 1094 include innovative health care programs that provide cost-
 1095 effective alternatives to traditional methods of service
 1096 delivery and funding.

1097 4. For the purpose of this paragraph, the term "qualified
 1098 resident" means residents of the authorizing county who are:

1099 a. Qualified as indigent persons as certified by the
 1100 authorizing county;

1101 b. Certified by the authorizing county as meeting the
 1102 definition of the medically poor, defined as persons having
 1103 insufficient income, resources, and assets to provide the needed
 1104 medical care without using resources required to meet basic
 1105 needs for shelter, food, clothing, and personal expenses; or not
 1106 being eligible for any other state or federal program, or having
 1107 medical needs that are not covered by any such program; or
 1108 having insufficient third-party insurance coverage. In all
 1109 cases, the authorizing county is intended to serve as the payor
 1110 of last resort; or

1111 c. Participating in innovative, cost-effective programs
 1112 approved by the authorizing county.

1113 5. Moneys collected pursuant to this paragraph remain the
 1114 property of the state and shall be distributed by the Department
 1115 of Revenue on a regular and periodic basis to the clerk of the
 1116 circuit court as ex officio custodian of the funds of the
 1117 authorizing county. The clerk of the circuit court shall:

1118 a. Maintain the moneys in an indigent health care trust
 1119 fund;

1120 b. Invest any funds held on deposit in the trust fund
 1121 pursuant to general law;

1122 c. Disburse the funds, including any interest earned, to
 1123 any provider of health care services, as provided in
 1124 subparagraphs 3. and 4., upon directive from the authorizing
 1125 county. However, if a county has a population of at least
 1126 800,000 residents and has levied the surtax authorized in this
 1127 paragraph, notwithstanding any directive from the authorizing
 1128 county, on October 1 of each calendar year, the clerk of the
 1129 court shall issue a check in the amount of \$6.5 million to a
 1130 hospital in its jurisdiction that has a Level I trauma center or
 1131 shall issue a check in the amount of \$3.5 million to a hospital
 1132 in its jurisdiction that has a Level I trauma center if that
 1133 county enacts and implements a hospital lien law in accordance
 1134 with chapter 98-499, Laws of Florida. The issuance of the checks
 1135 on October 1 of each year is provided in recognition of the
 1136 Level I trauma center status and shall be in addition to the
 1137 base contract amount received during fiscal year 1999-2000 and
 1138 any additional amount negotiated to the base contract. If the

1139 hospital receiving funds for its Level I trauma center status
 1140 requests such funds to be used to generate federal matching
 1141 funds under Medicaid, the clerk of the court shall instead issue
 1142 a check to the Agency for Health Care Administration to
 1143 accomplish that purpose to the extent that it is allowed through
 1144 the General Appropriations Act; and

1145 d. Prepare on a biennial basis an audit of the trust fund
 1146 specified in sub-subparagraph a. Commencing February 1, 2004,
 1147 such audit shall be delivered to the governing body and to the
 1148 chair of the legislative delegation of each authorizing county.

1149 6. Notwithstanding any other provision of this section, a
 1150 county shall not levy local option sales surtaxes authorized in
 1151 this paragraph and subsections (2) and (3) in excess of a
 1152 combined rate of 1 percent.

1153 (b) Notwithstanding any other provision of this section,
 1154 the governing body in each county the government of which is not
 1155 consolidated with that of one or more municipalities and which
 1156 has a population of less than 800,000 residents, may levy, by
 1157 ordinance subject to approval by a majority of the electors of
 1158 the county voting in a referendum, a discretionary sales surtax
 1159 at a rate that may not exceed 0.25 percent for the sole purpose
 1160 of funding trauma services provided by a trauma center licensed
 1161 pursuant to chapter 395.

1162 1. A statement that includes a brief and general
 1163 description of the purposes to be funded by the surtax and that
 1164 conforms to the requirements of ss. 101.162 and 101.164 ~~ss.~~
 1165 ~~101.161~~ shall be placed on the ballot by the governing body of
 1166 the county. The following shall be placed on the ballot:

1167
 1168 FOR THE. . . .CENTS TAX
 1169 AGAINST THE. . . .CENTS TAX
 1170

1171 2. The ordinance adopted by the governing body of the
 1172 county providing for the imposition of the surtax shall set
 1173 forth a plan for providing trauma services to trauma victims
 1174 presenting in the trauma service area in which such county is
 1175 located.

1176 3. Moneys collected pursuant to this paragraph remain the
 1177 property of the state and shall be distributed by the Department
 1178 of Revenue on a regular and periodic basis to the clerk of the
 1179 circuit court as ex officio custodian of the funds of the
 1180 authorizing county. The clerk of the circuit court shall:

1181 a. Maintain the moneys in a trauma services trust fund.

1182 b. Invest any funds held on deposit in the trust fund
 1183 pursuant to general law.

1184 c. Disburse the funds, including any interest earned on
 1185 such funds, to the trauma center in its trauma service area, as
 1186 provided in the plan set forth pursuant to subparagraph 2., upon
 1187 directive from the authorizing county. If the trauma center
 1188 receiving funds requests such funds be used to generate federal
 1189 matching funds under Medicaid, the custodian of the funds shall
 1190 instead issue a check to the Agency for Health Care
 1191 Administration to accomplish that purpose to the extent that the
 1192 agency is allowed through the General Appropriations Act.

1193 d. Prepare on a biennial basis an audit of the trauma
 1194 services trust fund specified in sub-subparagraph a., to be
 1195 delivered to the authorizing county.

1196 4. A discretionary sales surtax imposed pursuant to this
 1197 paragraph shall expire 4 years after the effective date of the
 1198 surtax, unless reenacted by ordinance subject to approval by a
 1199 majority of the electors of the county voting in a subsequent
 1200 referendum.

1201 5. Notwithstanding any other provision of this section, a
 1202 county shall not levy local option sales surtaxes authorized in
 1203 this paragraph and subsections (2) and (3) in excess of a
 1204 combined rate of 1 percent.

1205 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

1206 (b) The resolution shall include a statement that provides
 1207 a brief and general description of the school capital outlay
 1208 projects to be funded by the surtax. The statement shall conform
 1209 to the requirements of ss. 101.162 and 101.164 ~~ss. 101.161~~ and
 1210 shall be placed on the ballot by the governing body of the
 1211 county. The following question shall be placed on the ballot:
 1212

_____ FOR THE _____CENTS TAX

_____ AGAINST THE _____CENTS TAX

1215 (7) VOTER-APPROVED INDIGENT CARE SURTAX.--

1216 (b) A statement that includes a brief and general
 1217 description of the purposes to be funded by the surtax and that
 1218 conforms to the requirements of ss. 101.162 and 101.164 ~~ss.~~

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1219 ~~101.161~~ shall be placed on the ballot by the governing body of
 1220 the county. The following questions shall be placed on the
 1221 ballot:

1222
 1223 FOR THE . . . CENTS TAX
 1224 AGAINST THE . . . CENTS TAX

1225 Section 16. Paragraph (b) of subsection (4) of section
 1226 1011.73, Florida Statutes, is amended to read:

1227 1011.73 District millage elections.--

1228 (4) FORM OF BALLOT.--

1229 (b) The district school board shall provide the wording of
 1230 the substance of the measure and the ballot title in the
 1231 resolution calling for the election. The wording of the ballot
 1232 must conform to the provisions of ss. 101.162 and 101.164 ~~s.~~
 1233 ~~101.161~~.

1234 Section 17. Any signature gathered on an authorized form
 1235 for an initiative petition that has been submitted for
 1236 verification prior to the effective date of this act may be
 1237 verified and counted if otherwise valid. However, any initiative
 1238 petition form that is submitted for verification on or after the
 1239 effective date of this act shall be verified and counted only if
 1240 it complies with all the provisions of this act. Any initiative
 1241 petition form approved by the Secretary of State prior to the
 1242 effective date of this act is hereby invalidated, and a new
 1243 petition form must be resubmitted to the Secretary of State for
 1244 approval in accordance with the requirements of this act prior
 1245 to obtaining elector signatures.

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1246 Section 18. Sections 101.161 and 106.191, Florida
1247 Statutes, are repealed.
1248 Section 19. This act shall take effect October 1, 2005.