

By Senator Dockery

15-1189-05

1                                    A bill to be entitled

2                    An act relating to initiatives; amending s.

3                    100.371, F.S.; providing that violation of the

4                    section invalidates any petition form on which

5                    signatures were obtained through the violation;

6                    prohibiting counting any such signature to

7                    determine number and distribution; providing

8                    that supervisors of elections are responsible

9                    for enforcing provisions relating to submission

10                   and verification and that the Secretary of

11                   State is otherwise responsible for enforcing

12                   the section; providing that signatures gathered

13                   by a paid gatherer will not count if the

14                   gatherer's name and address do not appear on

15                   the form; requiring proposed amendments or

16                   revisions proposed by the Legislature to be

17                   reviewed by the Financial Impact Estimating

18                   Conference; adding principals to the conference

19                   for initiative proposals; providing an

20                   effective date.

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

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24                    Section 1. Section 100.371, Florida Statutes, is

25 amended to read:

26                    100.371 Initiatives; procedure for placement on

27 ballot.--

28                    (1) Constitutional amendments proposed by initiative

29 shall be placed on the ballot for the general election

30 occurring in excess of 90 days from the certification of

31 ballot position by the Secretary of State.

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

9           (3) The sponsor of an initiative amendment shall,  
10 prior to obtaining any signatures, register as a political  
11 committee pursuant to s. 106.03 and submit the text of the  
12 proposed amendment to the Secretary of State, with the form on  
13 which the signatures will be affixed, and shall obtain the  
14 approval of the Secretary of State of such form. The Secretary  
15 of State shall adopt rules pursuant to s. 120.54 prescribing  
16 the style and requirements of such form. Upon filing with the  
17 Secretary of State, the text of the proposed amendment and all  
18 forms filed in connection with this section must, upon  
19 request, be made available in alternative formats. A violation  
20 of this section by the sponsor of an initiative amendment  
21 invalidates each petition form submitted to a supervisor of  
22 elections on which signatures were obtained as a result of the  
23 violation. Signatures appearing on that form may not be  
24 counted in determining the number and distribution of valid  
25 signatures.

26           (4) The sponsor shall submit signed and dated forms to  
27 the appropriate supervisor of elections for verification as to  
28 the number of registered electors whose valid signatures  
29 appear thereon. The supervisor shall promptly verify the  
30 signatures upon payment of the fee required by s. 99.097. Upon  
31 completion of verification, the supervisor shall execute a

1 certificate indicating the total number of signatures checked,  
2 the number of signatures verified as valid and as being of  
3 registered electors, and the distribution by congressional  
4 district. The supervisor shall enforce this subsection in  
5 accordance with rules adopted by the Secretary of State. This  
6 certificate shall be immediately transmitted to the Secretary  
7 of State. The supervisor shall retain the signature forms for  
8 at least 1 year following the election in which the issue  
9 appeared on the ballot or until the Division of Elections  
10 notifies the supervisors of elections that the committee which  
11 circulated the petition is no longer seeking to obtain ballot  
12 position.

13 (5) The Secretary of State shall determine from the  
14 verification certificates received from supervisors of  
15 elections the total number of verified valid signatures and  
16 the distribution of such signatures by congressional  
17 districts. Signatures gathered by a person who is compensated  
18 for doing so which are on a petition form that does not  
19 contain the name and address of the person gathering those  
20 signatures may not be counted in determining whether the  
21 requisite number and distribution of valid signatures have  
22 been obtained. Upon a determination that the requisite number  
23 and distribution of valid signatures have been obtained, the  
24 secretary shall issue a certificate of ballot position for  
25 that proposed amendment and shall assign a designating number  
26 pursuant to s. 101.161. A petition shall be deemed to be filed  
27 with the Secretary of State upon the date of the receipt by  
28 the secretary of a certificate or certificates from  
29 supervisors of elections indicating the petition has been  
30 signed by the constitutionally required number of electors.

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1           (6)(a) Within 45 days after receipt of a proposed  
2 revision or amendment to the State Constitution ~~by initiative~~  
3 ~~petition~~ from the Secretary of State or, within 30 days after  
4 such receipt if receipt occurs 120 days or less before the  
5 election at which the question of ratifying the amendment will  
6 be presented, the Financial Impact Estimating Conference shall  
7 complete an analysis and financial impact statement to be  
8 placed on the ballot of the estimated increase or decrease in  
9 any revenues or costs to state or local governments resulting  
10 from the proposed initiative. The Financial Impact Estimating  
11 Conference shall submit the financial impact statement to the  
12 Attorney General and Secretary of State.

13           (b)1. The Financial Impact Estimating Conference shall  
14 provide an opportunity for any proponents or opponents of the  
15 initiative to submit information and may solicit information  
16 or analysis from any other entities or agencies, including the  
17 Office of Economic and Demographic Research. All meetings of  
18 the Financial Impact Estimating Conference shall be open to  
19 the public as provided in chapter 286.

20           2. The Financial Impact Estimating Conference is  
21 established to review, analyze, and estimate the financial  
22 impact of amendments to or revisions of the State Constitution  
23 ~~proposed by initiative~~. The Financial Impact Estimating  
24 Conference shall consist of four principals: one person from  
25 the Executive Office of the Governor; the coordinator of the  
26 Office of Economic and Demographic Research, or his or her  
27 designee; one person from the professional staff of the  
28 Senate; and one person from the professional staff of the  
29 House of Representatives. However, when the amendment or  
30 revision is one proposed by initiative, the Financial Impact  
31 Estimating Conference is increased to six principals and must

1 also include a person representing proponents of the  
2 initiative and a person representing opponents of the  
3 initiative. Each principal shall have appropriate fiscal  
4 expertise in the subject matter of the initiative. A Financial  
5 Impact Estimating Conference may be appointed for each  
6 initiative.

7           3. Principals of the Financial Impact Estimating  
8 Conference shall reach a consensus or majority concurrence on  
9 a clear and unambiguous financial impact statement, no more  
10 than 75 words in length, and immediately submit the statement  
11 to the Attorney General. Nothing in this subsection prohibits  
12 the Financial Impact Estimating Conference from setting forth  
13 a range of potential impacts in the financial impact  
14 statement. Any financial impact statement that a court finds  
15 not to be in accordance with this section shall be remanded  
16 solely to the Financial Impact Estimating Conference for  
17 redrafting. The Financial Impact Estimating Conference shall  
18 redraft the financial impact statement within 15 days.

19           4. If the members of the Financial Impact Estimating  
20 Conference are unable to agree on the statement required by  
21 this subsection, or if the Supreme Court has rejected the  
22 initial submission by the Financial Impact Estimating  
23 Conference and no redraft has been approved by the Supreme  
24 Court by 5 p.m. on the 75th day before the election, the  
25 following statement shall appear on the ballot pursuant to s.  
26 101.161(1): "The financial impact of this measure, if any,  
27 cannot be reasonably determined at this time."

28           (c) The financial impact statement must be separately  
29 contained and be set forth after the ballot summary as  
30 required in s. 101.161(1).  
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1           (d)1. Any financial impact statement that the Supreme  
2 Court finds not to be in accordance with this subsection shall  
3 be remanded solely to the Financial Impact Estimating  
4 Conference for redrafting, provided the court's advisory  
5 opinion is rendered at least 75 days before the election at  
6 which the question of ratifying the amendment will be  
7 presented. The Financial Impact Estimating Conference shall  
8 prepare and adopt a revised financial impact statement no  
9 later than 5 p.m. on the 15th day after the date of the  
10 court's opinion.

11           2. If, by 5 p.m. on the 75th day before the election,  
12 the Supreme Court has not issued an advisory opinion on the  
13 initial financial impact statement prepared by the Financial  
14 Impact Estimating Conference for an initiative amendment that  
15 otherwise meets the legal requirements for ballot placement,  
16 the financial impact statement shall be deemed approved for  
17 placement on the ballot.

18           3. In addition to the financial impact statement  
19 required by this subsection, the Financial Impact Estimating  
20 Conference shall draft an initiative financial information  
21 statement. The initiative financial information statement  
22 should describe in greater detail than the financial impact  
23 statement any projected increase or decrease in revenues or  
24 costs that the state or local governments would likely  
25 experience if the ballot measure were approved. If  
26 appropriate, the initiative financial information statement  
27 may include both estimated dollar amounts and a description  
28 placing the estimated dollar amounts into context. The  
29 initiative financial information statement must include both a  
30 summary of not more than 500 words and additional detailed  
31 information that includes the assumptions that were made to

1 develop the financial impacts, workpapers, and any other  
2 information deemed relevant by the Financial Impact Estimating  
3 Conference.

4           4. The Department of State shall have printed, and  
5 shall furnish to each supervisor of elections, a copy of the  
6 summary from the initiative financial information statements.  
7 The supervisors shall have the summary from the initiative  
8 financial information statements available at each polling  
9 place and at the main office of the supervisor of elections  
10 upon request.

11           5. The Secretary of State and the Office of Economic  
12 and Demographic Research shall make available on the Internet  
13 each initiative financial information statement in its  
14 entirety. In addition, each supervisor of elections whose  
15 office has a website shall post the summary from each  
16 initiative financial information statement on the website.  
17 Each supervisor shall include the Internet addresses for the  
18 information statements on the Secretary of State's and the  
19 Office of Economic and Demographic Research's websites in the  
20 publication or mailing required by s. 101.20.

21           (7) Unless enforcement authority has been specifically  
22 delegated otherwise, the Secretary of State is responsible for  
23 enforcing this section.

24           ~~(8)(7)~~ The Department of State may adopt rules in  
25 accordance with s. 120.54 to carry out the provisions of  
26 subsections (1)-(6).

27           Section 2. This act shall take effect July 1, 2005.  
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SENATE SUMMARY

Makes the Secretary of State responsible for enforcing the statute relating to initiatives, except for those relating to submission and verification of signatures, for which supervisors of elections are responsible. Provides that a violation of the section invalidates signatures obtained through the violation. Provides that signatures obtained by a paid gatherer whose name and address is not on the form may not be counted. Provides for the Financial Impact Estimating Conference to review amendments and revisions proposed by the Legislature and for the addition of two principals for reviewing initiatives.