

HB 773

2006
CS

CHAMBER ACTION

1 The Transportation & Economic Development Appropriations
2 Committee recommends the following:

Council/Committee Substitute

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to initiative procedures and standards;
8 amending s. 99.097, F.S.; revising requirements for
9 verification of signatures on petitions; providing
10 requirements for initiative sponsors filing for undue
11 burden; providing procedures to contest alleged improper
12 signature verification; repealing s. 28, ch. 2005-278,
13 Laws of Florida, relating to procedures for placement of
14 initiatives on the ballot; amending s. 100.371, F.S.;
15 revising procedures for placing an initiative on the
16 ballot; providing requirements for information to be
17 contained on petitions; providing procedure for revocation
18 of a petition signature; requiring a statement on the
19 ballot regarding the financial impact statement; providing
20 regulation for initiative petition circulators and their
21 activities; repealing s. 33, ch. 2005-278, Laws of
22 Florida, relating to referenda and ballots; amending s.
23 101.161, F.S.; conforming a cross-reference; providing for

Page 1 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0773-01-c1

HB 773

2006
CS

24 | verifying and counting signatures submitted for
25 | verification before the effective date of the act;
26 | providing severability; providing effective dates.

27 |
28 | Be It Enacted by the Legislature of the State of Florida:

29 |
30 | Section 1. Subsections (1), (3), and (4) of section
31 | 99.097, Florida Statutes, are amended, and subsection (6) is
32 | added to that section, to read:

33 | 99.097 Verification of signatures on petitions.--

34 | (1) As determined by each supervisor, based upon local
35 | conditions, the verification of signatures ~~checking of names~~ on
36 | petitions may be based on the most inexpensive and
37 | administratively feasible of either of the following methods of
38 | verification:

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

41 | (b) A check of a random sample, as provided by the
42 | Department of State, of names and signatures on the petitions.
43 | The sample must be such that a determination can be made as to
44 | whether or not the required number of valid signatures ~~has~~ have
45 | been obtained with a reliability of at least 99.5 percent. Rules
46 | and guidelines for this method of petition verification shall be
47 | adopted ~~promulgated~~ by the Department of State, which may
48 | include a requirement that petitions bear an additional number
49 | of names and valid signatures, not to exceed 15 percent of the
50 | names and valid signatures otherwise required. If the petitions
51 | do not meet such criteria, then the use of the verification

HB 773

2006
CS

52 method described in this paragraph shall not be available to
53 supervisors.

54
55 Notwithstanding any other provision of law, petitions to secure
56 ballot placement for an issue, and petition revocations directed
57 thereto pursuant to s. 100.371, must be verified by the method
58 provided in paragraph (a).

59 (3) (a) A signature name on a petition, in a name that
60 ~~which name~~ is not in substantially the same form as a name on
61 the voter registration books, shall be counted as a valid
62 signature if, after comparing the signature on the petition with
63 the signature of the alleged signer as shown on the registration
64 books, the supervisor determines that the person signing the
65 petition and the person who registered to vote are one and the
66 same. In any situation in which this code requires the form of
67 the petition to be prescribed by the division, no signature
68 shall be counted toward the number of signatures required unless
69 it is on a petition form prescribed by the division.

70 (b) If a voter signs a petition and lists an address other
71 than the legal residence where the voter is registered, the
72 supervisor shall treat the signature as if the voter had listed
73 the address where the voter is registered.

74 (4) (a) The supervisor shall be paid in advance the sum of
75 10 cents for each signature verified ~~checked~~ or the actual cost
76 of verifying ~~checking~~ such signature, whichever is less, by the
77 candidate or, in the case of a petition to have an issue placed
78 on the ballot by initiative, by the initiative sponsor ~~person or~~
79 ~~organization submitting the petition~~. However, if a candidate or

HB 773

2006
CS

80 ~~initiative sponsor, person, or organization seeking to have an~~
81 ~~issue placed upon the ballot~~ cannot pay such charges without
82 imposing an undue burden on personal resources or upon the
83 resources otherwise available to such candidate or initiative
84 sponsor, person, or organization, such candidate or initiative
85 sponsor, person, or organization shall, upon written
86 certification of such inability given under oath to the
87 supervisor, be entitled to have the signatures verified at no
88 charge. In the event a candidate or initiative sponsor, person,
89 ~~or organization~~ submitting a petition to have an issue placed
90 ~~upon the ballot~~ is entitled to have the signatures verified at
91 no charge, the supervisor of elections of each county in which
92 the signatures are verified at no charge shall submit the total
93 number of such signatures checked in the county to the Chief
94 Financial Officer no later than December 1 of the general
95 election year, and the Chief Financial Officer shall cause such
96 supervisor of elections to be reimbursed from the General
97 Revenue Fund in an amount equal to 10 cents for each signature
98 verified ~~name checked~~ or the actual cost of verifying ~~checking~~
99 such signatures, whichever is less. In no event shall such
100 reimbursement of costs be deemed or applied as extra
101 compensation for the supervisor. Petitions shall be retained by
102 the supervisors for a period of 1 year following the election
103 for which the petitions were circulated.

104 (b) An initiative sponsor that has filed a certification
105 of undue burden may not provide compensation to any paid
106 petition circulator, as defined in s. 100.371, unless the
107 initiative sponsor first pays all supervisors for each signature

HB 773

2006
CS

108 verified or reimburses the General Revenue Fund for such costs.
109 If an initiative sponsor subject to this paragraph provides
110 compensation to a paid petition circulator before the date the
111 initiative sponsor pays all supervisors for each signature
112 verified or reimburses the General Revenue Fund for such costs,
113 no signature on a petition circulated by the paid petition
114 circulator before that date may be counted toward the number of
115 valid signatures required for ballot placement until the
116 initiative sponsor pays all supervisors for each signature
117 checked or reimburses the General Revenue Fund for such costs.

118 (6) (a) The alleged improper verification of a signature on
119 a petition to secure ballot placement for an issue pursuant to
120 this code may be contested in the circuit court by a political
121 committee or by an elector. The contestant shall file a
122 complaint setting forth the basis of the contest, together with
123 the fees prescribed in chapter 28, with the clerk of the circuit
124 court in the county in which the petition is certified or in
125 Leon County if the complaint is directed to petitions certified
126 in more than one county.

127 (b) If the contestant demonstrates by a preponderance of
128 the evidence that one or more petitions were improperly
129 verified, the signatures appearing on such petitions may not be
130 counted toward the number of valid signatures required for
131 ballot placement. If an action brought under this subsection is
132 resolved after the Secretary of State has issued a certificate
133 of ballot position for the issue, but the contestant
134 demonstrates that the person or organization submitting the
135 petition had obtained verification of an insufficient number of

Page 5 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0773-01-c1

HB 773

2006
CS

136 valid and verified signatures to qualify for ballot placement,
137 the issue shall be removed from the ballot or, if such action is
138 impractical, any votes cast for or against the issue may not be
139 counted and shall be invalidated.

140 (c) An action under this subsection must be commenced no
141 later than 90 days after the Secretary of State issues a
142 certificate of ballot position for the issue.

143 Section 2. Section 100.371, Florida Statutes, is amended
144 to read:

145 100.371 Initiatives; procedure for placement on ballot.--

146 (1) Constitutional amendments proposed by initiative shall
147 be placed on the ballot for the general election if an
148 initiative petition is filed with the Secretary of State by
149 February 1 of the year in which the general election is to be
150 held ~~occurring in excess of 90 days from the certification of~~
151 ~~ballot position by the Secretary of State.~~

152 (2) Certification of ballot position ~~Such certification~~
153 shall be issued when the Secretary of State has received
154 verification certificates from the supervisors of elections
155 indicating that the requisite number and distribution of valid
156 petitions bearing the signatures of electors have been submitted
157 to and verified by the supervisors. Every signature shall be
158 dated by the elector when made. Signatures are ~~and shall be~~
159 valid for a period of 4 years following such date, provided all
160 other requirements of law are satisfied ~~complied with.~~

161 (3) The sponsor of an initiative amendment shall, prior to
162 obtaining any signatures, register as a political committee
163 pursuant to s. 106.03 and submit the text of the proposed

HB 773

2006
CS

164 amendment to the Secretary of State, with the form on which the
165 signatures will be affixed, and shall obtain the approval of the
166 Secretary of State of such form. The form shall consist of a
167 single card or sheet of paper unconnected with any other card or
168 sheet of paper and shall be circulated for signatures in this
169 format. The division ~~Secretary of State~~ shall adopt rules
170 pursuant to s. 120.54 prescribing the style and requirements of
171 such form. Upon filing with the Secretary of State, the text of
172 the proposed amendment and all forms filed in connection with
173 this section must, upon request, be made available in
174 alternative formats. The contents of a petition form are limited
175 to those items required by statute or rule. A petition form is a
176 political advertisement as defined in s. 106.011 and, as such,
177 must comply with all relevant requirements of chapter 106.

178 (4) The supervisor of elections shall record the date each
179 petition form is received by the supervisor and the date the
180 signature on the form is verified as valid. The supervisor shall
181 verify that the signature on a petition form is valid only if
182 the form complies with all of the following:

183 (a) The form must contain the original signature of the
184 purported elector.

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

187 (c) The date the elector signed the form, as recorded by
188 the elector, must be no more than 35 days before the date the
189 form is received by the supervisor of elections.

HB 773

2006
CS

190 (d) The form must accurately set forth the purported
191 elector's name, street address, county, and voter registration
192 number or date of birth.

193 (e) The purported elector must be, at the time he or she
194 signs the form, a duly qualified and registered elector
195 authorized to vote in the county in which his or her signature
196 is submitted.

197 (5) An elector's signature on a petition form may be
198 revoked by submitting to the appropriate supervisor of elections
199 a signed petition-revocation form adopted by rule for this
200 purpose by the division. The petition-revocation form is subject
201 to the same relevant requirements as the corresponding petition
202 form under this code and must be approved by the Secretary of
203 State before any signature is obtained. The petition-revocation
204 form shall be filed with the supervisor of elections no later
205 than the February 1 preceding the next general election or, if
206 the initiative amendment is not certified for ballot position in
207 that election, no later than the February 1 preceding the next
208 successive general election. The supervisor of elections shall
209 promptly verify the signature on the petition-revocation form
210 and process such revocation within 30 days after receiving
211 payment, in advance, of a fee of 10 cents or the actual cost of
212 verifying such signature, whichever is less.

213 (6) (a) If a person is presented with a petition form or
214 petition-revocation form for his or her possible signature by a
215 petition circulator, the person must record this fact on the
216 form and the name and address of the petition circulator must
217 legibly appear on the form before the signature on the form may

HB 773

2006
CS

218 be verified by the supervisor. For purposes of this subsection,
219 the term "petition circulator" means any person who, in the
220 context of a direct face-to-face conversation, presents to
221 another person for his or her possible signature a petition form
222 or petition-revocation form regarding ballot placement for an
223 initiative.

224 (b) A paid petition circulator shall, when engaged in the
225 activities described in paragraph (a), wear a prominent badge,
226 in a form and manner prescribed by rule by the division,
227 identifying him or her as a "PAID PETITION CIRCULATOR." For
228 purposes of this paragraph, the term "paid petition circulator"
229 means a petition circulator who receives any compensation as a
230 direct or indirect consequence of these activities.

231 (7) In addition to any other practice or action
232 permissible under law, an owner, lessee, or other person
233 lawfully exercising control over private property may:

234 (a) Prohibit persons from engaging in activity on the
235 property that supports or opposes initiatives;

236 (b) Permit or prohibit persons from engaging in activity
237 on the property in support of or opposition to a particular
238 initiative; or

239 (c) Permit persons to engage in activity on the property
240 that supports or opposes initiatives, subject to restrictions
241 with respect to time, place, and manner which are reasonable and
242 uniformly applied.

243 (8) A signed petition form or petition-revocation form
244 regarding ballot placement for an initiative that does not fully
245 comply with the applicable provisions of this code, or that was

HB 773

2006
CS

246 | obtained in violation of the applicable provisions of this code,
247 | may be verified by the supervisor of elections and counted
248 | toward the number of valid signatures required for ballot
249 | placement only after those deficiencies or violations are
250 | corrected.

251 | ~~(9)(4)~~ The sponsor shall submit signed and dated forms to
252 | the appropriate supervisor of elections for verification as to
253 | the number of registered electors whose valid signatures appear
254 | thereon. The supervisor shall promptly verify the signatures
255 | within 30 days after receiving ~~upon~~ payment, in advance, of the
256 | fee required by s. 99.097. Upon completion of verification, the
257 | supervisor shall execute a certificate indicating the total
258 | number of signatures checked, the number of signatures verified
259 | as valid and as being of registered electors, the number of
260 | signatures validly revoked pursuant to subsection (5), and the
261 | distribution of such signatures by congressional district. This
262 | certificate shall be immediately transmitted to the Secretary of
263 | State. The supervisor shall retain the signed petition ~~signature~~
264 | forms and petition-revocation forms for at least 1 year
265 | following the election in which the issue appeared on the ballot
266 | or until the Division of Elections notifies the supervisors of
267 | elections that the committee which circulated the petition is no
268 | longer seeking to obtain ballot position.

269 | ~~(10)(5)~~ The Secretary of State shall determine from the
270 | verification certificates received from supervisors of elections
271 | the total number of verified valid signatures and the
272 | distribution of such signatures by congressional districts. Upon
273 | a determination that the requisite number and distribution of

HB 773

2006
CS

274 valid signatures have been obtained, the secretary shall issue a
 275 certificate of ballot position for that proposed amendment and
 276 shall assign a designating number pursuant to s. 101.161. A
 277 petition shall be deemed to be filed with the Secretary of State
 278 upon the date of the receipt by the secretary of a certificate
 279 or certificates from supervisors of elections indicating that
 280 valid and verified ~~the~~ petition forms have ~~has~~ been signed by
 281 the constitutionally required number and distribution of
 282 electors pursuant to this code, subject to the right of
 283 revocation established in this section.

284 (11) ~~(6)~~ (a) Within 45 days after receipt of a proposed
 285 revision or amendment to the State Constitution by initiative
 286 petition from the Secretary of State ~~or, within 30 days after~~
 287 ~~such receipt if receipt occurs 120 days or less before the~~
 288 ~~election at which the question of ratifying the amendment will~~
 289 ~~be presented,~~ the Financial Impact Estimating Conference shall
 290 complete an analysis and financial impact statement to be placed
 291 on the ballot of the estimated increase or decrease in any
 292 revenues or costs to state or local governments resulting from
 293 the proposed initiative. The ballot must include a statement, as
 294 prescribed by rule of the Department of State, to the effect
 295 that the financial impact statement is required under the State
 296 Constitution and the Florida Statutes and should not be
 297 construed as an endorsement by the state of the proposed
 298 revision or amendment to the State Constitution. The Financial
 299 Impact Estimating Conference shall submit the financial impact
 300 statement to the Attorney General and Secretary of State.

HB 773

2006
CS

301 (b)1. The Financial Impact Estimating Conference shall
302 provide an opportunity for any proponents or opponents of the
303 initiative to submit information and may solicit information or
304 analysis from any other entities or agencies, including the
305 Office of Economic and Demographic Research. All meetings of the
306 Financial Impact Estimating Conference shall be open to the
307 public as provided in chapter 286.

308 2. The Financial Impact Estimating Conference is
309 established to review, analyze, and estimate the financial
310 impact of amendments to or revisions of the State Constitution
311 proposed by initiative. The Financial Impact Estimating
312 Conference shall consist of four principals: one person from the
313 Executive Office of the Governor; the coordinator of the Office
314 of Economic and Demographic Research, or his or her designee;
315 one person from the professional staff of the Senate; and one
316 person from the professional staff of the House of
317 Representatives. Each principal shall have appropriate fiscal
318 expertise in the subject matter of the initiative. A Financial
319 Impact Estimating Conference may be appointed for each
320 initiative.

321 3. Principals of the Financial Impact Estimating
322 Conference shall reach a consensus or majority concurrence on a
323 clear and unambiguous financial impact statement, no more than
324 75 words in length, and immediately submit the statement to the
325 Attorney General. Nothing in this subsection prohibits the
326 Financial Impact Estimating Conference from setting forth a
327 range of potential impacts in the financial impact statement.
328 Any financial impact statement that a court finds not to be in

HB 773

2006
CS

329 | accordance with this section shall be remanded solely to the
330 | Financial Impact Estimating Conference for redrafting. The
331 | Financial Impact Estimating Conference shall redraft the
332 | financial impact statement within 15 days.

333 | 4. If the members of the Financial Impact Estimating
334 | Conference are unable to agree on the statement required by this
335 | subsection, or if the Supreme Court has rejected the initial
336 | submission by the Financial Impact Estimating Conference and no
337 | redraft has been approved by the Supreme Court by April 1 of the
338 | year in which the general election is to be held ~~5 p.m. on the~~
339 | ~~75th day before the election~~, the following statement shall
340 | appear on the ballot pursuant to s. 101.161(1): "The financial
341 | impact of this measure, if any, cannot be reasonably determined
342 | at this time."

343 | (c) The financial impact statement must be separately
344 | contained and be set forth after the ballot summary as required
345 | in s. 101.161(1).

346 | (d)1. Any financial impact statement that the Supreme
347 | Court finds not to be in accordance with this subsection shall
348 | be remanded solely to the Financial Impact Estimating Conference
349 | for redrafting, provided the court's advisory opinion is
350 | rendered by April 1 of the year in which the general election is
351 | to be held ~~at least 75 days before the election at which the~~
352 | ~~question of ratifying the amendment will be presented~~. The
353 | Financial Impact Estimating Conference shall prepare and adopt a
354 | revised financial impact statement no later than 5 p.m. on the
355 | 15th day after the date of the court's opinion.

HB 773

2006
CS

356 2. If, by 5 p.m. on April 1 of the year in which the
357 general election is to be held ~~the 75th day before the election,~~
358 the Supreme Court has not issued an advisory opinion on the
359 initial financial impact statement prepared by the Financial
360 Impact Estimating Conference for an initiative amendment that
361 otherwise meets the legal requirements for ballot placement, the
362 financial impact statement shall be deemed approved for
363 placement on the ballot.

364 3. In addition to the financial impact statement required
365 by this subsection, the Financial Impact Estimating Conference
366 shall draft an initiative financial information statement. The
367 initiative financial information statement should describe in
368 greater detail than the financial impact statement any projected
369 increase or decrease in revenues or costs that the state or
370 local governments would likely experience if the ballot measure
371 were approved. If appropriate, the initiative financial
372 information statement may include both estimated dollar amounts
373 and a description placing the estimated dollar amounts into
374 context. The initiative financial information statement must
375 include both a summary of not more than 500 words and additional
376 detailed information that includes the assumptions that were
377 made to develop the financial impacts, workpapers, and any other
378 information deemed relevant by the Financial Impact Estimating
379 Conference.

380 4. The Department of State shall have printed, and shall
381 furnish to each supervisor of elections, a copy of the summary
382 from the initiative financial information statements. The
383 supervisors shall have the summary from the initiative financial

HB 773

2006
CS

384 information statements available at each polling place and at
385 the main office of the supervisor of elections upon request.

386 5. The Secretary of State and the Office of Economic and
387 Demographic Research shall make available on the Internet each
388 initiative financial information statement in its entirety. In
389 addition, each supervisor of elections whose office has a
390 website shall post the summary from each initiative financial
391 information statement on the website. Each supervisor shall
392 include the Internet addresses for the information statements on
393 the Secretary of State's and the Office of Economic and
394 Demographic Research's websites in the publication or mailing
395 required by s. 101.20.

396 ~~(12)(7)~~ The division ~~Department of State~~ may adopt rules
397 in accordance with s. 120.54 to carry out this section ~~the~~
398 ~~provisions of subsections (1) (6)~~.

399 Section 3. Section 28 of chapter 2005-278, Laws of
400 Florida, is repealed.

401 Section 4. Effective January 1, 2007, section 100.371,
402 Florida Statutes, as amended by this act, is amended to read:

403 100.371 Initiatives; procedure for placement on ballot.--

404 (1) Constitutional amendments proposed by initiative shall
405 be placed on the ballot for the general election if an
406 initiative petition is filed with the Secretary of State by
407 February 1 of the year in which the general election is to be
408 held. A petition shall be deemed to be filed with the Secretary
409 of State upon the date that the secretary determines that valid
410 and verified petitions have been signed by the constitutionally
411 required number and distribution of electors pursuant to this

HB 773

2006
CS

412 code, subject to the right of revocation established in this
413 section.

414 ~~(2) Certification of ballot position shall be issued when~~
415 ~~the Secretary of State has received verification certificates~~
416 ~~from the supervisors of elections indicating that the requisite~~
417 ~~number and distribution of valid petitions bearing the~~
418 ~~signatures of electors have been submitted to and verified by~~
419 ~~the supervisors. Every signature shall be dated by the elector~~
420 ~~when made. Signatures are valid for a period of 4 years~~
421 ~~following such date, provided all other requirements of law are~~
422 ~~satisfied.~~

423 (2)~~(3)~~ The sponsor of an initiative amendment shall, prior
424 to obtaining any signatures, register as a political committee
425 pursuant to s. 106.03 and submit the text of the proposed
426 amendment to the Secretary of State, with the form on which the
427 signatures will be affixed, and shall obtain the approval of the
428 Secretary of State of such form. The form shall consist of a
429 single card or sheet of paper unconnected with any other card or
430 sheet of paper and shall be circulated for signatures in this
431 format. The division shall adopt rules pursuant to s. 120.54
432 prescribing the style and requirements of such form. Upon filing
433 with the Secretary of State, the text of the proposed amendment
434 and all forms filed in connection with this section must, upon
435 request, be made available in alternative formats. The contents
436 of a petition form are limited to those items required by
437 statute or rule. A petition form is a political advertisement as
438 defined in s. 106.011 and, as such, must comply with all
439 relevant requirements of chapter 106.

Page 16 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0773-01-c1

HB 773

2006
CS

440 ~~(3)-(4)~~ The supervisor of elections shall record the date
441 each petition form is received by the supervisor and the date
442 the signature on the form is verified as valid. The supervisor
443 shall also promptly record these dates in the statewide voter
444 registration system in the manner prescribed by the Secretary of
445 State. The supervisor shall verify that the signature on a
446 petition form is valid only if the form complies with all of the
447 following:

448 (a) The form must contain the original signature of the
449 purported elector.

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

452 (c) The date the elector signed the form, as recorded by
453 the elector, must be no more than 35 days before the date the
454 form is received by the supervisor of elections.

455 (d) The form must accurately set forth the purported
456 elector's name, street address, county, and voter registration
457 number or date of birth.

458 (e) The purported elector must be, at the time he or she
459 signs the form, a duly qualified and registered elector
460 authorized to vote in the county in which his or her signature
461 is submitted.

462 ~~(4)-(5)~~ An elector's signature on a petition form may be
463 revoked by submitting to the appropriate supervisor of elections
464 a signed petition-revocation form adopted by rule for this
465 purpose by the division. The petition-revocation form is subject
466 to the same relevant requirements as the corresponding petition
467 form under this code and must be approved by the Secretary of

HB 773

2006
CS

468 State before any signature is obtained. The petition-revocation
469 form shall be filed with the supervisor of elections no later
470 than the February 1 preceding the next general election or, if
471 the initiative amendment is not certified for ballot position in
472 that election, no later than the February 1 preceding the next
473 successive general election. The supervisor of elections shall
474 promptly verify the signature on the petition-revocation form
475 and process such revocation within 30 days after receiving
476 payment, in advance, of a fee of 10 cents or the actual cost of
477 verifying such signature, whichever is less. The supervisor
478 shall promptly record each valid petition-revocation form in the
479 statewide voter registration system in the manner prescribed by
480 the Secretary of State.

481 (5)-(6)(a) If a person is presented with a petition form or
482 petition-revocation form for his or her possible signature by a
483 petition circulator, the person must record this fact on the
484 form and the name and address of the petition circulator must
485 legibly appear on the form before the signature on the form may
486 be verified by the supervisor. For purposes of this subsection,
487 the term "petition circulator" means any person who, in the
488 context of a direct face-to-face conversation, presents to
489 another person for his or her possible signature a petition form
490 or petition-revocation form regarding ballot placement for an
491 initiative.

492 (b) A paid petition circulator shall, when engaged in the
493 activities described in paragraph (a), wear a prominent badge,
494 in a form and manner prescribed by rule by the division,
495 identifying him or her as a "PAID PETITION CIRCULATOR." For

HB 773

2006
CS

496 | purposes of this paragraph, the term "paid petition circulator"
497 | means a petition circulator who receives any compensation as a
498 | direct or indirect consequence of these activities.

499 | ~~(6)-(7)~~ In addition to any other practice or action
500 | permissible under law, an owner, lessee, or other person
501 | lawfully exercising control over private property may:

502 | (a) Prohibit persons from engaging in activity on the
503 | property that supports or opposes initiatives;

504 | (b) Permit or prohibit persons from engaging in activity
505 | on the property in support of or opposition to a particular
506 | initiative; or

507 | (c) Permit persons to engage in activity on the property
508 | that supports or opposes initiatives, subject to restrictions
509 | with respect to time, place, and manner which are reasonable and
510 | uniformly applied.

511 | ~~(7)-(8)~~ A signed petition form or petition-revocation form
512 | regarding ballot placement for an initiative that does not fully
513 | comply with the applicable provisions of this code, or that was
514 | obtained in violation of the applicable provisions of this code,
515 | may be verified by the supervisor of elections and counted
516 | toward the number of valid signatures required for ballot
517 | placement only after those deficiencies or violations are
518 | corrected.

519 | ~~(8)-(9)~~ Each signature shall be dated by the elector when
520 | made and shall be valid for a period of 4 years following such
521 | date, if all other requirements of law are met. The sponsor
522 | shall submit signed and dated forms to the appropriate
523 | supervisor of elections for verification as to the number of

HB 773

2006
CS

524 registered electors whose valid signatures appear thereon. The
525 supervisor shall promptly verify the signatures within 30 days
526 after receiving payment, in advance, of the fee required by s.
527 99.097. The supervisor shall promptly record each petition form
528 verified as valid in the statewide voter registration system in
529 the manner prescribed by the Secretary of State ~~Upon completion~~
530 ~~of verification, the supervisor shall execute a certificate~~
531 ~~indicating the total number of signatures checked, the number of~~
532 ~~signatures verified as valid and as being of registered~~
533 ~~electors, the number of signatures validly revoked pursuant to~~
534 ~~subsection (5), and the distribution of such signatures by~~
535 ~~congressional district. This certificate shall be immediately~~
536 ~~transmitted to the Secretary of State.~~ The supervisor shall
537 retain the signed petition forms and petition-revocation forms
538 for at least 1 year following the election in which the issue
539 appeared on the ballot or until the Division of Elections
540 notifies the supervisors of elections that the committee which
541 circulated the petition is no longer seeking to obtain ballot
542 position.

543 ~~(9)(10)~~ The Secretary of State shall determine from the
544 signatures verified by the ~~verification certificates received~~
545 ~~from~~ supervisors of elections and recorded in the statewide
546 voter registration system the total number of verified valid
547 signatures and the distribution of such signatures by
548 congressional districts. Upon a determination that the requisite
549 number and distribution of valid signatures have been obtained,
550 the secretary shall issue a certificate of ballot position for
551 that proposed amendment and shall assign a designating number

Page 20 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0773-01-c1

HB 773

2006
CS

552 | ~~pursuant to s. 101.161. A petition shall be deemed to be filed~~
553 | ~~with the Secretary of State upon the date of the receipt by the~~
554 | ~~secretary of a certificate or certificates from supervisors of~~
555 | ~~elections indicating that valid and verified petition forms have~~
556 | ~~been signed by the constitutionally required number and~~
557 | ~~distribution of electors pursuant to this code, subject to the~~
558 | ~~right of revocation established in this section.~~

559 | (10)~~(11)~~(a) Within 45 days after receipt of a proposed
560 | revision or amendment to the State Constitution by initiative
561 | petition from the Secretary of State, the Financial Impact
562 | Estimating Conference shall complete an analysis and financial
563 | impact statement to be placed on the ballot of the estimated
564 | increase or decrease in any revenues or costs to state or local
565 | governments resulting from the proposed initiative. The ballot
566 | must include a statement, as prescribed by rule of the
567 | Department of State, to the effect that the financial impact
568 | statement is required under the State Constitution and the
569 | Florida Statutes and should not be construed as an endorsement
570 | by the state of the proposed revision or amendment to the State
571 | Constitution. The Financial Impact Estimating Conference shall
572 | submit the financial impact statement to the Attorney General
573 | and Secretary of State.

574 | (b)1. The Financial Impact Estimating Conference shall
575 | provide an opportunity for any proponents or opponents of the
576 | initiative to submit information and may solicit information or
577 | analysis from any other entities or agencies, including the
578 | Office of Economic and Demographic Research. All meetings of the

HB 773

2006
CS

579 Financial Impact Estimating Conference shall be open to the
580 public as provided in chapter 286.

581 2. The Financial Impact Estimating Conference is
582 established to review, analyze, and estimate the financial
583 impact of amendments to or revisions of the State Constitution
584 proposed by initiative. The Financial Impact Estimating
585 Conference shall consist of four principals: one person from the
586 Executive Office of the Governor; the coordinator of the Office
587 of Economic and Demographic Research, or his or her designee;
588 one person from the professional staff of the Senate; and one
589 person from the professional staff of the House of
590 Representatives. Each principal shall have appropriate fiscal
591 expertise in the subject matter of the initiative. A Financial
592 Impact Estimating Conference may be appointed for each
593 initiative.

594 3. Principals of the Financial Impact Estimating
595 Conference shall reach a consensus or majority concurrence on a
596 clear and unambiguous financial impact statement, no more than
597 75 words in length, and immediately submit the statement to the
598 Attorney General. Nothing in this subsection prohibits the
599 Financial Impact Estimating Conference from setting forth a
600 range of potential impacts in the financial impact statement.
601 Any financial impact statement that a court finds not to be in
602 accordance with this section shall be remanded solely to the
603 Financial Impact Estimating Conference for redrafting. The
604 Financial Impact Estimating Conference shall redraft the
605 financial impact statement within 15 days.

HB 773

2006
CS

606 4. If the members of the Financial Impact Estimating
607 Conference are unable to agree on the statement required by this
608 subsection, or if the Supreme Court has rejected the initial
609 submission by the Financial Impact Estimating Conference and no
610 redraft has been approved by the Supreme Court by April 1 of the
611 year in which the general election is to be held, the following
612 statement shall appear on the ballot pursuant to s. 101.161(1):
613 "The financial impact of this measure, if any, cannot be
614 reasonably determined at this time."

615 (c) The financial impact statement must be separately
616 contained and be set forth after the ballot summary as required
617 in s. 101.161(1).

618 (d)1. Any financial impact statement that the Supreme
619 Court finds not to be in accordance with this subsection shall
620 be remanded solely to the Financial Impact Estimating Conference
621 for redrafting, provided the court's advisory opinion is
622 rendered by April 1 of the year in which the general election is
623 to be held. The Financial Impact Estimating Conference shall
624 prepare and adopt a revised financial impact statement no later
625 than 5 p.m. on the 15th day after the date of the court's
626 opinion.

627 2. If, by 5 p.m. on April 1 of the year in which the
628 general election is to be held, the Supreme Court has not issued
629 an advisory opinion on the initial financial impact statement
630 prepared by the Financial Impact Estimating Conference for an
631 initiative amendment that otherwise meets the legal requirements
632 for ballot placement, the financial impact statement shall be
633 deemed approved for placement on the ballot.

HB 773

2006
CS

634 3. In addition to the financial impact statement required
635 by this subsection, the Financial Impact Estimating Conference
636 shall draft an initiative financial information statement. The
637 initiative financial information statement should describe in
638 greater detail than the financial impact statement any projected
639 increase or decrease in revenues or costs that the state or
640 local governments would likely experience if the ballot measure
641 were approved. If appropriate, the initiative financial
642 information statement may include both estimated dollar amounts
643 and a description placing the estimated dollar amounts into
644 context. The initiative financial information statement must
645 include both a summary of not more than 500 words and additional
646 detailed information that includes the assumptions that were
647 made to develop the financial impacts, workpapers, and any other
648 information deemed relevant by the Financial Impact Estimating
649 Conference.

650 4. The Department of State shall have printed, and shall
651 furnish to each supervisor of elections, a copy of the summary
652 from the initiative financial information statements. The
653 supervisors shall have the summary from the initiative financial
654 information statements available at each polling place and at
655 the main office of the supervisor of elections upon request.

656 5. The Secretary of State and the Office of Economic and
657 Demographic Research shall make available on the Internet each
658 initiative financial information statement in its entirety. In
659 addition, each supervisor of elections whose office has a
660 website shall post the summary from each initiative financial
661 information statement on the website. Each supervisor shall

HB 773

2006
CS

662 include the Internet addresses for the information statements on
663 the Secretary of State's and the Office of Economic and
664 Demographic Research's websites in the publication or mailing
665 required by s. 101.20.

666 (11)~~(12)~~ The division may adopt rules in accordance with
667 s. 120.54 to carry out this section.

668 Section 5. Subsection (1) of section 101.161, Florida
669 Statutes, is amended to read:

670 101.161 Referenda; ballots.--

671 (1) Whenever a constitutional amendment or other public
672 measure is submitted to the vote of the people, the substance of
673 such amendment or other public measure shall be printed in clear
674 and unambiguous language on the ballot after the list of
675 candidates, followed by the word "yes" and also by the word
676 "no," and shall be styled in such a manner that a "yes" vote
677 will indicate approval of the proposal and a "no" vote will
678 indicate rejection. The wording of the substance of the
679 amendment or other public measure and the ballot title to appear
680 on the ballot shall be embodied in the joint resolution,
681 constitutional revision commission proposal, constitutional
682 convention proposal, taxation and budget reform commission
683 proposal, or enabling resolution or ordinance. Except for
684 amendments and ballot language proposed by joint resolution, the
685 substance of the amendment or other public measure shall be an
686 explanatory statement, not exceeding 75 words in length, of the
687 chief purpose of the measure. In addition, for every amendment
688 proposed by initiative, the ballot shall include, following the
689 ballot summary, a separate financial impact statement concerning

Page 25 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0773-01-c1

HB 773

2006
CS

690 the measure prepared by the Financial Impact Estimating
691 Conference in accordance with s. 100.371(11) ~~s. 100.371(6)~~. The
692 ballot title shall consist of a caption, not exceeding 15 words
693 in length, by which the measure is commonly referred to or
694 spoken of.

695 Section 6. Section 33 of chapter 2005-278, Laws of
696 Florida, is repealed.

697 Section 7. Effective January 1, 2007, subsection (1) of
698 section 101.161, Florida Statutes, as amended by this act, is
699 amended to read:

700 101.161 Referenda; ballots.--

701 (1) Whenever a constitutional amendment or other public
702 measure is submitted to the vote of the people, the substance of
703 such amendment or other public measure shall be printed in clear
704 and unambiguous language on the ballot after the list of
705 candidates, followed by the word "yes" and also by the word
706 "no," and shall be styled in such a manner that a "yes" vote
707 will indicate approval of the proposal and a "no" vote will
708 indicate rejection. The wording of the substance of the
709 amendment or other public measure and the ballot title to appear
710 on the ballot shall be embodied in the joint resolution,
711 constitutional revision commission proposal, constitutional
712 convention proposal, taxation and budget reform commission
713 proposal, or enabling resolution or ordinance. Except for
714 amendments and ballot language proposed by joint resolution, the
715 substance of the amendment or other public measure shall be an
716 explanatory statement, not exceeding 75 words in length, of the
717 chief purpose of the measure. In addition, for every amendment

Page 26 of 27

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0773-01-c1

HB 773

2006
CS

718 proposed by initiative, the ballot shall include, following the
719 ballot summary, a separate financial impact statement concerning
720 the measure prepared by the Financial Impact Estimating
721 Conference in accordance with s. 100.371(10) ~~s. 100.371(11)~~. The
722 ballot title shall consist of a caption, not exceeding 15 words
723 in length, by which the measure is commonly referred to or
724 spoken of.

725 Section 8. Any signature gathered on a previously approved
726 initiative petition form that has been submitted for
727 verification before August 1, 2006, may be verified and counted,
728 if otherwise valid. However, any initiative petition form that
729 is submitted for verification on or after that date may be
730 verified and counted only if it complies with this act and has
731 been approved by the Secretary of State before obtaining elector
732 signatures.

733 Section 9. If any provision of this act or its application
734 to any person or circumstance is held invalid, the invalidity
735 does not affect other provisions or applications of the act that
736 can be given effect without the invalid provision or
737 application, and to this end the provisions of this act are
738 severable.

739 Section 10. Except as otherwise expressly provided in this
740 act, this act shall take effect August 1, 2006.