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Proposed Committee Substitute by the Committee on Appropriations

A bill to be entitled

An act relating to constitutional amendments; amending s. 100.371, F.S.; requiring a compensated petition gatherer to register with the Secretary of State and to attest that he or she has been a Florida resident for a specified period and that he or she has not been convicted or found guilty of a crime involving fraud, dishonesty, or deceit; requiring the Secretary of State to maintain a searchable database of such forms; revising requirements regarding the supervisor of elections' determination of a petition form's validity; authorizing interested persons to submit position statements on initiatives for publication on the Department of State's website; extending the timeframe for the Financial Impact Estimating Conference to complete its analysis of an initiative; requiring the analysis to summarize the impact to the state and local economies; requiring each supervisor to include a copy of the summary in the publication or mailing of a sample ballot; amending s. 101.161, F.S.; requiring the name of the sponsor of an initiative to appear on the ballot with the percentage of donations received from certain in-state donors; defining the term "person"; requiring a statement to appear on the ballot if the amendment is estimated to increase costs, decrease revenues, or have an indeterminate economic impact; amending s. 101.171, F.S.; requiring a copy of proposed amendments be provided in each



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29 voting booth; creating s. 104.186, F.S.; prohibiting  
30 compensation for initiative petition gatherers or  
31 entities based on the number of petitions gathered;  
32 providing a penalty; invalidating petitions that are  
33 unlawfully gathered; providing for application;  
34 providing effective dates.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Present subsection (3) of section 100.371,  
39 Florida Statutes, is renumbered as subsection (4), present  
40 subsections (4) through (7) of that section are renumbered as  
41 subsections (6) through (9), respectively, new subsections (3)  
42 and (5) are added to that section, and present subsection (3),  
43 paragraphs (a) and (e) of present subsection (5), and present  
44 subsection (6) of that section are amended, to read:

45 100.371 Initiatives; procedure for placement on ballot.—

46 (3) (a) Before obtaining signatures for compensation, a  
47 petition gatherer must register with the Secretary of State on a  
48 form prepared by the secretary. To register, the registrant must  
49 provide:

50 1. His or her name, date of birth, and residential address.

51 2. An attestation that he or she has been a Florida  
52 resident for at least the preceding 29 days.

53 3. An attestation that he or she has not been convicted or  
54 found guilty of, regardless of adjudication to, a felony in this  
55 state or any other state or of the United States of a crime  
56 involving fraud, dishonesty, or deceit.

57 (b) The secretary shall maintain a searchable database of



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58 registered petition gatherers.

59       (4) An initiative petition form circulated for signature  
60 may not be bundled with or attached to any other petition. Each  
61 signature shall be dated when made and shall be valid for a  
62 period of 2 years following such date, provided all other  
63 requirements of law are met. The sponsor shall submit signed and  
64 dated forms to the supervisor of elections for the county of  
65 residence listed by the person signing the form for verification  
66 of the number of valid signatures obtained. If a signature on a  
67 petition is from a registered voter in another county, the  
68 supervisor shall notify the petition sponsor of the misfiled  
69 petition. The supervisor shall promptly verify the signatures  
70 within 30 days after receipt of the petition forms and payment  
71 of the fee required by s. 99.097. The supervisor shall promptly  
72 record, in the manner prescribed by the Secretary of State, the  
73 date each form is received by the supervisor, and the date the  
74 signature on the form is verified as valid. The supervisor may  
75 verify that the signature on a form is valid only if:

76           (a) The form contains the original signature of the  
77 purported elector.

78           (b) The purported elector has accurately recorded on the  
79 form the date on which he or she signed the form.

80           (c) The form sets forth the purported elector's name,  
81 address, city, county, and voter registration number or date of  
82 birth.

83           (d) The purported elector is, at the time he or she signs  
84 the form and at the time the form is verified, a duly qualified  
85 and registered elector in the state.

86       (e) The petition gatherer who collected the petition is



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87 registered with the Secretary of State under subsection (3).

88  
89 The supervisor shall retain the signature forms for at least 1  
90 year following the election in which the issue appeared on the  
91 ballot or until the Division of Elections notifies the  
92 supervisors of elections that the committee that circulated the  
93 petition is no longer seeking to obtain ballot position.

94 (5) Upon determining that a constitutional amendment  
95 proposed by initiative has met the requirements to be placed on  
96 the ballot, the Secretary of State shall allow any interested  
97 person to file a position statement of not more than 50 words  
98 outlining why the person supports or opposes the amendment. The  
99 secretary shall publish each position statement on the webpage  
100 for constitutional amendments on the department's website.

101 (7) (a) ~~(5) (a)~~ Within 60 45 days after receipt of a proposed  
102 revision or amendment to the State Constitution by initiative  
103 petition from the Secretary of State, the Financial Impact  
104 Estimating Conference shall complete an analysis and financial  
105 impact statement to be placed on the ballot of the estimated  
106 increase or decrease in any revenues or costs to state or local  
107 governments and the estimated economic impact on both the state  
108 and local economies resulting from the proposed initiative. The  
109 Financial Impact Estimating Conference shall submit the  
110 financial impact statement to the Attorney General and Secretary  
111 of State.

112 (e)1. Any financial impact statement that the Supreme Court  
113 finds not to be in accordance with this subsection shall be  
114 remanded solely to the Financial Impact Estimating Conference  
115 for redrafting, provided the court's advisory opinion is



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116 rendered at least 75 days before the election at which the  
117 question of ratifying the amendment will be presented. The  
118 Financial Impact Estimating Conference shall prepare and adopt a  
119 revised financial impact statement no later than 5 p.m. on the  
120 15th day after the date of the court's opinion.

121 2. If, by 5 p.m. on the 75th day before the election, the  
122 Supreme Court has not issued an advisory opinion on the initial  
123 financial impact statement prepared by the Financial Impact  
124 Estimating Conference for an initiative amendment that otherwise  
125 meets the legal requirements for ballot placement, the financial  
126 impact statement shall be deemed approved for placement on the  
127 ballot.

128 3. In addition to the financial impact statement required  
129 by this subsection, the Financial Impact Estimating Conference  
130 shall draft an initiative financial information statement. The  
131 initiative financial information statement should describe in  
132 greater detail than the financial impact statement any projected  
133 increase or decrease in revenues or costs that the state or  
134 local governments would likely experience and the estimated  
135 economic impact on both the state and local economies if the  
136 ballot measure were approved. If appropriate, the initiative  
137 financial information statement may include both estimated  
138 dollar amounts and a description placing the estimated dollar  
139 amounts into context. The initiative financial information  
140 statement must include both a summary of not more than 500 words  
141 and additional detailed information that includes the  
142 assumptions that were made to develop the financial impacts,  
143 workpapers, and any other information deemed relevant by the  
144 Financial Impact Estimating Conference.



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145           4. The Department of State shall have printed, and shall  
146 furnish to each supervisor of elections, a copy of the summary  
147 from the initiative financial information statements. The  
148 supervisors shall have the summary from the initiative financial  
149 information statements available at each polling place and at  
150 the main office of the supervisor of elections upon request.

151           5. The Secretary of State and the Office of Economic and  
152 Demographic Research shall make available on the Internet each  
153 initiative financial information statement in its entirety. In  
154 addition, each supervisor of elections whose office has a  
155 website shall post the summary from each initiative financial  
156 information statement on the website. Each supervisor shall  
157 include a copy of each summary from the initiative financial  
158 information statements and the Internet addresses for the  
159 information statements on the Secretary of State's and the  
160 Office of Economic and Demographic Research's websites in the  
161 publication or mailing required by s. 101.20.

162           ~~(8)-(6)~~ The Department of State may adopt rules in  
163 accordance with s. 120.54 to carry out the provisions of  
164 subsections (1)-(7) ~~(1)-(5)~~.

165           Section 2. Subsection (1) of section 101.161, Florida  
166 Statutes, is amended to read:

167           101.161 Referenda; ballots.—

168           (1) Whenever a constitutional amendment or other public  
169 measure is submitted to the vote of the people, a ballot summary  
170 of such amendment or other public measure shall be printed in  
171 clear and unambiguous language on the ballot after the list of  
172 candidates, followed by the word "yes" and also by the word  
173 "no," and shall be styled in such a manner that a "yes" vote



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174 will indicate approval of the proposal and a "no" vote will  
175 indicate rejection. The ballot summary of the amendment or other  
176 public measure and the ballot title to appear on the ballot  
177 shall be embodied in the constitutional revision commission  
178 proposal, constitutional convention proposal, taxation and  
179 budget reform commission proposal, or enabling resolution or  
180 ordinance. The ballot summary of the amendment or other public  
181 measure shall be an explanatory statement, not exceeding 75  
182 words in length, of the chief purpose of the measure. In  
183 addition, for every amendment proposed by initiative, the ballot  
184 shall include, following the ballot summary, in the following  
185 order:

186 (a) The name of the initiative's sponsor and the percentage  
187 of total contributions obtained by the sponsor from in-state  
188 persons. For purposes of this subparagraph, the term "person"  
189 has the same meaning as provided in s. 106.011(14), except that  
190 the term does not include a political party, an affiliated party  
191 committee, or a political committee.

192 (b) A separate financial impact statement concerning the  
193 measure prepared by the Financial Impact Estimating Conference  
194 in accordance with s. 100.371(7) ~~s. 100.371(5).~~

195 (c) If the financial impact statement estimates increased  
196 costs or decreased revenues, a range that includes increased  
197 costs or decreased revenues, or an indeterminate economic impact  
198 a statement in bold print describing the impact of the  
199 initiative on both the state and local economies.

200  
201 The ballot title shall consist of a caption, not exceeding 15  
202 words in length, by which the measure is commonly referred to or



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203 spoken of. This subsection does not apply to constitutional  
204 amendments or revisions proposed by joint resolution.

205 Section 3. Section 101.171, Florida Statutes, is amended to  
206 read:

207 101.171 Copy of constitutional amendment to be available at  
208 voting locations.—Whenever any amendment to the State  
209 Constitution is to be voted upon at any election, the Department  
210 of State shall have printed and shall furnish to each supervisor  
211 of elections a sufficient number of copies of the amendment  
212 either in poster or booklet form, and the supervisor shall have  
213 a copy thereof conspicuously posted or available at each voting  
214 booth ~~polling room or early voting area upon the day of~~  
215 ~~election.~~

216 Section 4. Effective 41 days after the effective date of  
217 this act, section 104.186, Florida Statutes, is created to read:

218 104.186 Initiative petitions; prohibition on compensation  
219 based on the number of petitions gathered.—A person who  
220 compensates an initiative petition gatherer or entity based on  
221 the number of petitions gathered commits a misdemeanor of the  
222 first degree, punishable as provided in s. 775.082 or s.  
223 775.083. A petition gathered in violation of this section is  
224 void.

225 Section 5. The provisions of this act apply to all  
226 revisions or amendments to the State Constitution by initiative  
227 which are proposed for the 2020 election ballot; however, this  
228 act does not affect the validity of any petition gathered before  
229 or within 40 days after this act's effective date.

230 Section 6. Except as otherwise expressly provided in this  
231 act, this act shall take effect upon becoming a law.