A bill to be entitled
An act relating to constitutional amendments; amending
s. 100.371, F.S.; requiring a petition gatherer to
register with the Secretary of State and attest that
he or she is a Florida resident before obtaining
signatures on petition 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 economy; 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; requiring a statement
to appear on the ballot indicating whether the policy
proposed by the initiative can be implemented by the
Legislature; requiring the Attorney General to make
specified requests of the Supreme Court relating to
proposed amendments by initiative; amending s.
101.171, F.S.; requiring a copy of proposed amendments
be provided in each voting booth; creating s. 104.186, F.S.; prohibiting compensation for initiative petition gatherers based on the number of petitions gathered; providing a penalty; providing for application; providing an effective date.

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

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

100.371 Initiatives; procedure for placement on ballot.—

(3) Before obtaining signatures, a petition gatherer must register with the Secretary of State. The registrant must provide his or her name, date of birth, residential address, and attestation that he or she is a Florida resident. The secretary shall maintain a searchable database of registered petition gatherers.

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

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

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

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

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

(e) The petition gatherer who collected the petition is registered with the Secretary of State under subsection (3).

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

(5) Upon determining that a constitutional amendment
proposed by initiative has met the requirements to be placed on
the ballot, the Secretary of State shall allow any interested
person to file a position statement of no more than 50 words
outlining why the person supports or opposes the amendment. The
secretary shall publish each position statement on the webpage
for constitutional amendments on the department’s website.

(6) The Secretary of State shall determine from the
signatures verified by the supervisors of elections the total
number of verified valid signatures and the distribution of such
signatures by congressional districts. Upon a determination that
the requisite number and distribution of valid signatures have
been obtained, the secretary shall issue a certificate of ballot
position for that proposed amendment and shall assign a
designating number pursuant to s. 101.161.

(7)(a) Within 60 days after receipt of a proposed
revision or amendment to the State Constitution by initiative
petition from the Secretary of State, the Financial Impact
Estimating Conference shall complete an analysis and financial
impact statement to be placed on the ballot of the estimated
increase or decrease in any revenues or costs to state or local
governments and the estimated economic impact on the state and
local economy resulting from the proposed initiative. The
Financial Impact Estimating Conference shall submit the
financial impact statement to the Attorney General and Secretary
of State.

(e) Any financial impact statement that the Supreme Court
finds not to be in accordance with this subsection shall be
remanded solely to the Financial Impact Estimating Conference
for redrafting, provided the court’s advisory opinion is
rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court’s opinion.

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

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience and the estimated economic impact on the state and local economy if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.
4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

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

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

(9) No provision of this code shall be deemed to prohibit a private person exercising lawful control over privately owned property, including property held open to the public for the purposes of a commercial enterprise, from excluding from such property persons seeking to engage in activity supporting or opposing initiative amendments.

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

101.161 Referenda; ballots.—
(1) (a) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word “yes” and also by the word “no,” and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, in the following order:

1. The name of the initiative’s sponsor and the percentage of total contributions obtained by the sponsor from in-state persons. For purposes of this subparagraph, the term “person” has the same meaning as provided in s. 106.011(14), except that the term does not include a political party, an affiliated party committee, or a political committee.

2. A separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(7), s. 100.371(5)

3. If the financial impact statement estimates increased costs or decreased revenues, a range that includes increased
costs or decreased revenues, or an indeterminate economic impact, the following statement in bold print:

THE FLORIDA CONSTITUTION REQUIRES A BALANCED BUDGET.
THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO RESULT IN INDETERMINATE OR INCREASED COSTS OR INDETERMINATE OR DECREASED REVENUES, WHICH MAY REQUIRE INCREASED TAXES OR A REDUCTION IN GOVERNMENT SERVICES THAT ARE CURRENTLY FUNDED.

4. The following question, with an accompanying yes or no answer provided by the Supreme Court pursuant to subparagraph (b)1.: CAN THE PROPOSED POLICY BE IMPLEMENTED BY THE LEGISLATURE WITHOUT THE NEED FOR A CONSTITUTIONAL AMENDMENT?

The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. This paragraph subsection does not apply to constitutional amendments or revisions proposed by joint resolution.

(b) When the Attorney General requests an advisory opinion of the Supreme Court to review a proposed constitutional amendment, the Attorney General shall include a request for the Court to:
   1. Address whether the proposed policy can be implemented by the Legislature without the need for a constitutional
amendment and indicate a yes or no answer, which must be printed
on the ballot summary.

2. Identify any undefined terms within the proposed
amendment which will have a substantive impact.

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

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

Section 4. Section 104.186, Florida Statutes, is created to
read:

104.186 Initiative petitions; prohibition on compensation
based on the number of petitions gathered.—A person who
compensates an initiative petition gatherer based on the number
of petitions gathered commits a misdemeanor of the first degree,
punishable as provided in s. 775.082 or s. 775.083.

Section 5. The provisions of this act apply to all
revisions or amendments to the State Constitution by initiative
which are proposed for the 2020 election ballot; however, this
act does not affect the validity of any petition gathered before
this act’s effective date.

Section 6. This act shall take effect upon becoming a law.