

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Grant, J. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

3
 4
 5 Section 1. Subsections (16) through (26) of section
 6 97.021, Florida Statutes, are renumbered as subsections (17)
 7 through (27), respectively; subsections (27) through (45) of
 8 section 97.021, Florida Statutes, are renumbered as subsections
 9 (29) through (47), respectively; and new subsections (16) and
 10 (28) are added to that section to read:

11
 12 97.021 Definitions.—For the purposes of this code, except
 13 where the context clearly indicates otherwise, the term:

14 (16) "Fiscal impact projection" means the estimated
 15 financial impact of a proposed constitutional amendment, as
 16 embodied in:

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17 (a) For an amendment proposed by initiative, a financial
18 impact statement prepared by the Financial Impact Estimating
19 Conference;

20 (b) For an amendment proposed by the constitution revision
21 commission, an estimate provided in the commission proposal
22 filed with the records custodian;

23 (c) For an amendment proposed by the taxation and budget
24 reform commission, an estimate provided in the commission
25 proposal filed with the records custodian;

26 (d) For an amendment proposed by constitutional
27 convention, an estimate provided with the proposed revision
28 filed with the records custodian; or

29 (e) For an amendment proposed by the legislature, the
30 financial impact as included in the staff analysis of the joint
31 resolution proposing the amendment.

32 (27) "Petition circulator" means an entity or individual
33 who collects a signature for the purpose of qualifying a
34 proposed constitutional amendment for ballot placement.

35 Section 2. Subsections (3), (4), (5), (6), and (7) of
36 section 100.371, Florida Statutes, are renumbered as subsections
37 (9), (12), (14), (15), and (16), respectively, paragraphs (a),
38 (b), (c), and (e) of present subsection (5) and present
39 subsection (6) are amended, and new subsections (3), (4), (5),
40 (6), (7), (8), (10), (11), and (13), and paragraphs (e) and (f)
41 of present subsection (3) are added to that section, to read:

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42 100.371 Initiatives; procedure for placement on ballot.-

43 (3) Before obtaining a signature, the sponsor of an
44 initiative amendment must register with the Secretary of State.
45 The sponsor must provide, in an electronic format, the following
46 information:

47 (a) The sponsor's name.

48 (b) If the sponsor is an organization, the names of the
49 organization's officers, the organization's permanent address,
50 and the organization's registered agent in the state.

51 (c) For each petition circulator used by the sponsor to
52 collect petition forms, the person's name, date of birth,
53 permanent address, and temporary address.

54 (d) A sworn statement from each petition circulator used
55 by the sponsor stating that he or she will obey all applicable
56 state laws and rules. Such statement must be on a form
57 containing notice of applicable penalties.

58 (4) The division or the supervisor of elections shall make
59 petition forms available to registered sponsors. All such forms
60 must contain information identifying the sponsor to which the
61 forms are provided. The division shall maintain a database of
62 all registered sponsors and the petition forms assigned to each
63 sponsor. Each supervisor of elections shall provide to the
64 division information on petition forms assigned to and received
65 from sponsors. The information must be provided in a format and
66 at times as required by the division by rule. The division must

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67 update information on petition forms daily and make the
68 information publicly available.

69 (5) (a) A sponsor that collects petition forms or uses a
70 petition circulator to collect petition forms serves as a
71 fiduciary to the elector signing the petition form, ensuring
72 that any petition form entrusted to the sponsor shall be
73 promptly delivered to the supervisor of elections within 10 days
74 after the elector signs the form. If a petition form collected
75 by any sponsor or by any sponsor's petition circulator is not
76 promptly delivered to the supervisor of elections, the sponsor
77 is liable for the following fines:

78 1. A fine in the amount of \$50 for each petition form
79 received by the supervisor of elections more than 10 days after
80 the elector signed the petition form or the next business day,
81 if the office is closed. A fine in the amount of \$250 for each
82 petition form received if the sponsor or person, entity, or
83 agency acting on its behalf acted willfully.

84 2. A fine in the amount of \$500 for each petition form
85 collected by a sponsor or any person, entity, or agent acting on
86 its behalf, which is not submitted to the supervisor of
87 elections. A fine in the amount of \$1,000 for any petition form
88 not submitted if the sponsor or person, entity, or agency acting
89 on its behalf acted willfully.

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91 The aggregate fine pursuant to this paragraph which may be
92 assessed against a sponsor, including affiliate organizations,
93 for violations committed in a calendar year is \$1,000.

94 (b) A showing by the sponsor that the failure to deliver
95 the petition form within the required timeframe is based upon
96 force majeure or impossibility of performance shall be an
97 affirmative defense to a violation of this subsection. The fines
98 described in this subsection may be waived upon a showing that
99 the failure to deliver the petition form promptly is based upon
100 force majeure or impossibility of performance.

101 (6) If the Secretary of State reasonably believes that a
102 person or entity has committed a violation of this section, the
103 secretary may refer the matter to the Attorney General for
104 enforcement. The Attorney General may institute a civil action
105 for a violation of this section or to prevent a violation of
106 this section. An action for relief may include a permanent or
107 temporary injunction, a restraining order, or any other
108 appropriate order.

109 (7) The division shall adopt by rule a complaint form for
110 an elector who claims to have had his or her signature
111 misrepresented or forged, or not delivered to the supervisor by
112 a sponsor. The division shall also adopt rules to ensure the
113 integrity of the petition form gathering process, including
114 rules requiring sponsors to account for all petition forms used
115 by their agents. Such rules may require a sponsor to provide

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116 sponsor identification and form specific identification
117 information on each petition form as determined by the
118 department as needed to assist in the accounting of petition
119 forms.

120 (8) The date on which an elector signs a petition form is
121 presumed to be the date on which the sponsor received or
122 collected the petition form.

123 (9)~~(3)~~ An initiative petition form circulated for
124 signature may not be bundled with or attached to any other
125 petition. Each signature shall be dated when made and shall be
126 valid for a period of 2 years following such date, provided all
127 other requirements of law are met. The sponsor shall submit
128 signed and dated forms to the supervisor of elections for the
129 county of residence listed by the person signing the form for
130 verification of the number of valid signatures obtained. If a
131 signature on a petition is from a registered voter in another
132 county, the supervisor shall notify the petition sponsor of the
133 misfiled petition. The supervisor shall promptly verify the
134 signatures within 30 days after receipt of the petition forms
135 and payment of the fee required by s. 99.097. The supervisor
136 shall promptly record, in the manner prescribed by the Secretary
137 of State, the date each form is received by the supervisor, and
138 the date the signature on the form is verified as valid. The
139 supervisor may verify that the signature on a form is valid only
140 if:

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141 (e) The sponsor who collected the petition form is
142 registered with the Secretary of State under subsection (3).

143 (f) The petition is submitted to the supervisor within 10
144 days of a qualified elector signing the petition.

145
146 The supervisor shall retain the signature forms for at least 1
147 year following the election in which the issue appeared on the
148 ballot or until the Division of Elections notifies the
149 supervisors of elections that the committee that circulated the
150 petition is no longer seeking to obtain ballot position.

151 (10) If a petition form signed by a qualified elector is
152 invalid solely because of the sponsor's failure to register
153 under subsection (3) or because the petition was not submitted
154 within 10 days, the supervisor shall:

155 (a) Immediately notify the qualified elector of the
156 invalidity of his or her signature.

157 (b) Allow the qualified elector to submit a new petition
158 form directly to the supervisor. If the new form is submitted
159 within the timeframes otherwise required by law and is otherwise
160 valid, the supervisor shall consider the signature valid.

161 (11) At the same time a sponsor submits a petition form to
162 the supervisor of elections, the sponsor must disclose whether
163 an out-of-state petition circulator was used to collect a
164 petition.

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165 (13) Upon certifying an amendment proposed by initiative
166 for ballot placement, the Secretary of State shall allow a
167 person to file a position statement of no more than 50 words
168 outlining support of or opposition to the amendment. The
169 secretary shall publish each position statement on the webpage
170 for constitutional amendments on the department website.

171 (14)-(5)(a) Within 60 45 days after receipt of a proposed
172 revision or amendment to the State Constitution by initiative
173 petition from the Secretary of State, the Financial Impact
174 Estimating Conference shall complete an analysis and financial
175 impact statement to be placed on the ballot of the estimated
176 increase or decrease in any revenues or costs to state or local
177 governments and estimated economic impact on the state and local
178 economy resulting from the proposed initiative. The 60-day time
179 limit is tolled when the Legislature is in session. The
180 Financial Impact Estimating Conference shall submit the
181 financial impact statement to the Attorney General and Secretary
182 of State.

183 (b) Immediately upon receipt of a proposed revision or
184 amendment from the Secretary of State, the Coordinator of the
185 Office of Economic and Demographic Research shall contact the
186 person identified as the sponsor to request an official list of
187 all persons authorized to speak on behalf of the named sponsor
188 and, if there is one, the sponsoring organization at meetings
189 held by the Financial Impact Estimating Conference. All other

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190 persons shall be deemed interested parties or proponents or
191 opponents of the initiative. The Financial Impact Estimating
192 Conference shall provide an opportunity for any representatives
193 of the sponsor, interested parties, proponents, or opponents of
194 the initiative to submit information and may solicit information
195 or analysis from any other entities or agencies, including the
196 Office of Economic and Demographic Research.

197 (c) All meetings of the Financial Impact Estimating
198 Conference shall be open to the public. The President of the
199 Senate and the Speaker of the House of Representatives, jointly,
200 shall be the sole judge for the interpretation, implementation,
201 and enforcement of this subsection.

202 1. The Financial Impact Estimating Conference is
203 established to review, analyze, and estimate the financial
204 impact of amendments to or revisions of the State Constitution
205 proposed by initiative. The Financial Impact Estimating
206 Conference shall consist of four principals: one person from the
207 Executive Office of the Governor; the coordinator of the Office
208 of Economic and Demographic Research, or his or her designee;
209 one person from the professional staff of the Senate; and one
210 person from the professional staff of the House of
211 Representatives. Each principal shall have appropriate fiscal
212 expertise in the subject matter of the initiative. A Financial
213 Impact Estimating Conference may be appointed for each
214 initiative.

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215 2. Principals of the Financial Impact Estimating

216 Conference shall reach a consensus or majority concurrence on a
217 clear and unambiguous financial impact statement, no more than
218 100 ~~75~~ words in length, and immediately submit the statement to
219 the Attorney General. Nothing in this subsection prohibits the
220 Financial Impact Estimating Conference from setting forth a
221 range of potential impacts in the financial impact statement.
222 Any financial impact statement that a court finds not to be in
223 accordance with this section shall be remanded solely to the
224 Financial Impact Estimating Conference for redrafting. The
225 Financial Impact Estimating Conference shall redraft the
226 financial impact statement within 15 days.

227 3. If the members of the Financial Impact Estimating
228 Conference are unable to agree on the statement required by this
229 subsection, or if the Supreme Court has rejected the initial
230 submission by the Financial Impact Estimating Conference and no
231 redraft has been approved by the Supreme Court by 5 p.m. on the
232 75th day before the election, the following statement shall
233 appear on the ballot pursuant to s. 101.161(1): "The financial
234 impact of this measure, if any, cannot be reasonably determined
235 at this time."

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

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240 rendered at least 75 days before the election at which the
241 question of ratifying the amendment will be presented. The
242 Financial Impact Estimating Conference shall prepare and adopt a
243 revised financial impact statement no later than 5 p.m. on the
244 15th day after the date of the court's opinion.

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

252 3. In addition to the financial impact statement required
253 by this subsection, the Financial Impact Estimating Conference
254 shall draft an initiative financial information statement. The
255 initiative financial information statement should describe in
256 greater detail than the financial impact statement any projected
257 increase or decrease in revenues or costs that the state or
258 local governments would likely experience and the estimated
259 economic impact on the state and local economy if the ballot
260 measure were approved. If appropriate, the initiative financial
261 information statement may include both estimated dollar amounts
262 and a description placing the estimated dollar amounts into
263 context. The initiative financial information statement must
264 include both a summary of not more than 500 words and additional

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265 detailed information that includes the assumptions that were
266 made to develop the financial impacts, workpapers, and any other
267 information deemed relevant by the Financial Impact Estimating
268 Conference.

269 4. The Department of State shall have printed, and shall
270 furnish to each supervisor of elections, a copy of the summary
271 from the initiative financial information statements. The
272 supervisors shall have the summary from the initiative financial
273 information statements available at each polling place and at
274 the main office of the supervisor of elections upon request.

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

286 ~~(15)-(6)~~ The Department of State may adopt rules in
287 accordance with s. 120.54 to carry out the provisions of
288 subsections (1) - ~~(14)~~ ~~(5)~~.

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289 Section 3. Subsection (1) of section 101.161, Florida
290 Statutes, is amended to read:

291 101.161 Referenda; ballots.—

292 (1)(a) Whenever a constitutional amendment or other public
293 measure is submitted to the vote of the people, a ballot summary
294 of such amendment or other public measure shall be printed in
295 clear and unambiguous language on the ballot after the list of
296 candidates, followed by the word "yes" and also by the word
297 "no," and shall be styled in such a manner that a "yes" vote
298 will indicate approval of the proposal and a "no" vote will
299 indicate rejection. The ballot summary of the amendment or other
300 public measure and the ballot title to appear on the ballot
301 shall be embodied in the constitutional revision commission
302 proposal, constitutional convention proposal, taxation and
303 budget reform commission proposal, or enabling resolution or
304 ordinance. The ballot summary of the amendment or other public
305 measure shall be an explanatory statement, not exceeding 75
306 words in length, of the chief purpose of the measure. In
307 addition, ~~for every amendment proposed by initiative,~~ the ballot
308 shall include, following the ballot summary, in the following
309 order:

310 1. The percentage of total contributions obtained by the
311 sponsor from in-state persons. For purposes of this
312 subparagraph, the term "person" has the same meaning as provided
313 in s. 106.011, except that it does not include a political party

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314 as defined in s. 103.091, affiliated party committee as defined
315 in s. 103.092, or political committee as defined in s. 106.011.

316 2. A statement indicating whether an out-of-state petition
317 circulator was used to collect any petitions.

318 3. For every amendment proposed by initiative, a separate
319 financial impact statement concerning the measure prepared by
320 the Financial Impact Estimating Conference in accordance with s.
321 100.371(7) ~~s. 100.371(5).~~

322 4. If the fiscal impact projection indicates increased
323 costs, decreased revenues, a range that includes increased costs
324 or decreased revenues, or an indeterminate impact, the following
325 statement in bold print:

326
327 THE FLORIDA CONSTITUTION REQUIRES A BALANCED BUDGET. THIS
328 PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO RESULT IN
329 INCREASED COSTS, DECREASED REVENUES, OR AN INDETERMINATE
330 FINANCIAL IMPACT, WHICH MAY REQUIRE INCREASED TAXES OR A
331 DIVERSION OF FUNDS FROM OTHER GOVERNMENT SERVICES.

332
333 5. If applicable, the following question, with an
334 accompanying yes or no answer provided by the Supreme Court
335 under subparagraph (b)1.:

336
337 CAN THE PROPOSED POLICY BE IMPLEMENTED BY THE LEGISLATURE
338 WITHOUT THE NEED FOR A CONSTITUTIONAL AMENDMENT?

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339
340 6. If applicable, the following question, with an
341 accompanying yes, no, or indeterminate answer provided by the
342 Supreme Court under subparagraph (b)3.:

343
344 DOES THE PROPOSED POLICY RAISE ANY POTENTIAL CONSTITUTIONAL
345 INFIRMITIES OR INCONSISTENCIES?

346
347 The ballot title shall consist of a caption, not exceeding 15
348 words in length, by which the measure is commonly referred to or
349 spoken of. Except for subparagraphs 4. and 5., this paragraph
350 subsection does not apply to constitutional amendments or
351 revisions proposed by joint resolution.

352 (b) When the Attorney General requests the Supreme Court
353 to review a proposed constitutional amendment and provide an
354 advisory opinion, the Attorney General shall ask the court to:

355 1. Address whether the policy of the proposed amendment
356 can be implemented by the Legislature without the need for a
357 constitutional amendment and indicate a yes or no answer, which
358 must be printed on the ballot.

359 2. Identify any undefined terms in the proposed amendment
360 that will have a substantive impact.

361 3. Address whether the proposed amendment raises any
362 potential constitutional infirmities or inconsistencies and
363 indicate a yes, no, or indeterminate answer, which must be

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364 printed on the ballot. The Court may also identify any relevant
365 constitutional provision or case law.

366 Section 4. Section 101.171, Florida Statutes, is amended
367 to read:

368 101.171 Copy of constitutional amendment to be available
369 at voting locations.—Whenever any amendment to the State
370 Constitution is to be voted upon at any election, the Department
371 of State shall have printed and shall furnish to each supervisor
372 of elections a sufficient number of copies of the amendment
373 either in poster or booklet form, and the supervisor shall have
374 a copy thereof conspicuously posted or available at each voting
375 booth polling room or early voting area upon the day of
376 election.

377 Section 5. Section 104.186, Florida Statutes, is created
378 to read:

379 104.186 Initiative petitions; violations.—

380 (1) A person who compensates a petition circulator as
381 defined in s. 97.021 based on the number of petition forms
382 gathered commits a misdemeanor of the first degree, punishable
383 as provided in s. 775.082 or s. 775.083.

384 (2) A person who willfully submits false information or
385 fails to disclose information required under s. 100.371(11),
386 F.S., commits a felony of the third degree, punishable as
387 provided in s. 775.082, s. 775.083, or 775.084.

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388 Section 6. If any provision of this act or its application
389 to any person or circumstance is held invalid for any reason,
390 the remaining portion of this act, to the fullest extent
391 possible, shall be severed from the void portion and given the
392 fullest possible force and application.

393 Section 7. The provisions of this act apply to all
394 revisions or amendments to the State Constitution by initiative
395 that are proposed for the 2020 election ballot and each ballot
396 thereafter; provided, however, that nothing in this act affects
397 the validity of any petition form gathered before the effective
398 date of this act.

399 Section 8. This act shall take effect upon becoming a law.
400
401

402 -----

403 **T I T L E A M E N D M E N T**

404 Remove everything before the enacting clause and insert:
405 An act relating to constitutional amendments; amending s.
406 97.021, F.S.; defining "fiscal impact projection" and "petition
407 circulator"; amending s. 100.371, F.S.; requiring a petition
408 circulator to register with the Secretary of State and provide
409 certain information; requiring petition forms to be made
410 available to sponsors; requiring the secretary to maintain a
411 specified database; requiring supervisors of elections to
412 provide specified information to the division of elections;

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413 requiring the division of elections to keep specified
414 information in a database; providing requirements for a sponsor
415 that gathers petition forms; providing for the imposition of
416 fines for failure to deliver petition forms within a specified
417 time period; providing for defenses; allowing the Secretary of
418 State to refer petition form violations to the Attorney General
419 for enforcement; providing rulemaking authority for the
420 division; providing that the date the elector signs a petition
421 form is presumed to be the date the sponsor collected the form;
422 revising requirements that must be met for a supervisor to
423 verify a signature on a petition form; providing a process for a
424 qualified elector to cure a rejected signature on an initiative
425 petition form in certain cases; requiring certain disclosures by
426 the sponsor upon submission of petition forms; requiring the
427 secretary to allow interested persons to submit certain
428 statements for publication on the Department of State website;
429 revising the timeframe for and the information that must be
430 included in a Financial Impact Estimating Conference analysis
431 and financial impact statement; revising information that the
432 Financial Impact Estimating Conference should include in an
433 initiative financial information statement; requiring the Office
434 of Economic and Demographic Research to request a list of
435 persons authorized to speak on behalf of a sponsor; expanding
436 the word limit for a financial impact statement; requiring each
437 supervisor to include certain summaries in certain publications

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7111 (2019)

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438 | or mailings; conforming a provision; amending s. 101.161, F.S.;
439 | revising information that must be included on the ballot for
440 | proposed amendments; requiring the Attorney General to make
441 | specified requests of the Supreme Court relating to proposed
442 | constitutional amendments; amending s. 101.171, F.S.; requiring
443 | a copy of proposed constitutional amendments to be posted or
444 | available at each voting booth; creating s. 104.186, F.S.;
445 | prohibiting compensation for initiative petition circulators
446 | based on the number of petition forms gathered; providing
447 | penalties; prohibiting the submission of certain false
448 | information to a supervisor of elections; providing penalties;
449 | providing for severability; providing applicability; providing
450 | an effective date.

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