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1 A bill to be entitled
2 An act relating to constitutional amendments; amending
3 s. 100.371, F.S.; requiring a petition circulator to
4 register with the Secretary of State and provide
5 certain information; requiring the secretary to
6 maintain a specified database; revising requirements
7 that must be met for a supervisor to verify a
8 signature on a petition form; requiring the secretary
9 to allow interested persons to submit certain
10 statements for publication on the Department of State
11 website; revising the timeframe for and the
12 information that must be included in a Financial
13 Impact Estimating Conference analysis and financial
14 impact statement; revising information that the
15 Financial Impact Estimating Conference should include
16 in an initiative financial information statement;
17 requiring each supervisor to include certain summaries
18 in certain publications or mailings; conforming a
19 provision; amending s. 101.161, F.S.; revising
20 information that must be included on the ballot for an
21 amendment proposed by initiative; requiring the
22 Attorney General to make specified requests of the
23 Supreme Court relating to proposed constitutional
24 amendments; amending s. 101.171, F.S.; requiring a
25 copy of proposed constitutional amendments to be

26 | posted or available at each voting booth; creating s.
 27 | 104.186, F.S.; prohibiting compensation for initiative
 28 | petition circulators based on the number of petition
 29 | forms gathered; providing penalties; providing
 30 | applicability; providing an effective date.

31 |
 32 | Be It Enacted by the Legislature of the State of Florida:
 33 |

34 | Section 1. Subsections (3), (4), (5), (6), and (7) of
 35 | section 100.371, Florida Statutes, are renumbered as subsections
 36 | (4), (6), (7), (8), and (9), respectively, paragraphs (a) and
 37 | (e) of present subsection (5) and present subsection (6) are
 38 | amended, and new subsections (3) and (5) and paragraph (e) of
 39 | present subsection (3) are added to that section, to read:

40 | 100.371 Initiatives; procedure for placement on ballot.—

41 | (3) Prior to obtaining signatures, a petition circulator
 42 | must register with the Secretary of State. The registrant must
 43 | provide his or her name, date of birth, residential address, and
 44 | attestation that he or she is a Florida resident. The secretary
 45 | shall maintain a searchable database of registered petition-
 46 | circulators.

47 | ~~(4)-(3)~~ An initiative petition form circulated for
 48 | signature may not be bundled with or attached to any other
 49 | petition. Each signature shall be dated when made and shall be
 50 | valid for a period of 2 years following such date, provided all

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51 other requirements of law are met. The sponsor shall submit
52 signed and dated forms to the supervisor of elections for the
53 county of residence listed by the person signing the form for
54 verification of the number of valid signatures obtained. If a
55 signature on a petition is from a registered voter in another
56 county, the supervisor shall notify the petition sponsor of the
57 misfiled petition. The supervisor shall promptly verify the
58 signatures within 30 days after receipt of the petition forms
59 and payment of the fee required by s. 99.097. The supervisor
60 shall promptly record, in the manner prescribed by the Secretary
61 of State, the date each form is received by the supervisor, and
62 the date the signature on the form is verified as valid. The
63 supervisor may verify that the signature on a form is valid only
64 if:

65 (e) The petition circulator who collected the petition
66 form is registered with the Secretary of State under subsection
67 (3).

68
69 The supervisor shall retain the signature forms for at least 1
70 year following the election in which the issue appeared on the
71 ballot or until the Division of Elections notifies the
72 supervisors of elections that the committee that circulated the
73 petition is no longer seeking to obtain ballot position.

74 (5) Upon determining that a constitutional amendment
75 proposed by initiative has met the requirements to be placed on

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76 | the ballot, the Secretary of State shall allow any interested
77 | person to file a position statement of no more than 50 words
78 | outlining why the person supports or opposes the amendment. The
79 | secretary shall publish each position statement on the webpage
80 | for constitutional amendments on the department's website.

81 | (7) ~~(5)~~ (a) Within 60 ~~45~~ days after receipt of a proposed
82 | revision or amendment to the State Constitution by initiative
83 | petition from the Secretary of State, the Financial Impact
84 | Estimating Conference shall complete an analysis and financial
85 | impact statement to be placed on the ballot of the estimated
86 | increase or decrease in any revenues or costs to state or local
87 | governments and estimated economic impact on the state and local
88 | economy resulting from the proposed initiative. The Financial
89 | Impact Estimating Conference shall submit the financial impact
90 | statement to the Attorney General and Secretary of State.

91 | (e)1. Any financial impact statement that the Supreme
92 | Court finds not to be in accordance with this subsection shall
93 | be remanded solely to the Financial Impact Estimating Conference
94 | for redrafting, provided the court's advisory opinion is
95 | rendered at least 75 days before the election at which the
96 | question of ratifying the amendment will be presented. The
97 | Financial Impact Estimating Conference shall prepare and adopt a
98 | revised financial impact statement no later than 5 p.m. on the
99 | 15th day after the date of the court's opinion.

100 | 2. If, by 5 p.m. on the 75th day before the election, the

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101 Supreme Court has not issued an advisory opinion on the initial
102 financial impact statement prepared by the Financial Impact
103 Estimating Conference for an initiative amendment that otherwise
104 meets the legal requirements for ballot placement, the financial
105 impact statement shall be deemed approved for placement on the
106 ballot.

107 3. In addition to the financial impact statement required
108 by this subsection, the Financial Impact Estimating Conference
109 shall draft an initiative financial information statement. The
110 initiative financial information statement should describe in
111 greater detail than the financial impact statement any projected
112 increase or decrease in revenues or costs that the state or
113 local governments would likely experience and the estimated
114 economic impact on the state and local economy if the ballot
115 measure were approved. If appropriate, the initiative financial
116 information statement may include both estimated dollar amounts
117 and a description placing the estimated dollar amounts into
118 context. The initiative financial information statement must
119 include both a summary of not more than 500 words and additional
120 detailed information that includes the assumptions that were
121 made to develop the financial impacts, workpapers, and any other
122 information deemed relevant by the Financial Impact Estimating
123 Conference.

124 4. The Department of State shall have printed, and shall
125 furnish to each supervisor of elections, a copy of the summary

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126 from the initiative financial information statements. The
127 supervisors shall have the summary from the initiative financial
128 information statements available at each polling place and at
129 the main office of the supervisor of elections upon request.

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

141 (8)~~(6)~~ The Department of State may adopt rules in
142 accordance with s. 120.54 to carry out the provisions of
143 subsections (1)~~(7)~~~~(5)~~.

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

146 101.161 Referenda; ballots.—

147 (1) (a) Whenever a constitutional amendment or other public
148 measure is submitted to the vote of the people, a ballot summary
149 of such amendment or other public measure shall be printed in
150 clear and unambiguous language on the ballot after the list of

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151 candidates, followed by the word "yes" and also by the word
152 "no," and shall be styled in such a manner that a "yes" vote
153 will indicate approval of the proposal and a "no" vote will
154 indicate rejection. The ballot summary of the amendment or other
155 public measure and the ballot title to appear on the ballot
156 shall be embodied in the constitutional revision commission
157 proposal, constitutional convention proposal, taxation and
158 budget reform commission proposal, or enabling resolution or
159 ordinance. The ballot summary of the amendment or other public
160 measure shall be an explanatory statement, not exceeding 75
161 words in length, of the chief purpose of the measure. In
162 addition, for every amendment proposed by initiative, the ballot
163 shall include, following the ballot summary, in the following
164 order:

165 1. The percentage of total contributions obtained by the
166 sponsor from in-state persons. For purposes of this
167 subparagraph, "person" has the same meaning as provided in s.
168 106.011, except that the term does not include a political
169 party, affiliated party committee, or political committee.

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

173 3. If the financial impact statement estimates increased
174 costs or decreased revenues, a range that includes increased
175 costs or decreased revenues, or an indeterminate impact, the

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176 following statement in bold print:

177

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

183

184 4. The following question, with an accompanying yes or no
185 answer provided by the Supreme Court pursuant to subparagraph
186 (b)1.:

187

188 CAN THE PROPOSED POLICY BE IMPLEMENTED BY THE LEGISLATURE
189 WITHOUT THE NEED FOR A CONSTITUTIONAL AMENDMENT?

190

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

195 (b) When the Attorney General requests an advisory opinion
196 of the Supreme Court to review a proposed constitutional
197 amendment, the Attorney General shall include a request for the
198 court to:

199 1. Address whether the proposed policy can be implemented
200 by the Legislature without the need for a constitutional

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201 amendment and indicate a yes or no answer, which must be printed
202 on the ballot summary.

203 2. Identify any undefined terms within the proposed
204 amendment that will have a substantive impact.

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

207 101.171 Copy of constitutional amendment to be available
208 at 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. Section 104.186, Florida Statutes, is created
217 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 circulator based on the
221 number of petition forms gathered commits a misdemeanor of the
222 first degree, punishable as provided in s. 775.082 or s.
223 775.083.

224 Section 5. The provisions of this act apply to all
225 revisions or amendments to the State Constitution by initiative

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226 | that were proposed for the 2020 election ballot; provided,
227 | however, that nothing in this act affects the validity of any
228 | petition form gathered before the effective date of this act.

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