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LEGISLATIVE ACTION

Senate

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House

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03/06/2020 03:37 PM

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Senator Hutson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 15.21, Florida Statutes, is amended to
read:

15.21 Initiative petitions; s. 3, Art. XI, State
Constitution.—The Secretary of State shall immediately submit an
initiative petition to the Attorney General ~~and to the Financial
Impact Estimating Conference~~ if the sponsor has:

(1) Registered as a political committee pursuant to s.



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12 106.03;

13 (2) Submitted the ballot title, substance, and text of the
14 proposed revision or amendment to the Secretary of State
15 pursuant to ss. 100.371 and 101.161; and

16 (3) Obtained a letter from the Division of Elections
17 confirming that the sponsor has submitted to the appropriate
18 supervisors for verification, and the supervisors have verified,
19 forms signed and dated equal to 25 ~~10~~ percent of the number of
20 electors statewide required by s. 3, Art. XI of the State
21 Constitution and in one-half ~~at least one-fourth~~ of the
22 congressional districts of the state ~~required by s. 3, Art. XI~~
23 ~~of the State Constitution.~~

24 Section 2. Subsection (1) of section 16.061, Florida
25 Statutes, is amended to read:

26 16.061 Initiative petitions.—

27 (1) The Attorney General shall, within 30 days after
28 receipt of a proposed revision or amendment to the State
29 Constitution by initiative petition from the Secretary of State,
30 petition the Supreme Court, requesting an advisory opinion
31 regarding the compliance of the text of the proposed amendment
32 or revision with s. 3, Art. XI of the State Constitution,
33 whether the proposed amendment is facially invalid under the
34 United States Constitution, and the compliance of the proposed
35 ballot title and substance with s. 101.161. The petition may
36 enumerate any specific factual issues that the Attorney General
37 believes would require a judicial determination.

38 Section 3. Subsections (3), (6), (11), (12), and (13) of
39 section 100.371, Florida Statutes, are amended to read:

40 100.371 Initiatives; procedure for placement on ballot.—



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41 (3) (a) A person may not collect signatures or initiative
42 petitions for compensation unless the person is registered as a
43 petition circulator with the Secretary of State.

44 (b) A citizen may challenge a petition circulator's
45 registration under this section by filing a petition in circuit
46 court. If the court finds that the respondent is not a
47 registered petition circulator, the court may enjoin the
48 respondent from collecting signatures or initiative petitions
49 for compensation until she or he is lawfully registered.

50 (6) The division or the supervisor of elections shall make
51 hard copy petition forms or electronic portable document format
52 petition forms available to registered petition circulators. All
53 such forms must contain information identifying the petition
54 circulator to which the forms are provided. The division shall
55 maintain a database of all registered petition circulators and
56 the petition forms assigned to each. Each supervisor of
57 elections shall provide to the division information on petition
58 forms assigned to and received from petition circulators. The
59 information must be provided in a format and at times as
60 required by the division by rule. The division must update
61 information on petition forms daily and make the information
62 publicly available.

63 (11) (a) An initiative petition form circulated for
64 signature may not be bundled with or attached to any other
65 petition. Each signature shall be dated when made and shall be
66 valid until the next February 1 occurring in an even-numbered
67 year for the purpose of the amendment appearing on the ballot
68 for the general election occurring in that same year ~~for a~~
69 ~~period of 2 years following such date,~~ provided all other



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70 requirements of law are met. The sponsor shall submit signed and
71 dated forms to the supervisor of elections for the county of
72 residence listed by the person signing the form for verification
73 of the number of valid signatures obtained. If a signature on a
74 petition is from a registered voter in another county, the
75 supervisor shall notify the petition sponsor of the misfiled
76 petition. The supervisor shall promptly verify the signatures
77 within 60 ~~30~~ days after receipt of the petition forms and
78 payment of a the fee for the actual cost of signature
79 verification incurred by the supervisor ~~required by s. 99.097.~~
80 However, for petition forms submitted less than 60 days before
81 February 1 of an even-numbered year, the supervisor shall
82 promptly verify the signatures within 30 days after receipt of
83 the form and payment of the fee for signature verification. The
84 supervisor shall promptly record, in the manner prescribed by
85 the Secretary of State, the date each form is received by the
86 supervisor, and the date the signature on the form is verified
87 as valid. The supervisor may verify that the signature on a form
88 is valid only if:

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

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

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

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



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99 5. The signature was obtained legally, including that if a
100 paid petition circulator was used, the circulator was validly
101 registered under subsection (3) when the signature was obtained.

102
103 The supervisor shall retain the signature forms for at least 1
104 year following the election in which the issue appeared on the
105 ballot or until the division of ~~Elections~~ notifies the
106 supervisors of elections that the committee that circulated the
107 petition is no longer seeking to obtain ballot position.

108 (b) Each supervisor shall post the actual cost of signature
109 verification on his or her website and may increase such cost,
110 as necessary, on February 2 of each even-numbered year. The
111 division shall also publish each county's current cost on its
112 website. The division and each supervisor shall biennially
113 review available technology aimed at reducing verification
114 costs.

115 (c) On the last day of each month, or on the last day of
116 each week from December 1 of an odd-numbered year through
117 February 1 of the following year, each supervisor shall post on
118 his or her website the aggregate number of verified valid
119 signatures and the distribution of such signatures by
120 congressional district for each proposed amendment proposed by
121 initiative, along with the following information specific to the
122 reporting period: the total number of signed petition forms
123 received, the total number of signatures verified, the
124 distribution of verified valid signatures by congressional
125 district, and the total number of verified petition forms
126 forwarded to the Secretary of State.

127 (12) The Secretary of State shall determine from the



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128 signatures verified by the supervisors of elections the total
129 number of verified valid signatures and the distribution of such
130 signatures by congressional districts, and the division shall
131 post such information on its website at the same intervals
132 specified in paragraph (11)(c). Upon a determination that the
133 requisite number and distribution of valid signatures have been
134 obtained, the secretary shall issue a certificate of ballot
135 position for that proposed amendment and shall assign a
136 designating number pursuant to s. 101.161.

137 (13) (a) At the same time the Secretary of State submits an
138 initiative petition to the Attorney General pursuant to s.
139 15.21, the secretary shall submit a copy of the initiative
140 petition to the Financial Impact Estimating Conference. Within
141 75 days after receipt of a proposed revision or amendment to the
142 State Constitution by initiative petition from the Secretary of
143 State, the Financial Impact Estimating Conference shall complete
144 an analysis and financial impact statement to be placed on the
145 ballot of the estimated increase or decrease in any revenues or
146 costs to state or local governments, ~~estimated economic impact~~
147 ~~on the state and local economy,~~ and the overall impact to the
148 state budget resulting from the proposed initiative. The 75-day
149 time limit is tolled when the Legislature is in session. The
150 Financial Impact Estimating Conference shall submit the
151 financial impact statement to the Attorney General and Secretary
152 of State.

153 (b) Immediately upon receipt of a proposed revision or
154 amendment from the Secretary of State, the coordinator of the
155 Office of Economic and Demographic Research shall contact the
156 person identified as the sponsor to request an official list of



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157 all persons authorized to speak on behalf of the named sponsor
158 and, if there is one, the sponsoring organization at meetings
159 held by the Financial Impact Estimating Conference. All other
160 persons shall be deemed interested parties or proponents or
161 opponents of the initiative. The Financial Impact Estimating
162 Conference shall provide an opportunity for any representatives
163 of the sponsor, interested parties, proponents, or opponents of
164 the initiative to submit information and may solicit information
165 or analysis from any other entities or agencies, including the
166 Office of Economic and Demographic Research.

167 (c) All meetings of the Financial Impact Estimating
168 Conference shall be open to the public. The President of the
169 Senate and the Speaker of the House of Representatives, jointly,
170 shall be the sole judge for the interpretation, implementation,
171 and enforcement of this subsection.

172 1. The Financial Impact Estimating Conference is
173 established to review, analyze, and estimate the financial
174 impact of amendments to or revisions of the State Constitution
175 proposed by initiative. The Financial Impact Estimating
176 Conference shall consist of four principals: one person from the
177 Executive Office of the Governor; the coordinator of the Office
178 of Economic and Demographic Research, or his or her designee;
179 one person from the professional staff of the Senate; and one
180 person from the professional staff of the House of
181 Representatives. Each principal shall have appropriate fiscal
182 expertise in the subject matter of the initiative. A Financial
183 Impact Estimating Conference may be appointed for each
184 initiative.

185 2. Principals of the Financial Impact Estimating Conference



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186 shall reach a consensus or majority concurrence on a clear and
187 unambiguous financial impact statement, no more than 150 words
188 in length, and immediately submit the statement to the Attorney
189 General. Nothing in this subsection prohibits the Financial
190 Impact Estimating Conference from setting forth a range of
191 potential impacts in the financial impact statement. Any
192 financial impact statement that a court finds not to be in
193 accordance with this section shall be remanded solely to the
194 Financial Impact Estimating Conference for redrafting. The
195 Financial Impact Estimating Conference shall redraft the
196 financial impact statement within 15 days.

197 ~~3. If the members of the Financial Impact Estimating~~
198 ~~Conference are unable to agree on the statement required by this~~
199 ~~subsection, or if the Supreme Court has rejected the initial~~
200 ~~submission by the Financial Impact Estimating Conference and no~~
201 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~
202 ~~75th day before the election, the following statement shall~~
203 ~~appear on the ballot pursuant to s. 101.161(1): "The financial~~
204 ~~impact of this measure, if any, has not been cannot be~~
205 ~~reasonably determined at this time."~~

206 (d) The financial impact statement must be separately
207 contained and be set forth after the ballot summary as required
208 in s. 101.161(1).

209 1. If the financial impact statement projects a net
210 ~~estimates increased costs, decreased revenues, a negative impact~~
211 ~~on the state budget or local economy, or an indeterminate impact~~
212 ~~for any of these areas, the ballot must include the a statement~~
213 ~~required by s. 101.161(1) (b) indicating such estimated effect in~~
214 ~~bold font.~~



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215 2. If the financial impact statement projects a net
216 positive impact on the state budget, the ballot must include the
217 statement required by s. 101.161(1)(c).

218 3. If the financial impact statement estimates an
219 indeterminate financial impact or if the members of the
220 Financial Impact Estimating Conference are unable to agree on
221 the statement required by this subsection, the ballot must
222 include the statement required by s. 101.161(1)(d).

223 (e)1. Any financial impact statement that the Supreme Court
224 finds not to be in accordance with this subsection shall be
225 remanded solely to the Financial Impact Estimating Conference
226 for redrafting, provided the court's advisory opinion is
227 rendered at least 75 days before the election at which the
228 question of ratifying the amendment will be presented. The
229 Financial Impact Estimating Conference shall prepare and adopt a
230 revised financial impact statement no later than 5 p.m. on the
231 15th day after the date of the court's opinion.

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

239 3. In addition to the financial impact statement required
240 by this subsection, the Financial Impact Estimating Conference
241 shall draft an initiative financial information statement. The
242 initiative financial information statement should describe in
243 greater detail than the financial impact statement any projected



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244 increase or decrease in revenues or costs that the state or
245 local governments would likely experience ~~and the estimated~~
246 ~~economic impact on the state and local economy~~ if the ballot
247 measure were approved. If appropriate, the initiative financial
248 information statement may include both estimated dollar amounts
249 and a description placing the estimated dollar amounts into
250 context. The initiative financial information statement must
251 include both a summary of not more than 500 words and additional
252 detailed information that includes the assumptions that were
253 made to develop the financial impacts, workpapers, and any other
254 information deemed relevant by the Financial Impact Estimating
255 Conference.

256 4. The Department of State shall have printed, and shall
257 furnish to each supervisor of elections, a copy of the summary
258 from the initiative financial information statements. The
259 supervisors shall have the summary from the initiative financial
260 information statements available at each polling place and at
261 the main office of the supervisor of elections upon request.

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



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273 Section 4. Subsection (1) of section 101.161, Florida
274 Statutes, is amended to read:

275 101.161 Referenda; ballots.—

276 (1) Whenever a constitutional amendment or other public
277 measure is submitted to the vote of the people, a ballot summary
278 of such amendment or other public measure shall be printed in
279 clear and unambiguous language on the ballot after the list of
280 candidates, followed by the word "yes" and also by the word
281 "no," and shall be styled in such a manner that a "yes" vote
282 will indicate approval of the proposal and a "no" vote will
283 indicate rejection. The ballot summary of the amendment or other
284 public measure and the ballot title to appear on the ballot
285 shall be embodied in the constitutional revision commission
286 proposal, constitutional convention proposal, taxation and
287 budget reform commission proposal, or enabling resolution or
288 ordinance. The ballot summary of the amendment or other public
289 measure shall be an explanatory statement, not exceeding 75
290 words in length, of the chief purpose of the measure. In
291 addition, for every constitutional amendment proposed by
292 initiative, the ballot shall include, following the ballot
293 summary, in the following order:

294 (a) A separate financial impact statement concerning the
295 measure prepared by the Financial Impact Estimating Conference
296 in accordance with s. 100.371(13) ~~s. 100.371(5)~~.

297 (b) If the financial impact statement projects a net
298 negative impact on the state budget, the following statement in
299 bold print:

300
301 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO



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302 HAVE A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS
303 IMPACT MAY RESULT IN HIGHER TAXES OR A LOSS OF
304 GOVERNMENT SERVICES IN ORDER TO MAINTAIN A BALANCED
305 STATE BUDGET AS REQUIRED BY THE CONSTITUTION.
306

307 (c) If the financial impact statement projects a net
308 positive impact on the state budget, the following statement in
309 bold print:
310

311 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO
312 HAVE A NET POSITIVE IMPACT ON THE STATE BUDGET. THIS
313 IMPACT MAY RESULT IN GENERATING ADDITIONAL REVENUE OR
314 LOWER OTHER TAXES.
315

316 (d) If the financial impact statement is indeterminate or
317 the members of the Financial Impact Estimating Conference are
318 unable to agree on the financial impact statement, the following
319 statement in bold print:
320

321 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE
322 DETERMINED DUE TO AMBIGUITIES AND UNCERTAINTIES
323 SURROUNDING THE AMENDMENT'S IMPACT.
324

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

329 Section 5. Section 101.171, Florida Statutes, is amended to
330 read:



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331 101.171 Copy of constitutional amendment to be available at
332 voting locations.—Whenever any amendment to the State
333 Constitution is to be voted upon at any election, the Department
334 of State shall have printed and shall furnish to each supervisor
335 of elections a sufficient number of copies of the amendment
336 either in poster or booklet form, and the supervisor shall
337 provide have a copy in a designated area of each polling
338 location as determined by the supervisor ~~thereof conspicuously~~
339 ~~posted or available at each polling room or early voting area~~
340 ~~upon the day of election.~~

341 Section 6. This act does not require the Financial Impact
342 Estimating Conference to amend or revise a financial impact
343 statement that has been submitted to the Secretary of State
344 before the effective date of this act. The provisions of this
345 act, including the ballot requirements for certain disclosures
346 and statements, apply to constitutional amendments proposed by
347 initiative which are proposed for the 2020 general election and
348 each election thereafter; provided, however, that nothing in
349 this act affects the validity of any petition form gathered
350 before the effective date of this act or any contract entered
351 into before the effective date of this act. Petition forms
352 gathered before the effective date of this act shall be governed
353 by the laws existing at the time that the form was initially
354 gathered.

355 Section 7. If any provision of this act or its application
356 to any person or circumstance is held invalid for any reason,
357 the remaining portion of this act, to the fullest extent
358 possible, shall be severed from the void portion and given the
359 fullest possible force and application.



360 Section 8. This act shall take effect upon becoming a law.

361
362 ===== T I T L E A M E N D M E N T =====

363 And the title is amended as follows:

364 Delete everything before the enacting clause
365 and insert:

366 A bill to be entitled
367 An act relating to constitutional amendments; amending
368 s. 15.21, F.S.; increasing the signature threshold at
369 which the Secretary of State must transmit initiative
370 petitions to the Attorney General for review; amending
371 s. 16.061, F.S.; requiring the Attorney General to
372 request the Supreme Court to address in an advisory
373 opinion the facial validity of the proposed amendment
374 under the United States Constitution; amending s.
375 100.371, F.S.; providing that a citizen may challenge
376 in circuit court a petition circulator's registration
377 with the Secretary of State; authorizing the Division
378 of Elections or a supervisor of elections to provide
379 petition forms in a certain electronic format;
380 revising the length of time that a signature on a
381 petition form is valid; revising the timeframe within
382 which the supervisor must verify petition forms;
383 requiring payment of the actual cost of signature
384 verification on petition forms; requiring the
385 supervisor to promptly verify signatures on petition
386 forms under specified conditions; revising the
387 circumstances under which a petition form is deemed
388 valid; requiring the supervisor to post the actual



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389 cost amount for petition verification on his or her
390 website; authorizing the supervisor to increase the
391 actual cost amount biennially; requiring the division
392 to post actual cost data for each county on its
393 website; requiring the division and each supervisor to
394 review technological options available to reduce
395 verification costs and to post certain information on
396 signature verification on their websites; requiring
397 the Secretary of State to submit a copy of an
398 initiative petition to the Financial Impact Estimating
399 Conference; revising requirements for the Financial
400 Impact Estimating Conference's analysis of a proposed
401 initiative's economic impact; requiring certain ballot
402 language based on the findings of the Financial Impact
403 Estimating Conference; amending s. 101.161, F.S.;
404 requiring that ballots containing constitutional
405 amendments proposed by initiative include certain
406 disclosures and statements, in a specified order;
407 amending s. 101.171, F.S.; revising requirements
408 regarding the availability of copies of constitutional
409 amendments at polling locations; providing for
410 applicability; providing for severability; providing
411 an effective date.