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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2020	.	
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	.	
	.	

The Committee on Ethics and Elections (Hutson) recommended 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, the President of
the Senate, and the Speaker of the House of Representatives and



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11 ~~to the Financial Impact Estimating Conference~~ if the sponsor
12 has:

13 (1) Registered as a political committee pursuant to s.
14 106.03;

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

18 (3) Obtained a letter from the Division of Elections
19 confirming that the sponsor has submitted to the appropriate
20 supervisors for verification, and the supervisors have verified,
21 forms signed and dated equal to 50 ~~40~~ percent of the number of
22 electors statewide and in at least one-fourth of the
23 congressional districts required by s. 3, Art. XI of the State
24 Constitution.

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

27 16.061 Initiative petitions.—

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

39 Section 3. Subsections (3), (6), (11), and (13) of section



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40 100.371, Florida Statutes, are amended to read:

41 100.371 Initiatives; procedure for placement on ballot.—

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

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

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

64 (11) An initiative petition form circulated for signature
65 may not be bundled with or attached to any other petition. Each
66 signature shall be dated when made and shall be valid until the
67 next February 1 occurring in an even-numbered year for the
68 purpose of appearing on the ballot for the general election



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69 occurring in that same year for a period of 2 years following
70 such date, provided all other requirements of law are met. The
71 sponsor shall submit signed and dated forms to the supervisor of
72 elections for the county of residence listed by the person
73 signing the form for verification of the number of valid
74 signatures obtained. If a signature on a petition is from a
75 registered voter in another county, the supervisor shall notify
76 the petition sponsor of the misfiled petition. The supervisor
77 shall promptly verify the signatures within 30 days after
78 receipt of the petition forms and payment of a the fee for the
79 actual cost of signature verification incurred by the supervisor
80 required by s. 99.097. The Department of State shall adopt rules
81 to set the cost to verify a petition under this subsection and
82 update the cost annually. The supervisor shall promptly record,
83 in the manner prescribed by the Secretary of State, the date
84 each form is received by the supervisor, and the date the
85 signature on the form is verified as valid. The supervisor may
86 verify that the signature on a form is valid only if:

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

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

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

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

97 (e) The signature was obtained legally, including that if a



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98 paid petition circulator was used, the circulator was validly
99 registered under subsection (3) when the signature was obtained.

100

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

106 (13) (a) At the same time the Secretary of State submits an
107 initiative petition to the Attorney General, the President of
108 the Senate, and the Speaker of the House of Representatives
109 pursuant to s. 15.21, the secretary shall submit a copy of the
110 initiative petition to the Financial Impact Estimating
111 Conference. Within 75 days after receipt of a proposed revision
112 or amendment to the State Constitution by initiative petition
113 from the Secretary of State, the Financial Impact Estimating
114 Conference shall complete an analysis and financial impact
115 statement to be placed on the ballot of the estimated increase
116 or decrease in any revenues or costs to state or local
117 governments, ~~estimated economic impact on the state and local~~
118 ~~economy,~~ and the overall impact to the state budget resulting
119 from the proposed initiative. The 75-day time limit is tolled
120 when the Legislature is in session. The Financial Impact
121 Estimating Conference shall submit the financial impact
122 statement to the Attorney General and Secretary of State.

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



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127 all persons authorized to speak on behalf of the named sponsor
128 and, if there is one, the sponsoring organization at meetings
129 held by the Financial Impact Estimating Conference. All other
130 persons shall be deemed interested parties or proponents or
131 opponents of the initiative. The Financial Impact Estimating
132 Conference shall provide an opportunity for any representatives
133 of the sponsor, interested parties, proponents, or opponents of
134 the initiative to submit information and may solicit information
135 or analysis from any other entities or agencies, including the
136 Office of Economic and Demographic Research.

137 (c) All meetings of the Financial Impact Estimating
138 Conference shall be open to the public. The President of the
139 Senate and the Speaker of the House of Representatives, jointly,
140 shall be the sole judge for the interpretation, implementation,
141 and enforcement of this subsection.

142 1. The Financial Impact Estimating Conference is
143 established to review, analyze, and estimate the financial
144 impact of amendments to or revisions of the State Constitution
145 proposed by initiative. The Financial Impact Estimating
146 Conference shall consist of four principals: one person from the
147 Executive Office of the Governor; the coordinator of the Office
148 of Economic and Demographic Research, or his or her designee;
149 one person from the professional staff of the Senate; and one
150 person from the professional staff of the House of
151 Representatives. Each principal shall have appropriate fiscal
152 expertise in the subject matter of the initiative. A Financial
153 Impact Estimating Conference may be appointed for each
154 initiative.

155 2. Principals of the Financial Impact Estimating Conference



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156 shall reach a consensus or majority concurrence on a clear and
157 unambiguous financial impact statement, no more than 150 words
158 in length, and immediately submit the statement to the Attorney
159 General. Nothing in this subsection prohibits the Financial
160 Impact Estimating Conference from setting forth a range of
161 potential impacts in the financial impact statement. Any
162 financial impact statement that a court finds not to be in
163 accordance with this section shall be remanded solely to the
164 Financial Impact Estimating Conference for redrafting. The
165 Financial Impact Estimating Conference shall redraft the
166 financial impact statement within 15 days.

167 ~~3. If the members of the Financial Impact Estimating~~
168 ~~Conference are unable to agree on the statement required by this~~
169 ~~subsection, or if the Supreme Court has rejected the initial~~
170 ~~submission by the Financial Impact Estimating Conference and no~~
171 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~
172 ~~75th day before the election, the following statement shall~~
173 ~~appear on the ballot pursuant to s. 101.161(1): "The financial~~
174 ~~impact of this measure, if any, has not been cannot be~~
175 ~~reasonably~~ determined at this time."

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

179 1. If the financial impact statement projects a net
180 ~~estimates increased costs, decreased revenues, a negative impact~~
181 ~~on the state budget or local economy, or an indeterminate impact~~
182 ~~for any of these areas, the ballot must include the a statement~~
183 ~~required by s. 101.161(1) (d) indicating such estimated effect in~~
184 ~~bold font.~~



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185 2. If the financial impact statement estimates an
186 indeterminate financial impact, the ballot must include the
187 statement required by s. 101.161(1)(e).

188 3. If the members of the Financial Impact Estimating
189 Conference are unable to agree on the statement required by this
190 subsection, the ballot must include the statement required by s.
191 101.161(1)(f).

192 (e)1. Any financial impact statement that the Supreme Court
193 finds not to be in accordance with this subsection shall be
194 remanded solely to the Financial Impact Estimating Conference
195 for redrafting, provided the court's advisory opinion is
196 rendered at least 75 days before the election at which the
197 question of ratifying the amendment will be presented. The
198 Financial Impact Estimating Conference shall prepare and adopt a
199 revised financial impact statement no later than 5 p.m. on the
200 15th day after the date of the court's opinion.

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

208 3. In addition to the financial impact statement required
209 by this subsection, the Financial Impact Estimating Conference
210 shall draft an initiative financial information statement. The
211 initiative financial information statement should describe in
212 greater detail than the financial impact statement any projected
213 increase or decrease in revenues or costs that the state or



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214 local governments would likely experience ~~and the estimated~~
215 ~~economic impact on the state and local economy~~ if the ballot
216 measure were approved. If appropriate, the initiative financial
217 information statement may include both estimated dollar amounts
218 and a description placing the estimated dollar amounts into
219 context. The initiative financial information statement must
220 include both a summary of not more than 500 words and additional
221 detailed information that includes the assumptions that were
222 made to develop the financial impacts, workpapers, and any other
223 information deemed relevant by the Financial Impact Estimating
224 Conference.

225 4. The Department of State shall have printed, and shall
226 furnish to each supervisor of elections, a copy of the summary
227 from the initiative financial information statements. The
228 supervisors shall have the summary from the initiative financial
229 information statements available at each polling place and at
230 the main office of the supervisor of elections upon request.

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

242 (f) When the Secretary of State submits a proposed



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243 initiative petition to the President of the Senate and the
244 Speaker of the House of Representatives pursuant to s. 15.21,
245 the President of the Senate and the Speaker of the House of
246 Representatives may direct legislative staff to prepare an
247 analysis of the petition. Such analysis may include, but is not
248 limited to, whether the amendment has undefined terms, conflicts
249 with an existing provision of the State Constitution, or will
250 cause unintended consequences or economic impacts.

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

253 101.161 Referenda; ballots.—

254 (1) Whenever a constitutional amendment or other public
255 measure is submitted to the vote of the people, a ballot summary
256 of such amendment or other public measure shall be printed in
257 clear and unambiguous language on the ballot after the list of
258 candidates, followed by the word "yes" and also by the word
259 "no," and shall be styled in such a manner that a "yes" vote
260 will indicate approval of the proposal and a "no" vote will
261 indicate rejection. The ballot summary of the amendment or other
262 public measure and the ballot title to appear on the ballot
263 shall be embodied in the constitutional revision commission
264 proposal, constitutional convention proposal, taxation and
265 budget reform commission proposal, or enabling resolution or
266 ordinance. The ballot summary of the amendment or other public
267 measure shall be an explanatory statement, not exceeding 75
268 words in length, of the chief purpose of the measure. In
269 addition, for every constitutional amendment proposed by
270 initiative, the ballot shall include, following the ballot
271 summary, in the following order:



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

278 (b) Whether out-of-state petition circulators were used to
279 obtain signatures for ballot placement.

280 (c) A separate financial impact statement concerning the
281 measure prepared by the Financial Impact Estimating Conference
282 in accordance with s. 100.371(13) ~~s. 100.371(5).~~

283 (d) If the financial impact statement projects a net
284 negative impact on the state budget, the following statement in
285 bold print:

286
287 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO
288 HAVE A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS
289 IMPACT MAY RESULT IN HIGHER TAXES OR A LOSS OF
290 GOVERNMENT SERVICES IN ORDER TO MAINTAIN A BALANCED
291 STATE BUDGET AS REQUIRED BY THE CONSTITUTION.

292
293 (e) If the financial impact statement is indeterminate, the
294 following statement in bold print:

295
296 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE
297 DETERMINED DUE TO AMBIGUITIES AND UNCERTAINTIES
298 SURROUNDING THE AMENDMENT'S IMPACT.

299
300 (f) If the members of the Financial Impact Estimating



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301 Conference are unable to agree on the financial impact
302 statement, the following statement in bold print:

303
304 THE FINANCIAL IMPACT ESTIMATING CONFERENCE WAS UNABLE
305 TO AGREE ON THE FINANCIAL IMPACT OF THIS PROPOSED
306 CONSTITUTIONAL AMENDMENT. THIS AMENDMENT MAY RESULT IN
307 HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN ORDER
308 TO MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY THE
309 CONSTITUTION.

310
311 The ballot title shall consist of a caption, not exceeding 15
312 words in length, by which the measure is commonly referred to or
313 spoken of. This subsection does not apply to constitutional
314 amendments or revisions proposed by joint resolution.

315 Section 5. Section 101.171, Florida Statutes, is amended to
316 read:

317 101.171 Copy of constitutional amendment to be available at
318 voting locations.—Whenever any amendment to the State
319 Constitution is to be voted upon at any election, the Department
320 of State shall have printed and shall furnish to each supervisor
321 of elections a sufficient number of copies of the amendment
322 either in poster or booklet form, and the supervisor shall
323 provide ~~have a copy in thereof conspicuously posted or available~~
324 ~~at each voting booth polling room or early voting area upon the~~
325 ~~day of election.~~

326 Section 6. Paragraph (a) of subsection (4) of section
327 106.07, Florida Statutes, is amended to read:

328 106.07 Reports; certification and filing.—

329 (4) (a) Except for daily reports, to which only the



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330 contributions provisions below apply, and except as provided in
331 paragraph (b), each report required by this section must
332 contain:

333 1. The full name, address, and occupation, if any, of each
334 person who has made one or more contributions to or for such
335 committee or candidate within the reporting period, together
336 with the amount and date of such contributions. For
337 corporations, the report must provide as clear a description as
338 practicable of the principal type of business conducted by the
339 corporation. However, if the contribution is \$100 or less or is
340 from a relative, as defined in s. 112.312, provided that the
341 relationship is reported, the occupation of the contributor or
342 the principal type of business need not be listed.

343 2. The name and address of each political committee from
344 which the reporting committee or the candidate received, or to
345 which the reporting committee or candidate made, any transfer of
346 funds, together with the amounts and dates of all transfers.

347 3. Each loan for campaign purposes to or from any person or
348 political committee within the reporting period, together with
349 the full names, addresses, and occupations, and principal places
350 of business, if any, of the lender and endorsers, if any, and
351 the date and amount of such loans.

352 4. A statement of each contribution, rebate, refund, or
353 other receipt not otherwise listed under subparagraphs 1.
354 through 3.

355 5. The total sums of all loans, in-kind contributions, and
356 other receipts by or for such committee or candidate during the
357 reporting period. The reporting forms shall be designed to
358 elicit separate totals for in-kind contributions, loans, and



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359 other receipts.

360 6. The full name and address of each person to whom
361 expenditures have been made by or on behalf of the committee or
362 candidate within the reporting period; the amount, date, and
363 purpose of each such expenditure; and the name and address of,
364 and office sought by, each candidate on whose behalf such
365 expenditure was made. However, expenditures made from the petty
366 cash fund provided by s. 106.12 need not be reported
367 individually.

368 7. The full name and address of each person to whom an
369 expenditure for personal services, salary, or reimbursement for
370 authorized expenses as provided in s. 106.021(3) has been made
371 and which is not otherwise reported, including the amount, date,
372 and purpose of such expenditure. However, expenditures made from
373 the petty cash fund provided for in s. 106.12 need not be
374 reported individually. Receipts for reimbursement for authorized
375 expenditures shall be retained by the treasurer along with the
376 records for the campaign account.

377 8. The total amount withdrawn and the total amount spent
378 for petty cash purposes pursuant to this chapter during the
379 reporting period.

380 9. The total sum of expenditures made by such committee or
381 candidate during the reporting period.

382 10. The amount and nature of debts and obligations owed by
383 or to the committee or candidate, which relate to the conduct of
384 any political campaign.

385 11. Transaction information for each credit card purchase.
386 Receipts for each credit card purchase shall be retained by the
387 treasurer with the records for the campaign account.



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388 12. The amount and nature of any separate interest-bearing
389 accounts or certificates of deposit and identification of the
390 financial institution in which such accounts or certificates of
391 deposit are located.

392 13. The primary purposes of an expenditure made indirectly
393 through a campaign treasurer pursuant to s. 106.021(3) for goods
394 and services such as communications media placement or
395 procurement services, campaign signs, insurance, and other
396 expenditures that include multiple components as part of the
397 expenditure. The primary purpose of an expenditure shall be that
398 purpose, including integral and directly related components,
399 that comprises 80 percent of such expenditure.

400 14. If filed by a political committee supporting an
401 initiative, the percentage of total contributions obtained
402 during the reporting period from in-state persons. For purposes
403 of this subparagraph, the term "person" has the same meaning as
404 provided in s. 106.011, except that the term does not include a
405 political party as provided in s. 103.091, an affiliated party
406 committee as provided in s. 103.092, or a political committee as
407 defined in s. 106.011.

408 Section 7. The provisions of this act apply to all
409 revisions or amendments to the State Constitution by initiative
410 that are proposed for the 2020 election ballot and each ballot
411 thereafter; provided, however, that nothing in this act affects
412 the validity of any petition form gathered before the effective
413 date of this act or any contract entered into before the
414 effective date of this act.

415 Section 8. If any provision of this act or its application
416 to any person or circumstance is held invalid for any reason,



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417 the remaining portion of this act, to the fullest extent
418 possible, shall be severed from the void portion and given the
419 fullest possible force and application.

420 Section 9. This act shall take effect upon becoming a law.

421

422 ===== T I T L E A M E N D M E N T =====

423 And the title is amended as follows:

424 Delete everything before the enacting clause

425 and insert:

426

A bill to be entitled

427

An act relating to constitutional amendments proposed
428 by initiative; amending s. 15.21, F.S.; requiring the
429 Secretary of State to submit an initiative petition to
430 the Legislature when a certain amount of signatures
431 are obtained; amending s. 16.061, F.S.; requiring the
432 Attorney General to request the Supreme Court to
433 address in an advisory opinion the specific validity
434 of the proposed amendment under the United States
435 Constitution; amending s. 100.371, F.S.; providing
436 that a citizen may challenge a petition circulator's
437 failure to register with the Secretary of State;
438 authorizing the Division of Elections or a supervisor
439 of elections to provide petition forms in a certain
440 electronic format; revising the length of time that a
441 signature on a petition form is valid; requiring a
442 supervisor to charge the actual cost of verifying
443 petition forms; requiring the Department of State to
444 adopt certain rules; revising the circumstances under
445 which a petition form is deemed valid; requiring the



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446 Secretary of State to submit a copy of an initiative
447 petition to the Financial Impact Estimating
448 Conference; requiring the Financial Impact Estimating
449 Conference to analyze the financial impact to the
450 state of a proposed initiative; requiring certain
451 ballot language based on the findings of the Financial
452 Impact Estimating Conference; authorizing the use of
453 legislative staff to analyze the effects of a citizen
454 initiative under certain circumstances; amending s.
455 101.161, F.S.; requiring that ballots containing
456 constitutional amendments proposed by initiative
457 include certain disclosures and statements; defining
458 the term "person"; amending s. 101.171, F.S.;
459 requiring that a copy of the amendment text be made
460 available in each voting booth; amending s. 106.07,
461 F.S.; requiring a political committee sponsoring an
462 initiative to disclose certain information in campaign
463 finance reports; defining the term "person"; providing
464 applicability; providing for severability; providing
465 an effective date.