

By Senator Hutson

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1 A bill to be entitled
2 An act relating to constitutional amendments proposed
3 by initiative; amending s. 15.21, F.S.; requiring the
4 Secretary of State to submit an initiative petition to
5 the Speaker of the House of Representatives and the
6 President of the Senate when a specified percentage of
7 the required statewide signatures is obtained;
8 amending s. 100.371, F.S.; authorizing a citizen to
9 challenge a petition circulator's registration;
10 requiring the court to take specified action if the
11 petition circulator is not registered; providing that
12 the Division of Elections or a supervisor of elections
13 may provide petition forms in electronic format;
14 revising the length of validity of a petition form;
15 requiring a petition sponsor to pay the supervisor's
16 actual cost of signature verification for petition
17 forms; requiring the Department of State to adopt
18 certain rules; modifying conditions under which the
19 supervisor may verify a signature on a petition form
20 as valid; requiring the Secretary of State to submit a
21 copy of an initiative to the Financial Impact
22 Estimating Conference; requiring the Financial Impact
23 Estimating Conference to analyze the fiscal impact to
24 state government of a proposed initiative; requiring a
25 ballot to include certain statements explaining
26 whether the Financial Impact Estimating Conference
27 agreed on the initiative's impact; authorizing the
28 Speaker of the House of Representatives and the
29 President of the Senate to direct legislative staff to

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30 analyze the effects of a proposed initiative petition;
31 amending s. 101.161, F.S.; requiring that a ballot
32 include disclosures about the initiative sponsor;
33 defining a term; requiring that the ballot include a
34 statement about the initiative's projected fiscal
35 impact; requiring the Attorney General to request the
36 Supreme Court to determine whether the initiative
37 language violates the United States Constitution or
38 the State Constitution or has other infirmities;
39 amending s. 101.171, F.S.; requiring a copy of the
40 initiative text in each voting booth; amending s.
41 106.07, F.S.; requiring a political committee
42 sponsoring an initiative to disclose the percentage of
43 in-state contributions received; defining a term;
44 providing applicability; providing for severability;
45 providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Section 15.21, Florida Statutes, is amended to
50 read:

51 15.21 Initiative petitions; s. 3, Art. XI, State
52 Constitution.—The Secretary of State shall immediately submit an
53 initiative petition to the Attorney General, the Speaker of the
54 House of Representatives, and the President of the Senate ~~and to~~
55 ~~the Financial Impact Estimating Conference~~ if the sponsor has:

56 (1) Registered as a political committee pursuant to s.
57 106.03;

58 (2) Submitted the ballot title, substance, and text of the

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59 proposed revision or amendment to the Secretary of State
60 pursuant to ss. 100.371 and 101.161; and

61 (3) Obtained a letter from the Division of Elections
62 confirming that the sponsor has submitted to the appropriate
63 supervisors for verification, and the supervisors have verified,
64 forms signed and dated equal to 50 ~~40~~ percent of the number of
65 electors statewide and in at least one-fourth of the
66 congressional districts required by s. 3, Art. XI of the State
67 Constitution.

68 Section 2. Subsections (3), (6), (11), and (13) of section
69 100.371, Florida Statutes, are amended to read:

70 100.371 Initiatives; procedure for placement on ballot.—

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

74 (b) A citizen may challenge a petition circulator's
75 registration under this section by filing a petition in circuit
76 court. If the court finds that the respondent is not a
77 registered petition circulator, the court must enjoin the
78 respondent from collecting signatures or initiative petitions
79 for compensation until she or he is lawfully registered.

80 (6) The division or the supervisor of elections shall make
81 hard copy petition forms or electronic Portable Document Format
82 (PDF) petition forms available to registered petition
83 circulators. All such forms must contain information identifying
84 the petition circulator to which the forms are provided. The
85 division shall maintain a database of all registered petition
86 circulators and the petition forms assigned to each. Each
87 supervisor of elections shall provide to the division

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88 information on petition forms assigned to and received from
89 petition circulators. The information must be provided in a
90 format and at times as required by the division by rule. The
91 division must update information on petition forms daily and
92 make the information publicly available.

93 (11) An initiative petition form circulated for signature
94 may not be bundled with or attached to any other petition. Each
95 signature shall be dated when made and shall be valid until the
96 next February 1 occurring in an even-numbered year for the
97 purpose of appearing on the ballot for the general election
98 occurring in that same year ~~for a period of 2 years following~~
99 ~~such date~~, provided all other requirements of law are met. The
100 sponsor shall submit signed and dated forms to the supervisor of
101 elections for the county of residence listed by the person
102 signing the form for verification of the number of valid
103 signatures obtained. If a signature on a petition is from a
104 registered voter in another county, the supervisor shall notify
105 the petition sponsor of the misfiled petition. The supervisor
106 shall promptly verify the signatures within 30 days after
107 receipt of the petition forms and payment of a the fee for the
108 actual cost of signature verification incurred by the supervisor
109 ~~required by s. 99.097~~. The Department of State shall adopt rules
110 to set the cost to verify a petition under this subsection, and
111 the department shall update the cost annually. The supervisor
112 shall promptly record, in the manner prescribed by the Secretary
113 of State, the date each form is received by the supervisor, and
114 the date the signature on the form is verified as valid. The
115 supervisor may verify that the signature on a form is valid only
116 if:

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

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

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

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

127 (e) The signature was obtained legally, including that if a
128 paid petition circulator was used, the circulator was validly
129 registered under subsection (3) when the signature was obtained.

130
131 The supervisor shall retain the signature forms for at least 1
132 year following the election in which the issue appeared on the
133 ballot or until the Division of Elections notifies the
134 supervisors of elections that the committee that circulated the
135 petition is no longer seeking to obtain ballot position.

136 (13) (a) At the same time the Secretary of State submits an
137 initiative petition to the Attorney General pursuant to s.
138 15.21, the secretary shall submit a copy of the initiative
139 petition to the Financial Impact Estimating Conference. Within
140 75 days after receipt of a proposed revision or amendment to the
141 State Constitution by initiative petition from the Secretary of
142 State, the Financial Impact Estimating Conference shall complete
143 an analysis and financial impact statement to be placed on the
144 ballot of the estimated increase or decrease in any revenues or
145 costs to state government ~~or local governments,~~ ~~estimated~~

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146 ~~economic impact on the state and local economy,~~ and the overall
147 impact to the state budget resulting from the proposed
148 initiative. The 75-day time limit is tolled when the Legislature
149 is in session. The Financial Impact Estimating Conference shall
150 submit the financial impact statement to the Attorney General
151 and Secretary of State.

152 (b) Immediately upon receipt of a proposed revision or
153 amendment from the Secretary of State, the coordinator of the
154 Office of Economic and Demographic Research shall contact the
155 person identified as the sponsor to request an official list of
156 all persons authorized to speak on behalf of the named sponsor
157 and, if there is one, the sponsoring organization at meetings
158 held by the Financial Impact Estimating Conference. All other
159 persons shall be deemed interested parties or proponents or
160 opponents of the initiative. The Financial Impact Estimating
161 Conference shall provide an opportunity for any representatives
162 of the sponsor, interested parties, proponents, or opponents of
163 the initiative to submit information and may solicit information
164 or analysis from any other entities or agencies, including the
165 Office of Economic and Demographic Research.

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

171 1. The Financial Impact Estimating Conference is
172 established to review, analyze, and estimate the fiscal
173 ~~financial~~ impact on state government of amendments to or
174 revisions of the State Constitution proposed by initiative. The

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175 Financial Impact Estimating Conference shall consist of four
176 principals: one person from the Executive Office of the
177 Governor; the coordinator of the Office of Economic and
178 Demographic Research, or his or her designee; one person from
179 the professional staff of the Senate; and one person from the
180 professional staff of the House of Representatives. Each
181 principal shall have appropriate fiscal expertise in the subject
182 matter of the initiative. A Financial Impact Estimating
183 Conference may be appointed for each initiative.

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

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

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204 ~~fiscal financial~~ impact of this measure on state government, ~~if~~
205 ~~any, cannot be 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 estimates increased
210 costs, decreased revenues, or a negative fiscal impact on the
211 state government 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)(a)4.

214 2. If the financial impact statement estimates an
215 indeterminate fiscal impact, the ballot must include the
216 statement required by s. 101.161(1)(a)5.

217 3. If the members of the Financial Impact Estimating
218 Conference are unable to agree on the statement required by this
219 subsection, the ballot must include the statement required by s.
220 101.161(1)(a)6 indicating such estimated effect in bold font.

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

230 2. If, by 5 p.m. on the 75th day before the election, the
231 Supreme Court has not issued an advisory opinion on the initial
232 financial impact statement prepared by the Financial Impact

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233 Estimating Conference for an initiative amendment that otherwise
234 meets the legal requirements for ballot placement, the financial
235 impact statement shall be deemed approved for placement on the
236 ballot.

237 3. In addition to the financial impact statement required
238 by this subsection, the Financial Impact Estimating Conference
239 shall draft an initiative financial information statement. The
240 initiative financial information statement should describe in
241 greater detail than the financial impact statement any projected
242 increase or decrease in revenues or costs that the state or
243 local governments would likely experience ~~and the estimated~~
244 ~~economic impact on the state and local economy~~ if the ballot
245 measure were approved. If appropriate, the initiative financial
246 information statement may include both estimated dollar amounts
247 and a description placing the estimated dollar amounts into
248 context. The initiative financial information statement must
249 include both a summary of not more than 500 words and additional
250 detailed information that includes the assumptions that were
251 made to develop the financial impacts, workpapers, and any other
252 information deemed relevant by the Financial Impact Estimating
253 Conference.

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

260 5. The Secretary of State and the Office of Economic and
261 Demographic Research shall make available on the Internet each

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

271 (f) When the Secretary of State submits a proposed
272 initiative petition to the Speaker of the House of
273 Representatives and the President of the Senate pursuant to s.
274 15.21, the Speaker and the President may direct legislative
275 committee staff to prepare an analysis of the petition. The
276 analysis may include, but is not limited to, whether the
277 amendment has undefined terms or will cause unintended
278 consequences or economic impacts.

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

281 101.161 Referenda; ballots.—

282 (1) (a) Whenever a constitutional amendment or other public
283 measure is submitted to the vote of the people, a ballot summary
284 of such amendment or other public measure shall be printed in
285 clear and unambiguous language on the ballot after the list of
286 candidates, followed by the word "yes" and also by the word
287 "no," and shall be styled in such a manner that a "yes" vote
288 will indicate approval of the proposal and a "no" vote will
289 indicate rejection. The ballot summary of the amendment or other
290 public measure and the ballot title to appear on the ballot

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291 shall be embodied in the constitutional revision commission
292 proposal, constitutional convention proposal, taxation and
293 budget reform commission proposal, or enabling resolution or
294 ordinance. The ballot summary of the amendment or other public
295 measure shall be an explanatory statement, not exceeding 75
296 words in length, of the chief purpose of the measure. In
297 addition, for every constitutional amendment proposed by
298 initiative, the ballot shall include, following the ballot
299 summary, in the following order:

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

306 2. Whether out-of-state petition circulators were used to
307 obtain signatures for ballot placement.

308 3. A separate financial impact statement concerning the
309 measure prepared by the Financial Impact Estimating Conference
310 in accordance with s. 100.371(13) ~~s. 100.371(5).~~

311 4. If the fiscal impact statement projects increased costs,
312 decreased revenues, or a negative fiscal impact on state
313 government, the following statement in bold print:

314
315 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO
316 RESULT IN INCREASED COSTS, DECREASED REVENUES, OR A
317 NEGATIVE FISCAL IMPACT, WHICH MAY RESULT IN HIGHER
318 TAXES OR A LOSS OF GOVERNMENT SERVICES IN ORDER TO
319 MAINTAIN A BALANCED BUDGET AS REQUIRED BY THE STATE

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320 CONSTITUTION.

321

322 5. If the fiscal impact statement is indeterminate, the
 323 following statement in bold print:

324

325 THE FISCAL IMPACT OF THIS AMENDMENT CANNOT BE
 326 DETERMINED DUE TO AMBIGUITIES AND UNCERTAINTIES
 327 SURROUNDING THE AMENDMENT'S IMPACT.

328

329 6. If the members of the Financial Impact Estimating
 330 Conference are unable to agree on the financial impact
 331 statement, the following statement in bold print:

332

333 THE FINANCIAL IMPACT ESTIMATING CONFERENCE WAS UNABLE
 334 TO AGREE ON THE FISCAL IMPACT OF THIS PROPOSED
 335 CONSTITUTIONAL AMENDMENT. THIS AMENDMENT MAY RESULT IN
 336 HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN ORDER
 337 TO MAINTAIN A BALANCED BUDGET AS REQUIRED BY THE STATE
 338 CONSTITUTION.

339

340 (b) The ballot title shall consist of a caption, not
 341 exceeding 15 words in length, by which the measure is commonly
 342 referred to or spoken of.

343 (c) When the Attorney General requests an advisory opinion
 344 of the Supreme Court to review a proposed constitutional
 345 amendment pursuant to s. 16.061, the Attorney General shall
 346 include a request for the court to review whether the proposed
 347 amendment:

348 1. Violates the United States Constitution.

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349 2. Conflicts with an existing provision of the State
 350 Constitution.

351 3. Would be held facially void for vagueness.

352 4. Has any undefined terms that will have a substantive
 353 impact.

354 (d) This subsection does not apply to constitutional
 355 amendments or revisions proposed by joint resolution.

356 Section 4. Section 101.171, Florida Statutes, is amended to
 357 read:

358 101.171 Copy of constitutional amendment to be available at
 359 voting locations.—Whenever any amendment to the State
 360 Constitution is to be voted upon at any election, the Department
 361 of State shall have printed and shall furnish to each supervisor
 362 of elections a sufficient number of copies of the amendment
 363 either in poster or booklet form, and the supervisor shall
 364 provide ~~have a copy in thereof conspicuously posted or available~~
 365 ~~at each voting booth polling room or early voting area upon the~~
 366 ~~day of election.~~

367 Section 5. Paragraph (a) of subsection (4) of section
 368 106.07, Florida Statutes, is amended to read:

369 106.07 Reports; certification and filing.—

370 (4) (a) Except for daily reports, to which only the
 371 contributions provisions below apply, and except as provided in
 372 paragraph (b), each report required by this section must
 373 contain:

374 1. The full name, address, and occupation, if any, of each
 375 person who has made one or more contributions to or for such
 376 committee or candidate within the reporting period, together
 377 with the amount and date of such contributions. For

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378 corporations, the report must provide as clear a description as
379 practicable of the principal type of business conducted by the
380 corporation. However, if the contribution is \$100 or less or is
381 from a relative, as defined in s. 112.312, provided that the
382 relationship is reported, the occupation of the contributor or
383 the principal type of business need not be listed.

384 2. The name and address of each political committee from
385 which the reporting committee or the candidate received, or to
386 which the reporting committee or candidate made, any transfer of
387 funds, together with the amounts and dates of all transfers.

388 3. Each loan for campaign purposes to or from any person or
389 political committee within the reporting period, together with
390 the full names, addresses, and occupations, and principal places
391 of business, if any, of the lender and endorsers, if any, and
392 the date and amount of such loans.

393 4. A statement of each contribution, rebate, refund, or
394 other receipt not otherwise listed under subparagraphs 1.
395 through 3.

396 5. The total sums of all loans, in-kind contributions, and
397 other receipts by or for such committee or candidate during the
398 reporting period. The reporting forms shall be designed to
399 elicit separate totals for in-kind contributions, loans, and
400 other receipts.

401 6. The full name and address of each person to whom
402 expenditures have been made by or on behalf of the committee or
403 candidate within the reporting period; the amount, date, and
404 purpose of each such expenditure; and the name and address of,
405 and office sought by, each candidate on whose behalf such
406 expenditure was made. However, expenditures made from the petty

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407 cash fund provided by s. 106.12 need not be reported
408 individually.

409 7. The full name and address of each person to whom an
410 expenditure for personal services, salary, or reimbursement for
411 authorized expenses as provided in s. 106.021(3) has been made
412 and which is not otherwise reported, including the amount, date,
413 and purpose of such expenditure. However, expenditures made from
414 the petty cash fund provided for in s. 106.12 need not be
415 reported individually. Receipts for reimbursement for authorized
416 expenditures shall be retained by the treasurer along with the
417 records for the campaign account.

418 8. The total amount withdrawn and the total amount spent
419 for petty cash purposes pursuant to this chapter during the
420 reporting period.

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

423 10. The amount and nature of debts and obligations owed by
424 or to the committee or candidate, which relate to the conduct of
425 any political campaign.

426 11. Transaction information for each credit card purchase.
427 Receipts for each credit card purchase shall be retained by the
428 treasurer with the records for the campaign account.

429 12. The amount and nature of any separate interest-bearing
430 accounts or certificates of deposit and identification of the
431 financial institution in which such accounts or certificates of
432 deposit are located.

433 13. The primary purposes of an expenditure made indirectly
434 through a campaign treasurer pursuant to s. 106.021(3) for goods
435 and services such as communications media placement or

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436 procurement services, campaign signs, insurance, and other
437 expenditures that include multiple components as part of the
438 expenditure. The primary purpose of an expenditure shall be that
439 purpose, including integral and directly related components,
440 that comprises 80 percent of such expenditure.

441 14. If filed by a political committee supporting an
442 initiative, the percentage of total contributions obtained
443 during the reporting period from in-state persons. For purposes
444 of this subparagraph, the term "person" has the same meaning as
445 provided in s. 106.011, except that the term does not include a
446 political party as provided in s. 103.091, an affiliated party
447 committee as provided in s. 103.092, or a political committee as
448 defined in s. 106.011.

449 Section 6. The provisions of this act apply to all
450 revisions or amendments to the State Constitution by initiative
451 which are proposed for the 2020 general election ballot and each
452 ballot thereafter; provided, however, that nothing in this act
453 affects the validity of any petition form gathered before the
454 effective date of this act or any contract entered into before
455 the effective date of this act.

456 Section 7. If any provision of this act or its application
457 to any person or circumstance is held invalid for any reason,
458 the remaining portions of this act, to the fullest extent
459 possible, shall be severed from the void portion and given the
460 fullest possible force and application.

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