

By the Committee on Ethics and Elections; and 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 Legislature when a certain amount of signatures  
6       are obtained; amending s. 16.061, F.S.; requiring the  
7       Attorney General to request the Supreme Court to  
8       address in an advisory opinion the specific validity  
9       of the proposed amendment under the United States  
10      Constitution; amending s. 100.371, F.S.; providing  
11      that a citizen may challenge a petition circulator's  
12      failure to register with the Secretary of State;  
13      authorizing the Division of Elections or a supervisor  
14      of elections to provide petition forms in a certain  
15      electronic format; revising the length of time that a  
16      signature on a petition form is valid; requiring a  
17      supervisor to charge the actual cost of verifying  
18      petition forms; requiring the Department of State to  
19      adopt certain rules; revising the circumstances under  
20      which a petition form is deemed valid; requiring the  
21      Secretary of State to submit a copy of an initiative  
22      petition to the Financial Impact Estimating  
23      Conference; requiring the Financial Impact Estimating  
24      Conference to analyze the financial impact to the  
25      state of a proposed initiative; requiring certain  
26      ballot language based on the findings of the Financial  
27      Impact Estimating Conference; authorizing the use of  
28      legislative staff to analyze the effects of a citizen  
29      initiative under certain circumstances; amending s.

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30 101.161, F.S.; requiring that ballots containing  
31 constitutional amendments proposed by initiative  
32 include certain disclosures and statements; defining  
33 the term "person"; amending s. 101.171, F.S.;  
34 requiring that a copy of the amendment text be made  
35 available in each voting booth; amending s. 106.07,  
36 F.S.; requiring a political committee sponsoring an  
37 initiative to disclose certain information in campaign  
38 finance reports; defining the term "person"; providing  
39 applicability; providing for severability; providing  
40 an effective date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Section 15.21, Florida Statutes, is amended to  
45 read:

46 15.21 Initiative petitions; s. 3, Art. XI, State  
47 Constitution.—The Secretary of State shall immediately submit an  
48 initiative petition to the Attorney General, the President of  
49 the Senate, and the Speaker of the House of Representatives ~~and~~  
50 ~~to the Financial Impact Estimating Conference~~ if the sponsor  
51 has:

52 (1) Registered as a political committee pursuant to s.  
53 106.03;

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

57 (3) Obtained a letter from the Division of Elections  
58 confirming that the sponsor has submitted to the appropriate

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59 supervisors for verification, and the supervisors have verified,  
60 forms signed and dated equal to 50 ~~40~~ percent of the number of  
61 electors statewide and in at least one-fourth of the  
62 congressional districts required by s. 3, Art. XI of the State  
63 Constitution.

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

66 16.061 Initiative petitions.—

67 (1) The Attorney General shall, within 30 days after  
68 receipt of a proposed revision or amendment to the State  
69 Constitution by initiative petition from the Secretary of State,  
70 petition the Supreme Court, requesting an advisory opinion  
71 regarding the compliance of the text of the proposed amendment  
72 or revision with s. 3, Art. XI of the State Constitution,  
73 whether the proposed amendment is facially invalid under the  
74 United States Constitution, and the compliance of the proposed  
75 ballot title and substance with s. 101.161. The petition may  
76 enumerate any specific factual issues that the Attorney General  
77 believes would require a judicial determination.

78 Section 3. Subsections (3), (6), (11), and (13) of section  
79 100.371, Florida Statutes, are amended to read:

80 100.371 Initiatives; procedure for placement on ballot.—

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

84 (b) A citizen may challenge a petition circulator's  
85 registration under this section by filing a petition in circuit  
86 court. If the court finds that the respondent is not a  
87 registered petition circulator, the court may enjoin the

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88 respondent from collecting signatures or initiative petitions  
89 for compensation until she or he is lawfully registered.

90 (6) The division or the supervisor of elections shall make  
91 hard copy petition forms or electronic portable document format  
92 petition forms available to registered petition circulators. All  
93 such forms must contain information identifying the petition  
94 circulator to which the forms are provided. The division shall  
95 maintain a database of all registered petition circulators and  
96 the petition forms assigned to each. Each supervisor of  
97 elections shall provide to the division information on petition  
98 forms assigned to and received from petition circulators. The  
99 information must be provided in a format and at times as  
100 required by the division by rule. The division must update  
101 information on petition forms daily and make the information  
102 publicly available.

103 (11) An initiative petition form circulated for signature  
104 may not be bundled with or attached to any other petition. Each  
105 signature shall be dated when made and shall be valid until the  
106 next February 1 occurring in an even-numbered year for the  
107 purpose of appearing on the ballot for the general election  
108 occurring in that same year ~~for a period of 2 years following~~  
109 ~~such date~~, provided all other requirements of law are met. The  
110 sponsor shall submit signed and dated forms to the supervisor of  
111 elections for the county of residence listed by the person  
112 signing the form for verification of the number of valid  
113 signatures obtained. If a signature on a petition is from a  
114 registered voter in another county, the supervisor shall notify  
115 the petition sponsor of the misfiled petition. The supervisor  
116 shall promptly verify the signatures within 30 days after

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117 receipt of the petition forms and payment of a the fee for the  
118 actual cost of signature verification incurred by the supervisor  
119 required by s. ~~99.097~~. The Department of State shall adopt rules  
120 to set the cost to verify a petition under this subsection and  
121 update the cost annually. The supervisor shall promptly record,  
122 in the manner prescribed by the Secretary of State, the date  
123 each form is received by the supervisor, and the date the  
124 signature on the form is verified as valid. The supervisor may  
125 verify that the signature on a form is valid only if:

126 (a) The form contains the original signature of the  
127 purported elector.

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

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

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

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

139  
140 The supervisor shall retain the signature forms for at least 1  
141 year following the election in which the issue appeared on the  
142 ballot or until the Division of Elections notifies the  
143 supervisors of elections that the committee that circulated the  
144 petition is no longer seeking to obtain ballot position.

145 (13) (a) At the same time the Secretary of State submits an

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146 initiative petition to the Attorney General, the President of  
147 the Senate, and the Speaker of the House of Representatives  
148 pursuant to s. 15.21, the secretary shall submit a copy of the  
149 initiative petition to the Financial Impact Estimating  
150 Conference. Within 75 days after receipt of a proposed revision  
151 or amendment to the State Constitution by initiative petition  
152 from the Secretary of State, the Financial Impact Estimating  
153 Conference shall complete an analysis and financial impact  
154 statement to be placed on the ballot of the estimated increase  
155 or decrease in any revenues or costs to state or local  
156 governments, ~~estimated economic impact on the state and local~~  
157 ~~economy,~~ and the overall impact to the state budget resulting  
158 from the proposed initiative. The 75-day time limit is tolled  
159 when the Legislature is in session. The Financial Impact  
160 Estimating Conference shall submit the financial impact  
161 statement to the Attorney General and Secretary of State.

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

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175 Office of Economic and Demographic Research.

176 (c) All meetings of the Financial Impact Estimating  
177 Conference shall be open to the public. The President of the  
178 Senate and the Speaker of the House of Representatives, jointly,  
179 shall be the sole judge for the interpretation, implementation,  
180 and enforcement of this subsection.

181 1. The Financial Impact Estimating Conference is  
182 established to review, analyze, and estimate the financial  
183 impact of amendments to or revisions of the State Constitution  
184 proposed by initiative. The Financial Impact Estimating  
185 Conference shall consist of four principals: one person from the  
186 Executive Office of the Governor; the coordinator of the Office  
187 of Economic and Demographic Research, or his or her designee;  
188 one person from the professional staff of the Senate; and one  
189 person from the professional staff of the House of  
190 Representatives. Each principal shall have appropriate fiscal  
191 expertise in the subject matter of the initiative. A Financial  
192 Impact Estimating Conference may be appointed for each  
193 initiative.

194 2. Principals of the Financial Impact Estimating Conference  
195 shall reach a consensus or majority concurrence on a clear and  
196 unambiguous financial impact statement, no more than 150 words  
197 in length, and immediately submit the statement to the Attorney  
198 General. Nothing in this subsection prohibits the Financial  
199 Impact Estimating Conference from setting forth a range of  
200 potential impacts in the financial impact statement. Any  
201 financial impact statement that a court finds not to be in  
202 accordance with this section shall be remanded solely to the  
203 Financial Impact Estimating Conference for redrafting. The

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204 Financial Impact Estimating Conference shall redraft the  
205 financial impact statement within 15 days.

206 ~~3. If the members of the Financial Impact Estimating~~  
207 ~~Conference are unable to agree on the statement required by this~~  
208 ~~subsection, or if the Supreme Court has rejected the initial~~  
209 ~~submission by the Financial Impact Estimating Conference and no~~  
210 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~  
211 ~~75th day before the election, the following statement shall~~  
212 ~~appear on the ballot pursuant to s. 101.161(1): "The financial~~  
213 ~~impact of this measure, if any, has not been cannot be~~  
214 ~~reasonably~~ determined at this time."

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

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

224 2. If the financial impact statement estimates an  
225 indeterminate financial impact, the ballot must include the  
226 statement required by s. 101.161(1)(e).

227 3. If the members of the Financial Impact Estimating  
228 Conference are unable to agree on the statement required by this  
229 subsection, the ballot must include the statement required by s.  
230 101.161(1)(f).

231 (e)1. Any financial impact statement that the Supreme Court  
232 finds not to be in accordance with this subsection shall be



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233 remanded solely to the Financial Impact Estimating Conference  
234 for redrafting, provided the court's advisory opinion is  
235 rendered at least 75 days before the election at which the  
236 question of ratifying the amendment will be presented. The  
237 Financial Impact Estimating Conference shall prepare and adopt a  
238 revised financial impact statement no later than 5 p.m. on the  
239 15th day after the date of the court's opinion.

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

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

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262 information deemed relevant by the Financial Impact Estimating  
263 Conference.

264 4. The Department of State shall have printed, and shall  
265 furnish to each supervisor of elections, a copy of the summary  
266 from the initiative financial information statements. The  
267 supervisors shall have the summary from the initiative financial  
268 information statements available at each polling place and at  
269 the main office of the supervisor of elections upon request.

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

281 (f) When the Secretary of State submits a proposed  
282 initiative petition to the President of the Senate and the  
283 Speaker of the House of Representatives pursuant to s. 15.21,  
284 the President of the Senate and the Speaker of the House of  
285 Representatives may direct legislative staff to prepare an  
286 analysis of the petition. Such analysis may include, but is not  
287 limited to, whether the amendment has undefined terms, conflicts  
288 with an existing provision of the State Constitution, or will  
289 cause unintended consequences or economic impacts.

290 Section 4. Subsection (1) of section 101.161, Florida

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291 Statutes, is amended to read:

292 101.161 Referenda; ballots.—

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

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

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

319 (c) A separate financial impact statement concerning the

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320 measure prepared by the Financial Impact Estimating Conference  
321 in accordance with s. 100.371(13) ~~s. 100.371(5)~~.

322 (d) If the financial impact statement projects a net  
323 negative impact on the state budget, the following statement in  
324 bold print:

325  
326 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO  
327 HAVE A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS  
328 IMPACT MAY RESULT IN HIGHER TAXES OR A LOSS OF  
329 GOVERNMENT SERVICES IN ORDER TO MAINTAIN A BALANCED  
330 STATE BUDGET AS REQUIRED BY THE CONSTITUTION.

331  
332 (e) If the financial impact statement is indeterminate, the  
333 following statement in bold print:

334  
335 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE  
336 DETERMINED DUE TO AMBIGUITIES AND UNCERTAINTIES  
337 SURROUNDING THE AMENDMENT'S IMPACT.

338  
339 (f) If the members of the Financial Impact Estimating  
340 Conference are unable to agree on the financial impact  
341 statement, the following statement in bold print:

342  
343 THE FINANCIAL IMPACT ESTIMATING CONFERENCE WAS UNABLE  
344 TO AGREE ON THE FINANCIAL IMPACT OF THIS PROPOSED  
345 CONSTITUTIONAL AMENDMENT. THIS AMENDMENT MAY RESULT IN  
346 HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN ORDER  
347 TO MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY THE  
348 CONSTITUTION.

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

354 Section 5. Section 101.171, Florida Statutes, is amended to  
355 read:

356 101.171 Copy of constitutional amendment to be available at  
357 voting locations.—Whenever any amendment to the State  
358 Constitution is to be voted upon at any election, the Department  
359 of State shall have printed and shall furnish to each supervisor  
360 of elections a sufficient number of copies of the amendment  
361 either in poster or booklet form, and the supervisor shall  
362 provide have a copy in ~~thereof conspicuously posted or available~~  
363 at each voting booth ~~polling room or early voting area upon the~~  
364 ~~day of election.~~

365 Section 6. Paragraph (a) of subsection (4) of section  
366 106.07, Florida Statutes, is amended to read:

367 106.07 Reports; certification and filing.—

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

372 1. The full name, address, and occupation, if any, of each  
373 person who has made one or more contributions to or for such  
374 committee or candidate within the reporting period, together  
375 with the amount and date of such contributions. For  
376 corporations, the report must provide as clear a description as  
377 practicable of the principal type of business conducted by the

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378 corporation. However, if the contribution is \$100 or less or is  
379 from a relative, as defined in s. 112.312, provided that the  
380 relationship is reported, the occupation of the contributor or  
381 the principal type of business need not be listed.

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

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

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

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

399 6. The full name and address of each person to whom  
400 expenditures have been made by or on behalf of the committee or  
401 candidate within the reporting period; the amount, date, and  
402 purpose of each such expenditure; and the name and address of,  
403 and office sought by, each candidate on whose behalf such  
404 expenditure was made. However, expenditures made from the petty  
405 cash fund provided by s. 106.12 need not be reported  
406 individually.

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

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

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

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

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

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

431           13. The primary purposes of an expenditure made indirectly  
432 through a campaign treasurer pursuant to s. 106.021(3) for goods  
433 and services such as communications media placement or  
434 procurement services, campaign signs, insurance, and other  
435 expenditures that include multiple components as part of the

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436 expenditure. The primary purpose of an expenditure shall be that  
437 purpose, including integral and directly related components,  
438 that comprises 80 percent of such expenditure.

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

447 Section 7. The provisions of this act apply to all  
448 revisions or amendments to the State Constitution by initiative  
449 that are proposed for the 2020 election ballot and each ballot  
450 thereafter; provided, however, that nothing in this act affects  
451 the validity of any petition form gathered before the effective  
452 date of this act or any contract entered into before the  
453 effective date of this act.

454 Section 8. If any provision of this act or its application  
455 to any person or circumstance is held invalid for any reason,  
456 the remaining portion of this act, to the fullest extent  
457 possible, shall be severed from the void portion and given the  
458 fullest possible force and application.

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