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1 A bill to be entitled
2 An act relating to constitutional amendments; amending
3 s. 15.21, F.S.; increasing the signature threshold at
4 which the Secretary of State must transmit initiative
5 petitions to the Attorney General for review; amending
6 s. 16.061, F.S.; requiring the Attorney General to
7 request the Supreme Court to address in an advisory
8 opinion the facial validity of the proposed amendment
9 under the United States Constitution; amending s.
10 100.371, F.S.; providing that a citizen may challenge
11 in circuit court a petition circulator's registration
12 with the Secretary of State; authorizing the Division
13 of Elections or a supervisor of elections to provide
14 petition forms in a certain electronic format;
15 revising the length of time that a signature on a
16 petition form is valid; revising the timeframe within
17 which the supervisor must verify petition forms;
18 requiring payment of the actual cost of signature
19 verification on petition forms; requiring the
20 supervisor to promptly verify signatures on petition
21 forms under specified conditions; revising the
22 circumstances under which a petition form is deemed
23 valid; requiring the supervisor to post the actual
24 cost amount for petition verification on his or her
25 website; authorizing the supervisor to increase the
26 actual cost amount biennially; requiring the division
27 to post actual cost data for each county on its
28 website; requiring the division and each supervisor to
29 review technological options available to reduce

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30 verification costs and to post certain information on
31 signature verification on their websites; requiring
32 the Secretary of State to submit a copy of an
33 initiative petition to the Financial Impact Estimating
34 Conference; revising requirements for the Financial
35 Impact Estimating Conference's analysis of a proposed
36 initiative's economic impact; requiring certain ballot
37 language based on the findings of the Financial Impact
38 Estimating Conference; amending s. 101.161, F.S.;
39 requiring that ballots containing constitutional
40 amendments proposed by initiative include certain
41 disclosures and statements, in a specified order;
42 amending s. 101.171, F.S.; revising requirements
43 regarding the availability of copies of constitutional
44 amendments at polling locations; providing for
45 applicability; providing for severability; providing
46 an effective date.

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

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

52 15.21 Initiative petitions; s. 3, Art. XI, State
53 Constitution.—The Secretary of State shall immediately submit an
54 initiative petition to the Attorney General ~~and to the Financial~~
55 ~~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 25 ~~10~~ percent of the number of
65 electors statewide required by s. 3, Art. XI of the State
66 Constitution and in one-half ~~at least one-fourth~~ of the
67 congressional districts of the state ~~required by s. 3, Art. XI~~
68 ~~of the State Constitution.~~

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

71 16.061 Initiative petitions.—

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

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

85 100.371 Initiatives; procedure for placement on ballot.—

86 (3) (a) A person may not collect signatures or initiative
87 petitions for compensation unless the person is registered as a

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88 petition circulator with the Secretary of State.

89 (b) A citizen may challenge a petition circulator's
90 registration under this section by filing a petition in circuit
91 court. If the court finds that the respondent is not a
92 registered petition circulator, the court may enjoin the
93 respondent from collecting signatures or initiative petitions
94 for compensation until she or he is lawfully registered.

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

108 (11) (a) An initiative petition form circulated for
109 signature may not be bundled with or attached to any other
110 petition. Each signature shall be dated when made and shall be
111 valid until the next February 1 occurring in an even-numbered
112 year for the purpose of the amendment appearing on the ballot
113 for the general election occurring in that same year ~~for a~~
114 ~~period of 2 years following such date,~~ provided all other
115 requirements of law are met. The sponsor shall submit signed and
116 dated forms to the supervisor of elections for the county of

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117 residence listed by the person signing the form for verification
118 of the number of valid signatures obtained. If a signature on a
119 petition is from a registered voter in another county, the
120 supervisor shall notify the petition sponsor of the misfiled
121 petition. The supervisor shall promptly verify the signatures
122 within 60 ~~30~~ days after receipt of the petition forms and
123 payment of a the fee for the actual cost of signature
124 verification incurred by the supervisor ~~required by s. 99.097.~~
125 However, for petition forms submitted less than 60 days before
126 February 1 of an even-numbered year, the supervisor shall
127 promptly verify the signatures within 30 days after receipt of
128 the form and payment of the fee for signature verification. The
129 supervisor shall promptly record, in the manner prescribed by
130 the Secretary of State, the date each form is received by the
131 supervisor, and the date the signature on the form is verified
132 as valid. The supervisor may verify that the signature on a form
133 is valid only if:

134 1.(a) The form contains the original signature of the
135 purported elector.

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

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

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

144 5. The signature was obtained legally, including that if a
145 paid petition circulator was used, the circulator was validly

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146 registered under subsection (3) when the signature was obtained.

147
148 The supervisor shall retain the signature forms for at least 1
149 year following the election in which the issue appeared on the
150 ballot or until the division of ~~Elections~~ notifies the
151 supervisors of elections that the committee that circulated the
152 petition is no longer seeking to obtain ballot position.

153 (b) Each supervisor shall post the actual cost of signature
154 verification on his or her website and may increase such cost,
155 as necessary, on February 2 of each even-numbered year. The
156 division shall also publish each county's current cost on its
157 website. The division and each supervisor shall biennially
158 review available technology aimed at reducing verification
159 costs.

160 (c) On the last day of each month, or on the last day of
161 each week from December 1 of an odd-numbered year through
162 February 1 of the following year, each supervisor shall post on
163 his or her website the aggregate number of verified valid
164 signatures and the distribution of such signatures by
165 congressional district for each proposed amendment proposed by
166 initiative, along with the following information specific to the
167 reporting period: the total number of signed petition forms
168 received, the total number of signatures verified, the
169 distribution of verified valid signatures by congressional
170 district, and the total number of verified petition forms
171 forwarded to the Secretary of State.

172 (12) The Secretary of State shall determine from the
173 signatures verified by the supervisors of elections the total
174 number of verified valid signatures and the distribution of such

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175 signatures by congressional districts, and the division shall
176 post such information on its website at the same intervals
177 specified in paragraph (11)(c). Upon a determination that the
178 requisite number and distribution of valid signatures have been
179 obtained, the secretary shall issue a certificate of ballot
180 position for that proposed amendment and shall assign a
181 designating number pursuant to s. 101.161.

182 (13) (a) At the same time the Secretary of State submits an
183 initiative petition to the Attorney General pursuant to s.
184 15.21, the secretary shall submit a copy of the initiative
185 petition to the Financial Impact Estimating Conference. Within
186 75 days after receipt of a proposed revision or amendment to the
187 State Constitution by initiative petition from the Secretary of
188 State, the Financial Impact Estimating Conference shall complete
189 an analysis and financial impact statement to be placed on the
190 ballot of the estimated increase or decrease in any revenues or
191 costs to state or local governments, ~~estimated economic impact~~
192 ~~on the state and local economy~~, and the overall impact to the
193 state budget resulting from the proposed initiative. The 75-day
194 time limit is tolled when the Legislature is in session. The
195 Financial Impact Estimating Conference shall submit the
196 financial impact statement to the Attorney General and Secretary
197 of State.

198 (b) Immediately upon receipt of a proposed revision or
199 amendment from the Secretary of State, the coordinator of the
200 Office of Economic and Demographic Research shall contact the
201 person identified as the sponsor to request an official list of
202 all persons authorized to speak on behalf of the named sponsor
203 and, if there is one, the sponsoring organization at meetings

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204 held by the Financial Impact Estimating Conference. All other
205 persons shall be deemed interested parties or proponents or
206 opponents of the initiative. The Financial Impact Estimating
207 Conference shall provide an opportunity for any representatives
208 of the sponsor, interested parties, proponents, or opponents of
209 the initiative to submit information and may solicit information
210 or analysis from any other entities or agencies, including the
211 Office of Economic and Demographic Research.

212 (c) All meetings of the Financial Impact Estimating
213 Conference shall be open to the public. The President of the
214 Senate and the Speaker of the House of Representatives, jointly,
215 shall be the sole judge for the interpretation, implementation,
216 and enforcement of this subsection.

217 1. The Financial Impact Estimating Conference is
218 established to review, analyze, and estimate the financial
219 impact of amendments to or revisions of the State Constitution
220 proposed by initiative. The Financial Impact Estimating
221 Conference shall consist of four principals: one person from the
222 Executive Office of the Governor; the coordinator of the Office
223 of Economic and Demographic Research, or his or her designee;
224 one person from the professional staff of the Senate; and one
225 person from the professional staff of the House of
226 Representatives. Each principal shall have appropriate fiscal
227 expertise in the subject matter of the initiative. A Financial
228 Impact Estimating Conference may be appointed for each
229 initiative.

230 2. Principals of the Financial Impact Estimating Conference
231 shall reach a consensus or majority concurrence on a clear and
232 unambiguous financial impact statement, no more than 150 words

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233 in length, and immediately submit the statement to the Attorney
234 General. Nothing in this subsection prohibits the Financial
235 Impact Estimating Conference from setting forth a range of
236 potential impacts in the financial impact statement. Any
237 financial impact statement that a court finds not to be in
238 accordance with this section shall be remanded solely to the
239 Financial Impact Estimating Conference for redrafting. The
240 Financial Impact Estimating Conference shall redraft the
241 financial impact statement within 15 days.

242 ~~3. If the members of the Financial Impact Estimating~~
243 ~~Conference are unable to agree on the statement required by this~~
244 ~~subsection, or if the Supreme Court has rejected the initial~~
245 ~~submission by the Financial Impact Estimating Conference and no~~
246 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~
247 ~~75th day before the election, the following statement shall~~
248 ~~appear on the ballot pursuant to s. 101.161(1): "The financial~~
249 ~~impact of this measure, if any, has not been cannot be~~
250 ~~reasonably~~ determined at this time."

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

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

260 2. If the financial impact statement projects a net
261 positive impact on the state budget, the ballot must include the

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262 statement required by s. 101.161(1)(c).

263 3. If the financial impact statement estimates an
264 indeterminate financial impact or if the members of the
265 Financial Impact Estimating Conference are unable to agree on
266 the statement required by this subsection, the ballot must
267 include the statement required by s. 101.161(1)(d).

268 (e)1. Any financial impact statement that the Supreme Court
269 finds not to be in accordance with this subsection shall be
270 remanded solely to the Financial Impact Estimating Conference
271 for redrafting, provided the court's advisory opinion is
272 rendered at least 75 days before the election at which the
273 question of ratifying the amendment will be presented. The
274 Financial Impact Estimating Conference shall prepare and adopt a
275 revised financial impact statement no later than 5 p.m. on the
276 15th day after the date of the court's opinion.

277 2. If, by 5 p.m. on the 75th day before the election, the
278 Supreme Court has not issued an advisory opinion on the initial
279 financial impact statement prepared by the Financial Impact
280 Estimating Conference for an initiative amendment that otherwise
281 meets the legal requirements for ballot placement, the financial
282 impact statement shall be deemed approved for placement on the
283 ballot.

284 3. In addition to the financial impact statement required
285 by this subsection, the Financial Impact Estimating Conference
286 shall draft an initiative financial information statement. The
287 initiative financial information statement should describe in
288 greater detail than the financial impact statement any projected
289 increase or decrease in revenues or costs that the state or
290 local governments would likely experience ~~and the estimated~~

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291 ~~economic impact on the state and local economy~~ if the ballot
292 measure were approved. If appropriate, the initiative financial
293 information statement may include both estimated dollar amounts
294 and a description placing the estimated dollar amounts into
295 context. The initiative financial information statement must
296 include both a summary of not more than 500 words and additional
297 detailed information that includes the assumptions that were
298 made to develop the financial impacts, workpapers, and any other
299 information deemed relevant by the Financial Impact Estimating
300 Conference.

301 4. The Department of State shall have printed, and shall
302 furnish to each supervisor of elections, a copy of the summary
303 from the initiative financial information statements. The
304 supervisors shall have the summary from the initiative financial
305 information statements available at each polling place and at
306 the main office of the supervisor of elections upon request.

307 5. The Secretary of State and the Office of Economic and
308 Demographic Research shall make available on the Internet each
309 initiative financial information statement in its entirety. In
310 addition, each supervisor of elections whose office has a
311 website shall post the summary from each initiative financial
312 information statement on the website. Each supervisor shall
313 include a copy of each summary from the initiative financial
314 information statements and the Internet addresses for the
315 information statements on the Secretary of State's and the
316 Office of Economic and Demographic Research's websites in the
317 publication or mailing required by s. 101.20.

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

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320 101.161 Referenda; ballots.—

321 (1) Whenever a constitutional amendment or other public
322 measure is submitted to the vote of the people, a ballot summary
323 of such amendment or other public measure shall be printed in
324 clear and unambiguous language on the ballot after the list of
325 candidates, followed by the word "yes" and also by the word
326 "no," and shall be styled in such a manner that a "yes" vote
327 will indicate approval of the proposal and a "no" vote will
328 indicate rejection. The ballot summary of the amendment or other
329 public measure and the ballot title to appear on the ballot
330 shall be embodied in the constitutional revision commission
331 proposal, constitutional convention proposal, taxation and
332 budget reform commission proposal, or enabling resolution or
333 ordinance. The ballot summary of the amendment or other public
334 measure shall be an explanatory statement, not exceeding 75
335 words in length, of the chief purpose of the measure. In
336 addition, for every constitutional amendment proposed by
337 initiative, the ballot shall include, following the ballot
338 summary, in the following order:

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

342 (b) If the financial impact statement projects a net
343 negative impact on the state budget, the following statement in
344 bold print:

345
346 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO
347 HAVE A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS
348 IMPACT MAY RESULT IN HIGHER TAXES OR A LOSS OF

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349 GOVERNMENT SERVICES IN ORDER TO MAINTAIN A BALANCED
350 STATE BUDGET AS REQUIRED BY THE CONSTITUTION.

351
352 (c)1. If the financial impact statement projects a net
353 positive impact on the state budget resulting in whole or in
354 part from additional tax revenue, the following statement in
355 bold print:

356
357 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO
358 HAVE A NET POSITIVE IMPACT ON THE STATE BUDGET. THIS
359 IMPACT MAY RESULT IN GENERATING ADDITIONAL REVENUE OR
360 AN INCREASE IN GOVERNMENT SERVICES.

361
362 2. If the financial impact statement projects a net
363 positive impact on the state budget for reasons other than those
364 specified in subparagraph 1., the following statement in bold
365 print:

366
367 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO
368 HAVE A NET POSITIVE IMPACT ON THE STATE BUDGET. THIS
369 IMPACT MAY RESULT IN LOWER TAXES OR AN INCREASE IN
370 GOVERNMENT SERVICES.

371
372 (d) If the financial impact statement is indeterminate or
373 the members of the Financial Impact Estimating Conference are
374 unable to agree on the financial impact statement, the following
375 statement in bold print:

376
377 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE

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378 DETERMINED DUE TO AMBIGUITIES AND UNCERTAINTIES
379 SURROUNDING THE AMENDMENT'S IMPACT.
380

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

385 Section 5. Section 101.171, Florida Statutes, is amended to
386 read:

387 101.171 Copy of constitutional amendment to be available at
388 voting locations.—Whenever any amendment to the State
389 Constitution is to be voted upon at any election, the Department
390 of State shall have printed and shall furnish to each supervisor
391 of elections a sufficient number of copies of the amendment
392 either in poster or booklet form, and the supervisor shall
393 provide ~~have~~ a copy in a designated area of each polling
394 location as determined by the supervisor thereof conspicuously
395 ~~posted or available at each polling room or early voting area~~
396 ~~upon the day of election.~~

397 Section 6. This act does not require the Financial Impact
398 Estimating Conference to amend or revise a financial impact
399 statement that has been submitted to the Secretary of State
400 before the effective date of this act. The provisions of this
401 act, including the ballot requirements for certain disclosures
402 and statements, apply to constitutional amendments proposed by
403 initiative which are proposed for the 2020 general election and
404 each election thereafter; provided, however, that nothing in
405 this act affects the validity of any petition form gathered
406 before the effective date of this act or any contract entered

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407 into before the effective date of this act. Petition forms
408 gathered before the effective date of this act shall be governed
409 by the laws existing at the time that the form was initially
410 gathered.

411 Section 7. If any provision of this act or its application
412 to any person or circumstance is held invalid for any reason,
413 the remaining portion of this act, to the fullest extent
414 possible, shall be severed from the void portion and given the
415 fullest possible force and application.

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