

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 ask the Supreme Court to address
8 in an advisory opinion the specific validity of the
9 proposed amendment under the United States
10 Constitution; amending s. 100.371, F.S.; providing
11 that a citizen may challenge a failure to register by
12 a petition circulator; providing that the division or
13 a supervisor may provide petition forms in electronic
14 format; revising the length of time that a signature
15 is valid; requiring a supervisor to charge the actual
16 cost of verifying petition forms; requiring the
17 Department of State to adopt rules; providing that a
18 petition form is invalid under certain circumstances;
19 requiring the Secretary of State to submit a copy of
20 an initiative petition to the Financial Impact
21 Estimating Conference; requiring the Financial Impact
22 Estimating Conference to analyze the financial impact
23 to the state of a proposed initiative; requiring
24 certain ballot language based on the findings of the
25 Financial Impact Estimating Conference; authorizing

26 the use of legislative staff to analyze the effects of
 27 a citizen initiative under certain circumstances;
 28 amending s. 101.161, F.S.; requiring that the ballot
 29 include certain disclosures and statements; amending
 30 s. 106.07, F.S.; requiring a political committee
 31 sponsoring an initiative to disclose certain
 32 information; providing applicability; providing for
 33 severability; providing an effective date.
 34

35 Be It Enacted by the Legislature of the State of Florida:
 36

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

39 15.21 Initiative petitions; s. 3, Art. XI, State
 40 Constitution.—The Secretary of State shall immediately submit an
 41 initiative petition to the Attorney General, the President of
 42 the Senate and the Speaker of the House of Representatives ~~and~~
 43 ~~to the Financial Impact Estimating Conference~~ if the sponsor
 44 has:

45 (1) Registered as a political committee pursuant to s.
 46 106.03;

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

50 (3) Obtained a letter from the Division of Elections

51 confirming that the sponsor has submitted to the appropriate
52 supervisors for verification, and the supervisors have verified,
53 forms signed and dated equal to 50 ~~40~~ percent of the number of
54 electors statewide and in at least one-fourth of the
55 congressional districts required by s. 3, Art. XI of the State
56 Constitution.

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

59 16.061 Initiative petitions.—

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

71 Section 3. Subsections (3), (6), (11), and (13) of section
72 100.371, Florida Statutes, are amended to read:

73 100.371 Initiatives; procedure for placement on ballot.—

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

76 petition circulator with the Secretary of State.

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

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

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

101 occurring in that same year ~~for a period of 2 years following~~
102 ~~such date~~, provided all other requirements of law are met. The
103 sponsor shall submit signed and dated forms to the supervisor of
104 elections for the county of residence listed by the person
105 signing the form for verification of the number of valid
106 signatures obtained. If a signature on a petition is from a
107 registered voter in another county, the supervisor shall notify
108 the petition sponsor of the misfiled petition. The supervisor
109 shall promptly verify the signatures within 30 days after
110 receipt of the petition forms and payment of a ~~the~~ fee for the
111 actual cost of signature verification incurred by the supervisor
112 required by s. 99.097. The Department of State shall adopt rules
113 to set the cost to verify a petition under this subsection and
114 update the cost annually. The supervisor shall promptly record,
115 in the manner prescribed by the Secretary of State, the date
116 each form is received by the supervisor, and the date the
117 signature on the form is verified as valid. The supervisor may
118 verify that the signature on a form is valid only if:

119 (a) The form contains the original signature of the
120 purported elector.

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

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

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

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

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

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

151 Financial Impact Estimating Conference shall submit the
152 financial impact statement to the Attorney General and Secretary
153 of State.

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

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

173 1. The Financial Impact Estimating Conference is
174 established to review, analyze, and estimate the financial
175 impact of amendments to or revisions of the State Constitution

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

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

198 | 3. ~~If the members of the Financial Impact Estimating~~
199 | ~~Conference are unable to agree on the statement required by this~~
200 | ~~subsection, or if the Supreme Court has rejected the initial~~

201 submission by the Financial Impact Estimating Conference and no
202 redraft has been approved by the Supreme Court by 5 p.m. on the
203 75th day before the election, the following statement shall
204 appear on the ballot ~~pursuant to s. 101.161(1)~~: "The ~~financial~~
205 impact of this measure, if any, has not been ~~cannot be~~
206 ~~reasonably~~ determined at this time."

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

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

216 2. If the financial impact statement estimates an
217 indeterminate financial impact, the ballot must include the
218 statement required by s. 101.161(1)(e).

219 3. If the members of the Financial Impact Estimating
220 Conference are unable to agree on the statement required by this
221 subsection, the ballot must include the statement required by s.
222 101.161(1)(f).

223 (e)1. Any financial impact statement that the Supreme
224 Court finds not to be in accordance with this subsection shall
225 be remanded solely to the Financial Impact Estimating Conference

226 for redrafting, provided the court's advisory opinion is
227 rendered at least 75 days before the election at which the
228 question of ratifying the amendment will be presented. The
229 Financial Impact Estimating Conference shall prepare and adopt a
230 revised financial impact statement no later than 5 p.m. on the
231 15th day after the date of the court's opinion.

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

239 3. In addition to the financial impact statement required
240 by this subsection, the Financial Impact Estimating Conference
241 shall draft an initiative financial information statement. The
242 initiative financial information statement should describe in
243 greater detail than the financial impact statement any projected
244 increase or decrease in revenues or costs that the state or
245 local governments would likely experience ~~and the estimated~~
246 ~~economic impact on the state and local economy~~ if the ballot
247 measure were approved. If appropriate, the initiative financial
248 information statement may include both estimated dollar amounts
249 and a description placing the estimated dollar amounts into
250 context. The initiative financial information statement must

251 include both a summary of not more than 500 words and additional
252 detailed information that includes the assumptions that were
253 made to develop the financial impacts, workpapers, and any other
254 information deemed relevant by the Financial Impact Estimating
255 Conference.

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

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

273 (f) When the Secretary of State submits a proposed
274 initiative petition to the President of the Senate and the
275 Speaker of the House of Representatives pursuant to s. 15.21,

276 the President of the Senate and the Speaker of the House of
277 Representatives may direct legislative staff to prepare an
278 analysis of the petition. Such analysis may include, but is not
279 limited to, whether the amendment has undefined terms, conflicts
280 with an existing provision of the State Constitution, or will
281 cause unintended consequences or economic impacts.

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

284 101.161 Referenda; ballots.—

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

301 initiative, the ballot shall include, following the ballot
 302 summary, in the following order:

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

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

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

314 (d) If the financial impact statement projects a net
 315 negative impact on the state budget, the following statement in
 316 bold print:

317
 318 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO HAVE
 319 A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS IMPACT MAY
 320 RESULT IN HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN
 321 ORDER TO MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY
 322 THE CONSTITUTION.

323
 324 (e) If the financial impact statement is indeterminate,
 325 the following statement in bold print:

326
 327 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE DETERMINED
 328 DUE TO AMBIGUITIES AND UNCERTAINTIES SURROUNDING THE
 329 AMENDMENT'S IMPACT.

330
 331 (f) If the members of the Financial Impact Estimating
 332 Conference are unable to agree on the financial impact
 333 statement, the following statement in bold print:

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

341
 342 The ballot title shall consist of a caption, not exceeding 15
 343 words in length, by which the measure is commonly referred to or
 344 spoken of. This subsection does not apply to constitutional
 345 amendments or revisions proposed by joint resolution.

346 Section 5. Paragraph (a) of subsection (4) of section
 347 106.07, Florida Statutes, is amended to read:

348 106.07 Reports; certification and filing.—

349 (4) (a) Except for daily reports, to which only the
 350 contributions provisions below apply, and except as provided in

351 paragraph (b), each report required by this section must
352 contain:

353 1. The full name, address, and occupation, if any, of each
354 person who has made one or more contributions to or for such
355 committee or candidate within the reporting period, together
356 with the amount and date of such contributions. For
357 corporations, the report must provide as clear a description as
358 practicable of the principal type of business conducted by the
359 corporation. However, if the contribution is \$100 or less or is
360 from a relative, as defined in s. 112.312, provided that the
361 relationship is reported, the occupation of the contributor or
362 the principal type of business need not be listed.

363 2. The name and address of each political committee from
364 which the reporting committee or the candidate received, or to
365 which the reporting committee or candidate made, any transfer of
366 funds, together with the amounts and dates of all transfers.

367 3. Each loan for campaign purposes to or from any person
368 or political committee within the reporting period, together
369 with the full names, addresses, and occupations, and principal
370 places of business, if any, of the lender and endorsers, if any,
371 and the date and amount of such loans.

372 4. A statement of each contribution, rebate, refund, or
373 other receipt not otherwise listed under subparagraphs 1.
374 through 3.

375 5. The total sums of all loans, in-kind contributions, and

376 other receipts by or for such committee or candidate during the
377 reporting period. The reporting forms shall be designed to
378 elicit separate totals for in-kind contributions, loans, and
379 other receipts.

380 6. The full name and address of each person to whom
381 expenditures have been made by or on behalf of the committee or
382 candidate within the reporting period; the amount, date, and
383 purpose of each such expenditure; and the name and address of,
384 and office sought by, each candidate on whose behalf such
385 expenditure was made. However, expenditures made from the petty
386 cash fund provided by s. 106.12 need not be reported
387 individually.

388 7. The full name and address of each person to whom an
389 expenditure for personal services, salary, or reimbursement for
390 authorized expenses as provided in s. 106.021(3) has been made
391 and which is not otherwise reported, including the amount, date,
392 and purpose of such expenditure. However, expenditures made from
393 the petty cash fund provided for in s. 106.12 need not be
394 reported individually. Receipts for reimbursement for authorized
395 expenditures shall be retained by the treasurer along with the
396 records for the campaign account.

397 8. The total amount withdrawn and the total amount spent
398 for petty cash purposes pursuant to this chapter during the
399 reporting period.

400 9. The total sum of expenditures made by such committee or

401 candidate during the reporting period.

402 10. The amount and nature of debts and obligations owed by
403 or to the committee or candidate, which relate to the conduct of
404 any political campaign.

405 11. Transaction information for each credit card purchase.
406 Receipts for each credit card purchase shall be retained by the
407 treasurer with the records for the campaign account.

408 12. The amount and nature of any separate interest-bearing
409 accounts or certificates of deposit and identification of the
410 financial institution in which such accounts or certificates of
411 deposit are located.

412 13. The primary purposes of an expenditure made indirectly
413 through a campaign treasurer pursuant to s. 106.021(3) for goods
414 and services such as communications media placement or
415 procurement services, campaign signs, insurance, and other
416 expenditures that include multiple components as part of the
417 expenditure. The primary purpose of an expenditure shall be that
418 purpose, including integral and directly related components,
419 that comprises 80 percent of such expenditure.

420 14. If filed by a political committee supporting an
421 initiative, the percentage of total contributions obtained
422 during the reporting period from in-state persons. For purposes
423 of this subparagraph, the term "person" has the same meaning as
424 provided in s. 106.011, except that the term does not include a
425 political party as provided in s. 103.091, affiliated party

426 committee as provided in s. 103.092, or political committee as
427 defined in s. 106.011.

428 Section 6. The provisions of this act apply to all
429 revisions or amendments to the State Constitution by initiative
430 that are proposed for the 2020 election ballot and each ballot
431 thereafter; provided, however, that nothing in this act affects
432 the validity of any petition form gathered before the effective
433 date of this act or any contract entered into before the
434 effective date of this act.

435 Section 7. If any provision of this act or its application
436 to any person or circumstance is held invalid for any reason,
437 the remaining portion of this act, to the fullest extent
438 possible, shall be severed from the void portion and given the
439 fullest possible force and application.

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