

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 50 percent of the
 7 required statewide signatures are obtained; amending
 8 s. 16.061, F.S.; requiring the Attorney General to ask
 9 the Supreme Court to address in an advisory opinion
 10 whether the proposed amendment is facially invalid
 11 under the United States Constitution; amending s.
 12 100.371, F.S.; providing that a citizen may challenge
 13 a petition circulator's failure to register; providing
 14 that a signature is valid until the next election
 15 cycle; providing that the division or a supervisor may
 16 provide petition forms in electronic format; requiring
 17 a supervisor to charge the actual cost of verifying
 18 petition forms; requiring the Department of State to
 19 adopt rules; providing that a petition form is invalid
 20 if the circulator is not registered; requiring the
 21 Secretary of State to submit a copy of an initiative
 22 to the Financial Impact Estimating Conference;
 23 requiring the Financial Impact Estimating Conference
 24 to analyze the financial impact to the state of a
 25 proposed initiative; requiring the ballot to include

26 language explaining whether the Financial Impact
 27 Estimating Conference agreed on the initiative's
 28 impact; providing that the Speaker of the House of
 29 Representatives and the President of the Senate may
 30 direct legislative staff to analyze the effects of a
 31 citizen initiative; amending s. 101.161, F.S.;

32 requiring that the ballot include disclosures about
 33 the initiative sponsor; requiring that the ballot
 34 include a statement about the initiative's projected
 35 financial impact; amending s. 101.171, F.S.; requiring
 36 a copy of the initiative text in each voting booth;
 37 amending s. 106.07, F.S.; requiring a political
 38 committee sponsoring an initiative to disclose the
 39 percentage of in-state contributions received;
 40 providing applicability; providing for severability;
 41 providing an effective date.

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

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

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

51 of Representatives, and the President of the Senate if the
 52 sponsor has:

53 (1) Registered as a political committee pursuant to s.
 54 106.03;

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

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

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

67 16.061 Initiative petitions.—

68 (1) The Attorney General shall, within 30 days after
 69 receipt of a proposed revision or amendment to the State
 70 Constitution by initiative petition from the Secretary of State,
 71 petition the Supreme Court, requesting an advisory opinion
 72 regarding the compliance of the text of the proposed amendment
 73 or revision with s. 3, Art. XI of the State Constitution,
 74 whether the proposed amendment is facially invalid under the
 75 United States Constitution, and the compliance of the proposed

76 | ballot title and substance with s. 101.161. The petition may
 77 | enumerate any specific factual issues that the Attorney General
 78 | believes would require a judicial determination.

79 | Section 3. Subsections (3), (6), (11), and (13) of section
 80 | 100.371, Florida Statutes, are amended to read:

81 | 100.371 Initiatives; procedure for placement on ballot.—

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

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

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

101 by rule. The division must update information on petition forms
 102 daily and make the information 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
 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 the Department shall update the cost annually. The supervisor
 122 shall promptly record, in the manner prescribed by the Secretary
 123 of State, the date each form is received by the supervisor, and
 124 the date the signature on the form is verified as valid. The
 125 supervisor may verify that the signature on a form is valid only

126 if:

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

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

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

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

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

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

146 (13) (a) At the same time the Secretary of State submits an
147 initiative petition to the Attorney General pursuant to s.
148 15.21, the Secretary shall submit a copy of the initiative
149 petition to the Financial Impact Estimating Conference. Within
150 75 days after receipt of a proposed revision or amendment to the

151 State Constitution by initiative petition from the Secretary of
152 State, the Financial Impact Estimating Conference shall complete
153 an analysis and financial impact statement to be placed on the
154 ballot of the estimated increase or decrease in any revenues or
155 costs to state or local governments, ~~estimated economic impact~~
156 ~~on the state and local economy,~~ and the overall impact to the
157 state budget resulting from the proposed initiative. The 75-day
158 time limit is tolled when the Legislature is in session. The
159 Financial Impact Estimating Conference shall submit the
160 financial impact statement to the Attorney General and Secretary
161 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
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
 195 Conference shall reach a consensus or majority concurrence on a
 196 clear and unambiguous financial impact statement, no more than
 197 150 words in length, and immediately submit the statement to the
 198 Attorney General. Nothing in this subsection prohibits the
 199 Financial Impact Estimating Conference from setting forth a
 200 range of potential impacts in the financial impact statement.

201 Any 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
 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 estimates a
 219 net increased costs, decreased revenues, a negative impact on
 220 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)(a)4. indicating such estimated effect
 223 in 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)(a)5.

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)(a)6.

231 (e)1. Any financial impact statement that the Supreme
 232 Court finds not to be in accordance with this subsection shall
 233 be 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
 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 Speaker of the House and the
 283 President of the Senate pursuant to s. 15.21, the Speaker and
 284 the President may direct legislative staff to prepare an
 285 analysis of the petition. Such analysis may include, but is not
 286 limited to, whether the amendment has undefined terms, conflicts
 287 with an existing provision of the State Constitution, or will
 288 cause unintended consequences or economic impacts.

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

291 101.161 Referenda; ballots.—

292 (1) (a) Whenever a constitutional amendment or other public
 293 measure is submitted to the vote of the people, a ballot summary
 294 of such amendment or other public measure shall be printed in
 295 clear and unambiguous language on the ballot after the list of
 296 candidates, followed by the word "yes" and also by the word
 297 "no," and shall be styled in such a manner that a "yes" vote
 298 will indicate approval of the proposal and a "no" vote will
 299 indicate rejection. The ballot summary of the amendment or other
 300 public measure and the ballot title to appear on the ballot

301 shall be embodied in the constitutional revision commission
 302 proposal, constitutional convention proposal, taxation and
 303 budget reform commission proposal, or enabling resolution or
 304 ordinance. The ballot summary of the amendment or other public
 305 measure shall be an explanatory statement, not exceeding 75
 306 words in length, of the chief purpose of the measure. In
 307 addition, for every constitutional amendment proposed by
 308 initiative, the ballot shall include, following the ballot
 309 summary, in the following order:

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

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

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

321 4. If the financial impact statement projects a net
 322 negative impact on the state budget, the following statement in
 323 bold print:

324
 325 THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO HAVE

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

330
 331 5. If the financial impact statement is indeterminate, the
 332 following statement in bold print:

333
 334 THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE DETERMINED
 335 DUE TO AMBIGUITIES AND UNCERTAINTIES SURROUNDING THE
 336 AMENDMENT'S IMPACT.

337
 338 6. If the members of the Financial Impact Estimating
 339 Conference are unable to agree on the financial impact
 340 statement, the following statement in bold print:

341
 342 THE FINANCIAL IMPACT ESTIMATING CONFERENCE WAS UNABLE TO
 343 AGREE ON THE FINANCIAL IMPACT OF THIS PROPOSED
 344 CONSTITUTIONAL AMENDMENT. THIS AMENDMENT MAY RESULT IN
 345 HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN ORDER TO
 346 MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY THE
 347 CONSTITUTION.

348
 349 The ballot title shall consist of a caption, not exceeding 15
 350 words in length, by which the measure is commonly referred to or

351 spoken of. This subsection does not apply to constitutional
 352 amendments or revisions proposed by joint resolution.

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

355 101.171 Copy of constitutional amendment to be available
 356 at voting locations.—Whenever any amendment to the State
 357 Constitution is to be voted upon at any election, the Department
 358 of State shall have printed and shall furnish to each supervisor
 359 of elections a sufficient number of copies of the amendment
 360 either in poster or booklet form, and the supervisor shall
 361 provide ~~have~~ a copy in ~~thereof conspicuously posted or available~~
 362 at each voting booth ~~polling room or early voting area upon the~~
 363 ~~day of election.~~

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

366 106.07 Reports; certification and filing.—

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

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

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

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

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

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

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

398 6. The full name and address of each person to whom
 399 expenditures have been made by or on behalf of the committee or
 400 candidate within the reporting period; the amount, date, and

401 purpose of each such expenditure; and the name and address of,
 402 and office sought by, each candidate on whose behalf such
 403 expenditure was made. However, expenditures made from the petty
 404 cash fund provided by s. 106.12 need not be reported
 405 individually.

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

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

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

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

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

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

430 13. The primary purposes of an expenditure made indirectly
 431 through a campaign treasurer pursuant to s. 106.021(3) for goods
 432 and services such as communications media placement or
 433 procurement services, campaign signs, insurance, and other
 434 expenditures that include multiple components as part of the
 435 expenditure. The primary purpose of an expenditure shall be that
 436 purpose, including integral and directly related components,
 437 that comprises 80 percent of such expenditure.

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

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

451 date of this act or any contract entered into before the
452 effective date of this act.

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

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