

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Ethics and Elections Committee

BILL: SB 1860

SPONSOR: Senator Dockery

SUBJECT: Initiative Petitions/Violations

DATE: April 8, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Babington</u>	<u>Rubinas</u>	<u>EE</u>	Favorable
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 1860 addresses initiative petitions and the Financial Impact Estimating Conference. The bill provides that a violation of Florida law addressing initiative petitions will result in invalidation of signatures obtained in violation of the law. The bill also requires a person compensated for gathering signatures to reveal his or her name and address on the petition form for which he or she is gathering signatures.

In addition, the bill requires the Financial Impact Estimating Conference to review all amendments, however proposed, and requires that if the FIEC reviews an amendment proposed by initiative, then the Conference must include representatives of the proponents and opponents of the initiative.

This bill amends section 100.371, Florida Statutes.

This bill takes effect on July 1, 2005.

II. Present Situation:

The Constitution of the State of Florida provides for constitutional amendment by initiative. The constitution states that this power may be invoked by “filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in the each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.”¹

¹ Article XI, Section 4, Florida Constitution.

Initiative sponsors are required to register as political committees, and are required to receive approval from the Secretary of State for the petition form used to obtain initiative signatures. The Secretary issues a certification after receiving sufficient verification certificates from the supervisors of elections. The supervisors are required to promptly verify signatures submitted by sponsors, and upon completion of verification of the signatures, the supervisors are required to execute a verification certificate indicating the total number of signatures checked, the number valid, and the distribution by congressional district.²

In 2002, 78% of Florida voters approved an amendment to section 5 of Article XI which requires a probable financial impact statement of initiatives to amend or revise the constitution. The amendment required the legislature to provide by general law a statement to the public regarding the probable financial impact of any amendment proposed by initiative.³

This amendment led to the creation by statute of the Financial Impact Estimating Conference, whose role is to review, analyze, and estimate the financial impact of amendments proposed by initiative. The Conference is comprised of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives.

The Conference is charged with creating a clear and unambiguous statement of less than 75 words in length, which appears on the ballot with the initiative below the ballot summary. The Conference may also draft an initiative financial information statement, which outlines with greater detail any projected increase or decrease in revenues or costs to the state or local governments. This statement is made available through the Department of State and the supervisors of elections.

III. Effect of Proposed Changes:

Section 1. Initiatives; procedure for placement on ballot. [amending s. 100.371, F.S.]

- a. Provides that a violation of section 100.371 will result in the invalidation of each petition form submitted to a supervisor of elections. Signatures on forms in violation of this section will not be counted in determining the number and distribution of valid signatures.
- b. Requires supervisors of elections to enforce provisions relating to verifying signatures based upon rules adopted by the Secretary of State.
- c. Invalidates signatures gathered by a person who is compensated for gathering signatures if the petition form does not contain the name and address of the person gathering the signatures.

² Section 100.371, Florida Statutes.

³ This amendment followed the approval of the High Speed Rail initiative by voters in 2000.

- d. Amends the portion of the statute addressing the Financial Impact Estimating Conference by deleting specific references to initiative petitions. This has the practical effect of applying the FIEC to all amendments or revisions, however proposed.
- e. Provides that if an amendment or revision is proposed by initiative, the membership of the FIEC will be increased by two principals. One must be a person representing proponents of the initiative, and one must be a person representing opponents of an initiative.
- f. Authorizes the Secretary of State to enforce the provisions of s. 100.371, unless enforcement authority has been specifically delegated otherwise.

Section 2. Effective date.

This act shall take effect July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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