

Proposed Committee Substitute by the Committee on Ethics and Elections

1 A bill to be entitled

2 An act relating to initiative procedures and

3 standards; amending s. 99.097, F.S.; revising

4 requirements for verification of signatures on

5 petitions; providing requirements for

6 initiative sponsors filing for undue burden;

7 providing procedures to contest alleged

8 improper signature verification; repealing s.

9 28, ch. 2005-278, Laws of Florida, relating to

10 procedures for placement of initiatives on the

11 ballot; amending s. 100.371, F.S.; revising

12 procedures for placing an initiative on the

13 ballot; providing requirements for information

14 to be contained on petitions; providing

15 procedure for revocation of a petition

16 signature; requiring a statement on the ballot

17 regarding the financial impact statement;

18 providing regulation for initiative petition

19 circulators and their activities; repealing s.

20 33, ch. 2005-278, Laws of Florida, relating to

21 referenda and ballots; amending s. 101.161,

22 F.S.; conforming a cross-reference; providing

23 for verifying and counting signatures submitted

24 for verification before the effective date of

25 the act; requiring resubmission and reapproval

26 of petition forms; providing severability;

27 providing effective dates.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Subsections (1), (3), and (4) of section

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1 99.097, Florida Statutes, are amended, and subsection (6) is
2 added to that section, to read:

3 99.097 Verification of signatures on petitions.--

4 (1) As determined by each supervisor, based upon local
5 conditions, the verification of signatures ~~checking of names~~
6 on petitions may be based on the most inexpensive and
7 administratively feasible of either of the following methods
8 of verification:

9 (a) A name-by-name, signature-by-signature check of
10 the number of valid ~~authorized~~ signatures on the petitions; or

11 (b) A check of a random sample, as provided by the
12 Department of State, of names and signatures on the petitions.
13 The sample must be such that a determination can be made as to
14 whether or not the required number of valid signatures has
15 ~~have~~ been obtained with a reliability of at least 99.5
16 percent. Rules and guidelines for this method of petition
17 verification shall be promulgated by the Department of State,
18 which may include a requirement that petitions bear an
19 additional number of names and signatures, not to exceed 15
20 percent of the names and signatures otherwise required. If
21 the petitions do not meet such criteria, then the use of the
22 verification method described in this paragraph shall not be
23 available to supervisors.

24
25 Notwithstanding any other provision of law, petitions to
26 secure ballot placement for an issue, and petition revocations
27 directed thereto pursuant to s. 100.371, must be verified by
28 the method provided in paragraph (a).

29 (3)(a) A signature ~~name~~ on a petition, in a name that
30 ~~which name~~ is not in substantially the same form as a name on
31 the voter registration books, shall be counted as a valid

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1 signature if, after comparing the signature on the petition
2 with the signature of the alleged signer as shown on the
3 registration books, the supervisor determines that the person
4 signing the petition and the person who registered to vote are
5 one and the same. In any situation in which this code
6 requires the form of the petition to be prescribed by the
7 division, no signature shall be counted toward the number of
8 signatures required unless it is on a petition form prescribed
9 by the division.

10 (b) If a voter signs a petition and lists an address
11 other than the legal residence where the voter is registered,
12 the supervisor shall treat the signature as if the voter had
13 listed the address where the voter is registered.

14 (4)(a) The supervisor shall be paid in advance the sum
15 of 10 cents for each signature verified ~~checked~~ or the actual
16 cost of verifying ~~checking~~ such signature, whichever is less,
17 by the candidate or, in the case of a petition to have an
18 issue placed on the ballot by initiative, by the initiative
19 sponsor ~~person or organization~~ submitting the petition.
20 However, if a candidate or initiative sponsor, ~~person, or~~
21 ~~organization~~ seeking to have an issue placed upon the ballot
22 cannot pay such charges without imposing an undue burden on
23 personal resources or upon the resources otherwise available
24 to such candidate or initiative sponsor, ~~person, or~~
25 ~~organization~~, such candidate or initiative sponsor, ~~person, or~~
26 ~~organization~~ shall, upon written certification of such
27 inability given under oath to the supervisor, be entitled to
28 have the signatures verified at no charge. In the event a
29 candidate or initiative sponsor, ~~person, or organization~~
30 ~~submitting a petition to have an issue placed upon the ballot~~
31 is entitled to have the signatures verified at no charge, the

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1 supervisor of elections of each county in which the signatures
2 are verified at no charge shall submit the total number of
3 such signatures checked in the county to the Chief Financial
4 Officer no later than December 1 of the general election year,
5 and the Chief Financial Officer shall cause such supervisor of
6 elections to be reimbursed from the General Revenue Fund in an
7 amount equal to 10 cents for each signature verified ~~name~~
8 ~~checked~~ or the actual cost of verifying ~~checking~~ such
9 signatures, whichever is less. In no event shall such
10 reimbursement of costs be deemed or applied as extra
11 compensation for the supervisor. Petitions shall be retained
12 by the supervisors for a period of 1 year following the
13 election for which the petitions were circulated.

14 (b) An initiative sponsor which has filed a
15 certification of undue burden may not provide compensation to
16 any paid petition circulator, as defined in s. 100.371, unless
17 the initiative sponsor first pays all supervisors for each
18 signature verified or reimburses the General Revenue Fund for
19 such costs. If an initiative sponsor subject to this paragraph
20 provides compensation to a paid petition circulator before the
21 date the initiative sponsor pays all supervisors for each
22 signature verified or reimburses the General Revenue Fund for
23 such costs, no signature on a petition circulated by the paid
24 petition circulator before that date may be counted toward the
25 number of valid signatures required for ballot placement until
26 the initiative sponsor pays all supervisors for each signature
27 checked or reimburses the General Revenue Fund for such costs.

28 (6)(a) The alleged improper verification of a
29 signature on a petition to secure ballot placement for an
30 issue pursuant to this code may be contested in the circuit
31 court by a political committee or by an elector. The

1 contestant shall file a complaint setting forth the basis of
 2 the contest, together with the fees prescribed in chapter 28,
 3 with the clerk of the circuit court in the county in which the
 4 petition is certified or in Leon County if the complaint is
 5 directed to petitions certified in more than one county.

6 (b) If the contestant demonstrates by a preponderance
 7 of the evidence that one or more petitions were improperly
 8 verified, the signatures appearing on such petitions may not
 9 be counted toward the number of valid signatures required for
 10 ballot placement. If an action brought under this subsection
 11 is resolved after the Secretary of State has issued a
 12 certificate of ballot position for the issue, but the
 13 contestant demonstrates that the person or organization
 14 submitting the petition had obtained verification of an
 15 insufficient number of valid and verified signatures to
 16 qualify for ballot placement, the issue shall be removed from
 17 the ballot or, if such action is impractical, any votes cast
 18 for or against the issue may not be counted and shall be
 19 invalidated.

20 (c) An action under this subsection must be commenced
 21 no later than 90 days after the Secretary of State issues a
 22 certificate of ballot position for the issue.

23 Section 2. Section 100.371, Florida Statutes, is
 24 amended to read:

25 100.371 Initiatives; procedure for placement on
 26 ballot.--

27 (1) Constitutional amendments proposed by initiative
 28 shall be placed on the ballot for the general election if an
 29 initiative petition is filed with the Secretary of State by
 30 February 1 of the year in which the general election is to be
 31 held occurring in excess of 90 days from the certification of

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1 ~~ballot position by the Secretary of State.~~

2 (2) Certification of ballot position ~~Such~~
3 ~~certification~~ shall be issued when the Secretary of State has
4 received verification certificates from the supervisors of
5 elections indicating that the requisite number and
6 distribution of valid petitions bearing the signatures of
7 electors have been submitted to and verified by the
8 supervisors. Every signature shall be dated by the elector
9 when made. Signatures are ~~and shall be~~ valid for a period of 4
10 years following such date, provided all other requirements of
11 law are satisfied ~~complied with~~.

12 (3) The sponsor of an initiative amendment shall,
13 prior to obtaining any signatures, register as a political
14 committee pursuant to s. 106.03 and submit the text of the
15 proposed amendment to the Secretary of State, with the form on
16 which the signatures will be affixed, and shall obtain the
17 approval of the Secretary of State of such form. The form
18 shall consist of a single card or sheet of paper unconnected
19 with any other card or sheet of paper and must be circulated
20 for signatures in this format. The division ~~Secretary of State~~
21 shall adopt rules pursuant to s. 120.54 prescribing the style
22 and requirements of such form. Upon filing with the Secretary
23 of State, the text of the proposed amendment and all forms
24 filed in connection with this section must, upon request, be
25 made available in alternative formats. The contents of a
26 petition form are limited to those items required by statute
27 or rule. A petition form is a political advertisement as
28 defined in s. 106.011 and, as such, must comply with all
29 relevant requirements of chapter 106.

30 (4) The supervisor of elections shall record the date
31 each petition form is received by the supervisor and the date

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1 the signature on the form is verified as valid. The supervisor
2 shall verify that the signature on a petition form is valid
3 only if the form complies with all of the following:

4 (a) The form must contain the original signature of
5 the purported elector;

6 (b) The purported elector must accurately record on
7 the form the date on which he or she signed the form;

8 (c) The date the elector signed the form, as recorded
9 by the elector, must be no more than 35 days before the date
10 the form is received by the supervisor of elections;

11 (d) The form must accurately set forth the purported
12 elector's name, street address, county, and voter registration
13 number or date of birth; and

14 (e) The purported elector must be, at the time he or
15 she signs the form, a duly qualified and registered elector
16 authorized to vote in the county in which his or her signature
17 is submitted.

18 (5) An elector's signature on a petition form may be
19 revoked by submitting to the appropriate supervisor of
20 elections a signed petition-revocation form adopted by rule
21 for this purpose by the division. The petition-revocation form
22 is subject to the same relevant requirements as the
23 corresponding petition form under this code and must be
24 approved by the Secretary of State before any signature is
25 obtained. The petition-revocation form shall be filed with the
26 supervisor of elections no later than the February 1 preceding
27 the next general election or, if the initiative amendment is
28 not certified for ballot position in that election, no later
29 than the February 1 preceding the next successive general
30 election. The supervisor of elections shall promptly verify
31 the signature on the petition-revocation form and process such

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1 revocation within 30 days of receiving payment, in advance, of
2 a fee of 10 cents or the actual cost of verifying such
3 signature, whichever is less.

4 (6)(a) If a person is presented with a petition form
5 or petition-revocation form for his or her possible signature
6 by a petition circulator, then the person must record this
7 fact on the form and the name and address of the petition
8 circulator must legibly appear on the form before the
9 signature on the form may be verified by the supervisor. For
10 purposes of this subsection, "petition circulator" means any
11 person who, in the context of a direct face-to-face
12 conversation, presents to another person for his or her
13 possible signature a petition form or petition-revocation form
14 regarding ballot placement for an initiative.

15 (b) A paid petition circulator shall, when engaged in
16 the activities described in paragraph (1)(a), wear a prominent
17 badge, in a form and manner prescribed by rule by the
18 division, identifying him or her as a "PAID PETITION
19 CIRCULATOR." For purposes of this subsection, "paid petition
20 circulator" means a petition circulator who receives any
21 compensation as a direct or indirect consequence of these
22 activities.

23 (7) In addition to any other practice or action
24 permissible under law, an owner, lessee, or other person
25 lawfully exercising control over private property may:

26 (a) Prohibit persons from engaging in activity on the
27 property which supports or opposes initiatives;

28 (b) Permit or prohibit persons from engaging in
29 activity on the property in support of or opposition to a
30 particular initiative; or

31 (c) Permit persons to engage in activity on the

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1 property which supports or opposes initiatives, subject to
2 restrictions with respect to time, place, and manner which are
3 reasonable and uniformly applied.

4 (8) A signed petition form or petition-revocation form
5 regarding ballot placement for an initiative which does not
6 fully comply with the applicable provisions of this code, or
7 which was obtained in violation of the applicable provisions
8 of this code, may be verified by the supervisor of elections
9 and counted toward the number of valid signatures required for
10 ballot placement only after those deficiencies or violations
11 are corrected.

12 (9)(4) The sponsor shall submit signed and dated forms
13 to the appropriate supervisor of elections for verification as
14 to the number of registered electors whose valid signatures
15 appear thereon. The supervisor shall promptly verify the
16 signatures within 30 days of receiving ~~upon~~ payment, in
17 advance, of the fee required by s. 99.097. Upon completion of
18 verification, the supervisor shall execute a certificate
19 indicating the total number of signatures checked, the number
20 of signatures verified as valid and as being of registered
21 electors, the number of signatures validly revoked pursuant to
22 subsection (5), and the distribution of such signatures by
23 congressional district. This certificate shall be immediately
24 transmitted to the Secretary of State. The supervisor shall
25 retain the signed petition ~~signature~~ forms and
26 petition-revocation forms for at least 1 year following the
27 election in which the issue appeared on the ballot or until
28 the Division of Elections notifies the supervisors of
29 elections that the committee which circulated the petition is
30 no longer seeking to obtain ballot position.

31 (10)(5) The Secretary of State shall determine from

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1 the verification certificates received from supervisors of
2 elections the total number of verified valid signatures and
3 the distribution of such signatures by congressional
4 districts. Upon a determination that the requisite number and
5 distribution of valid signatures have been obtained, the
6 secretary shall issue a certificate of ballot position for
7 that proposed amendment and shall assign a designating number
8 pursuant to s. 101.161. A petition shall be deemed to be filed
9 with the Secretary of State upon the date of the receipt by
10 the secretary of a certificate or certificates from
11 supervisors of elections indicating that valid and verified
12 the petition forms have ~~has~~ been signed by the
13 constitutionally required number and distribution of electors
14 pursuant to this code, subject to the right of revocation
15 established in this section.

16 (11)(6)(a) Within 45 days after receipt of a proposed
17 revision or amendment to the State Constitution by initiative
18 petition from the Secretary of State ~~or, within 30 days after~~
19 ~~such receipt if receipt occurs 120 days or less before the~~
20 ~~election at which the question of ratifying the amendment will~~
21 ~~be presented~~, the Financial Impact Estimating Conference shall
22 complete an analysis and financial impact statement to be
23 placed on the ballot of the estimated increase or decrease in
24 any revenues or costs to state or local governments resulting
25 from the proposed initiative. The ballot must include a
26 statement, as prescribed by rule of the Department of State,
27 to the effect that the financial impact statement is required
28 under the State Constitution and the Florida Statutes and
29 should not be construed as an endorsement by the state of the
30 proposed revision or amendment to the State Constitution. The
31 Financial Impact Estimating Conference shall submit the

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1 financial impact statement to the Attorney General and
2 Secretary of State.

3 (b)1. The Financial Impact Estimating Conference shall
4 provide an opportunity for any proponents or opponents of the
5 initiative to submit information and may solicit information
6 or analysis from any other entities or agencies, including the
7 Office of Economic and Demographic Research. All meetings of
8 the Financial Impact Estimating Conference shall be open to
9 the public as provided in chapter 286.

10 2. The Financial Impact Estimating Conference is
11 established to review, analyze, and estimate the financial
12 impact of amendments to or revisions of the State Constitution
13 proposed by initiative. The Financial Impact Estimating
14 Conference shall consist of four principals: one person from
15 the Executive Office of the Governor; the coordinator of the
16 Office of Economic and Demographic Research, or his or her
17 designee; one person from the professional staff of the
18 Senate; and one person from the professional staff of the
19 House of Representatives. Each principal shall have
20 appropriate fiscal expertise in the subject matter of the
21 initiative. A Financial Impact Estimating Conference may be
22 appointed for each initiative.

23 3. Principals of the Financial Impact Estimating
24 Conference shall reach a consensus or majority concurrence on
25 a clear and unambiguous financial impact statement, no more
26 than 75 words in length, and immediately submit the statement
27 to the Attorney General. Nothing in this subsection prohibits
28 the Financial Impact Estimating Conference from setting forth
29 a range of potential impacts in the financial impact
30 statement. Any financial impact statement that a court finds
31 not to be in accordance with this section shall be remanded

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1 solely to the Financial Impact Estimating Conference for
2 redrafting. The Financial Impact Estimating Conference shall
3 redraft the financial impact statement within 15 days.

4 4. If the members of the Financial Impact Estimating
5 Conference are unable to agree on the statement required by
6 this subsection, or if the Supreme Court has rejected the
7 initial submission by the Financial Impact Estimating
8 Conference and no redraft has been approved by the Supreme
9 Court by April 1 of the year in which the general election is
10 to be held ~~5 p.m. on the 75th day before the election~~, the
11 following statement shall appear on the ballot pursuant to s.
12 101.161(1): "The financial impact of this measure, if any,
13 cannot be reasonably determined at this time."

14 (c) The financial impact statement must be separately
15 contained and be set forth after the ballot summary as
16 required in s. 101.161(1).

17 (d)1. Any financial impact statement that the Supreme
18 Court finds not to be in accordance with this subsection shall
19 be remanded solely to the Financial Impact Estimating
20 Conference for redrafting, provided the court's advisory
21 opinion is rendered by April 1 of the year in which the
22 general election is to be held ~~at least 75 days before the~~
23 ~~election at which the question of ratifying the amendment will~~
24 ~~be presented~~. The Financial Impact Estimating Conference shall
25 prepare and adopt a revised financial impact statement no
26 later than 5 p.m. on the 15th day after the date of the
27 court's opinion.

28 2. If, by 5 p.m. on April 1 of the year in which the
29 general election is to be held ~~the 75th day before the~~
30 ~~election~~, the Supreme Court has not issued an advisory opinion
31 on the initial financial impact statement prepared by the

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1 Financial Impact Estimating Conference for an initiative
2 amendment that otherwise meets the legal requirements for
3 ballot placement, the financial impact statement shall be
4 deemed approved for placement on the ballot.

5 3. In addition to the financial impact statement
6 required by this subsection, the Financial Impact Estimating
7 Conference shall draft an initiative financial information
8 statement. The initiative financial information statement
9 should describe in greater detail than the financial impact
10 statement any projected increase or decrease in revenues or
11 costs that the state or local governments would likely
12 experience if the ballot measure were approved. If
13 appropriate, the initiative financial information statement
14 may include both estimated dollar amounts and a description
15 placing the estimated dollar amounts into context. The
16 initiative financial information statement must include both a
17 summary of not more than 500 words and additional detailed
18 information that includes the assumptions that were made to
19 develop the financial impacts, workpapers, and any other
20 information deemed relevant by the Financial Impact Estimating
21 Conference.

22 4. The Department of State shall have printed, and
23 shall furnish to each supervisor of elections, a copy of the
24 summary from the initiative financial information statements.
25 The supervisors shall have the summary from the initiative
26 financial information statements available at each polling
27 place and at the main office of the supervisor of elections
28 upon request.

29 5. The Secretary of State and the Office of Economic
30 and Demographic Research shall make available on the Internet
31 each initiative financial information statement in its

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1 entirety. In addition, each supervisor of elections whose
2 office has a website shall post the summary from each
3 initiative financial information statement on the website.
4 Each supervisor shall include the Internet addresses for the
5 information statements on the Secretary of State's and the
6 Office of Economic and Demographic Research's websites in the
7 publication or mailing required by s. 101.20.

8 ~~(12)(7)~~ The division ~~Department of State~~ may adopt
9 rules in accordance with s. 120.54 to carry out this section
10 ~~the provisions of subsections (1)-(6)~~.

11 Section 3. Section 28 of chapter 2005-278, Laws of
12 Florida, is repealed.

13 Section 4. Effective January 1, 2007, section 100.371,
14 Florida Statutes, as amended by this act, is amended to read:

15 100.371 Initiatives; procedure for placement on
16 ballot.--

17 (1) Constitutional amendments proposed by initiative
18 shall be placed on the ballot for the general election if an
19 initiative petition is filed with the Secretary of State by
20 February 1 of the year in which the general election is to be
21 held. A petition shall be deemed to be filed with the
22 Secretary of State upon the date that the secretary determines
23 that valid and verified petitions have been signed by the
24 constitutionally required number and distribution of electors
25 pursuant to this code, subject to the right of revocation
26 established in this section.

27 ~~(2) Certification of ballot position shall be issued~~
28 ~~when the Secretary of State has received verification~~
29 ~~certificates from the supervisors of elections indicating that~~
30 ~~the requisite number and distribution of valid petitions~~
31 ~~bearing the signatures of electors have been submitted to and~~

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1 ~~verified by the supervisors. Every signature shall be dated by~~
2 ~~the elector when made. Signatures are valid for a period of 4~~
3 ~~years following such date, provided all other requirements of~~
4 ~~law are satisfied.~~

5 ~~(2)(3)~~ The sponsor of an initiative amendment shall,
6 prior to obtaining any signatures, register as a political
7 committee pursuant to s. 106.03 and submit the text of the
8 proposed amendment to the Secretary of State, with the form on
9 which the signatures will be affixed, and shall obtain the
10 approval of the Secretary of State of such form. The form
11 shall consist of a single card or sheet of paper unconnected
12 with any other card or sheet of paper and must be circulated
13 for signatures in this format. The division shall adopt rules
14 pursuant to s. 120.54 prescribing the style and requirements
15 of such form. Upon filing with the Secretary of State, the
16 text of the proposed amendment and all forms filed in
17 connection with this section must, upon request, be made
18 available in alternative formats. The contents of a petition
19 form are limited to those items required by statute or rule. A
20 petition form is a political advertisement as defined in s.
21 106.011 and, as such, must comply with all relevant
22 requirements of chapter 106.

23 ~~(3)(4)~~ The supervisor of elections shall record the
24 date each petition form is received by the supervisor and the
25 date the signature on the form is verified as valid. The
26 supervisor shall also promptly record these dates in the
27 statewide voter registration system in the manner prescribed
28 by the Secretary of State. The supervisor shall verify that
29 the signature on a petition form is valid only if the form
30 complies with all of the following:

31 (a) The form must contain the original signature of

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1 the purported elector;

2 (b) The purported elector must accurately record on
3 the form the date on which he or she signed the form;

4 (c) The date the elector signed the form, as recorded
5 by the elector, must be no more than 35 days before the date
6 the form is received by the supervisor of elections;

7 (d) The form must accurately set forth the purported
8 elector's name, street address, county, and voter registration
9 number or date of birth; and

10 (e) The purported elector must be, at the time he or
11 she signs the form, a duly qualified and registered elector
12 authorized to vote in the county in which his or her signature
13 is submitted.

14 ~~(4)(5)~~ An elector's signature on a petition form may
15 be revoked by submitting to the appropriate supervisor of
16 elections a signed petition-revocation form adopted by rule
17 for this purpose by the division. The petition-revocation form
18 is subject to the same relevant requirements as the
19 corresponding petition form under this code and must be
20 approved by the Secretary of State before any signature is
21 obtained. The petition-revocation form shall be filed with the
22 supervisor of elections no later than the February 1 preceding
23 the next general election or, if the initiative amendment is
24 not certified for ballot position in that election, no later
25 than the February 1 preceding the next successive general
26 election. The supervisor of elections shall promptly verify
27 the signature on the petition-revocation form and process such
28 revocation within 30 days of receiving payment, in advance, of
29 a fee of 10 cents or the actual cost of verifying such
30 signature, whichever is less. The supervisor shall promptly
31 record each valid petition-revocation in the statewide voter

1 registration system in the manner prescribed by the Secretary
2 of State.

3 ~~(5)(6)~~(a) If a person is presented with a petition
4 form or petition-revocation form for his or her possible
5 signature by a petition circulator, then the person must
6 record this fact on the form and the name and address of the
7 petition circulator must legibly appear on the form before the
8 signature on the form may be verified by the supervisor. For
9 purposes of this subsection, "petition circulator" means any
10 person who, in the context of a direct face-to-face
11 conversation, presents to another person for his or her
12 possible signature a petition form or petition-revocation form
13 regarding ballot placement for an initiative.

14 (b) A paid petition circulator shall, when engaged in
15 the activities described in paragraph (1)(a), wear a prominent
16 badge, in a form and manner prescribed by rule by the
17 division, identifying him or her as a "PAID PETITION
18 CIRCULATOR." For purposes of this subsection, "paid petition
19 circulator" means a petition circulator who receives any
20 compensation as a direct or indirect consequence of these
21 activities.

22 ~~(6)(7)~~ In addition to any other practice or action
23 permissible under law, an owner, lessee, or other person
24 lawfully exercising control over private property may:

25 (a) Prohibit persons from engaging in activity on the
26 property which supports or opposes initiatives;

27 (b) Permit or prohibit persons from engaging in
28 activity on the property in support of or opposition to a
29 particular initiative; or

30 (c) Permit persons to engage in activity on the
31 property which supports or opposes initiatives, subject to

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1 restrictions with respect to time, place, and manner which are
2 reasonable and uniformly applied.

3 ~~(7)(8)~~ A signed petition form or petition-revocation
4 form regarding ballot placement for an initiative which does
5 not fully comply with the applicable provisions of this code,
6 or which was obtained in violation of the applicable
7 provisions of this code, may be verified by the supervisor of
8 elections and counted toward the number of valid signatures
9 required for ballot placement only after those deficiencies or
10 violations are corrected.

11 ~~(8)(9)~~ Each signature shall be dated by the elector
12 when made and shall be valid for a period of 4 years following
13 such date, if all other requirements of law are met. The
14 sponsor shall submit signed and dated forms to the appropriate
15 supervisor of elections for verification as to the number of
16 registered electors whose valid signatures appear thereon. The
17 supervisor shall promptly verify the signatures within 30 days
18 of receiving payment, in advance, of the fee required by s.
19 99.097. The supervisor shall promptly record each petition
20 verified as valid in the statewide voter registration system
21 in the manner prescribed by the Secretary of State. ~~Upon~~
22 ~~completion of verification, the supervisor shall execute a~~
23 ~~certificate indicating the total number of signatures checked,~~
24 ~~the number of signatures verified as valid and as being of~~
25 ~~registered electors, the number of signatures validly revoked~~
26 ~~pursuant to subsection (7), and the distribution of such~~
27 ~~signatures by congressional district. This certificate shall~~
28 ~~be immediately transmitted to the Secretary of State.~~ The
29 supervisor shall retain the signed petition forms and
30 petition-revocation forms for at least 1 year following the
31 election in which the issue appeared on the ballot or until

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1 the Division of Elections notifies the supervisors of
2 elections that the committee which circulated the petition is
3 no longer seeking to obtain ballot position.

4 ~~(9)(10)~~ The Secretary of State shall determine from
5 the signatures verified by the ~~verification certificates~~
6 ~~received from~~ supervisors of elections and recorded in the
7 statewide voter registration system the total number of
8 verified valid signatures and the distribution of such
9 signatures by congressional districts. Upon a determination
10 that the requisite number and distribution of valid signatures
11 have been obtained, the secretary shall issue a certificate of
12 ballot position for that proposed amendment and shall assign a
13 designating number pursuant to s. 101.161. ~~A petition shall be~~
14 ~~deemed to be filed with the Secretary of State upon the date~~
15 ~~of the receipt by the secretary of a certificate or~~
16 ~~certificates from supervisors of elections indicating that~~
17 ~~valid and verified petition forms have been signed by the~~
18 ~~constitutionally required number and distribution of electors~~
19 ~~pursuant to this code, subject to the right of revocation~~
20 ~~established in this section.~~

21 ~~(10)(11)~~(a) Within 45 days after receipt of a proposed
22 revision or amendment to the State Constitution by initiative
23 petition from the Secretary of State, the Financial Impact
24 Estimating Conference shall complete an analysis and financial
25 impact statement to be placed on the ballot of the estimated
26 increase or decrease in any revenues or costs to state or
27 local governments resulting from the proposed initiative. The
28 ballot must include a statement, as prescribed by rule of the
29 Department of State, to the effect that the financial impact
30 statement is required under the State Constitution and the
31 Florida Statutes and should not be construed as an endorsement

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1 by the state of the proposed revision or amendment to the
2 State Constitution. The Financial Impact Estimating Conference
3 shall submit the financial impact statement to the Attorney
4 General and Secretary of State.

5 (b)1. The Financial Impact Estimating Conference shall
6 provide an opportunity for any proponents or opponents of the
7 initiative to submit information and may solicit information
8 or analysis from any other entities or agencies, including the
9 Office of Economic and Demographic Research. All meetings of
10 the Financial Impact Estimating Conference shall be open to
11 the public as provided in chapter 286.

12 2. The Financial Impact Estimating Conference is
13 established to review, analyze, and estimate the financial
14 impact of amendments to or revisions of the State Constitution
15 proposed by initiative. The Financial Impact Estimating
16 Conference shall consist of four principals: one person from
17 the Executive Office of the Governor; the coordinator of the
18 Office of Economic and Demographic Research, or his or her
19 designee; one person from the professional staff of the
20 Senate; and one person from the professional staff of the
21 House of Representatives. Each principal shall have
22 appropriate fiscal expertise in the subject matter of the
23 initiative. A Financial Impact Estimating Conference may be
24 appointed for each initiative.

25 3. Principals of the Financial Impact Estimating
26 Conference shall reach a consensus or majority concurrence on
27 a clear and unambiguous financial impact statement, no more
28 than 75 words in length, and immediately submit the statement
29 to the Attorney General. Nothing in this subsection prohibits
30 the Financial Impact Estimating Conference from setting forth
31 a range of potential impacts in the financial impact

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1 statement. Any financial impact statement that a court finds
2 not to be in accordance with this section shall be remanded
3 solely to the Financial Impact Estimating Conference for
4 redrafting. The Financial Impact Estimating Conference shall
5 redraft the financial impact statement within 15 days.

6 4. If the members of the Financial Impact Estimating
7 Conference are unable to agree on the statement required by
8 this subsection, or if the Supreme Court has rejected the
9 initial submission by the Financial Impact Estimating
10 Conference and no redraft has been approved by the Supreme
11 Court by April 1 of the year in which the general election is
12 to be held, the following statement shall appear on the ballot
13 pursuant to s. 101.161(1): "The financial impact of this
14 measure, if any, cannot be reasonably determined at this
15 time."

16 (c) The financial impact statement must be separately
17 contained and be set forth after the ballot summary as
18 required in s. 101.161(1).

19 (d)1. Any financial impact statement that the Supreme
20 Court finds not to be in accordance with this subsection shall
21 be remanded solely to the Financial Impact Estimating
22 Conference for redrafting, provided the court's advisory
23 opinion is rendered by April 1 of the year in which the
24 general election is to be held. The Financial Impact
25 Estimating Conference shall prepare and adopt a revised
26 financial impact statement no later than 5 p.m. on the 15th
27 day after the date of the court's opinion.

28 2. If, by 5 p.m. on April 1 of the year in which the
29 general election is to be held, the Supreme Court has not
30 issued an advisory opinion on the initial financial impact
31 statement prepared by the Financial Impact Estimating

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1 Conference for an initiative amendment that otherwise meets
2 the legal requirements for ballot placement, the financial
3 impact statement shall be deemed approved for placement on the
4 ballot.

5 3. In addition to the financial impact statement
6 required by this subsection, the Financial Impact Estimating
7 Conference shall draft an initiative financial information
8 statement. The initiative financial information statement
9 should describe in greater detail than the financial impact
10 statement any projected increase or decrease in revenues or
11 costs that the state or local governments would likely
12 experience if the ballot measure were approved. If
13 appropriate, the initiative financial information statement
14 may include both estimated dollar amounts and a description
15 placing the estimated dollar amounts into context. The
16 initiative financial information statement must include both a
17 summary of not more than 500 words and additional detailed
18 information that includes the assumptions that were made to
19 develop the financial impacts, workpapers, and any other
20 information deemed relevant by the Financial Impact Estimating
21 Conference.

22 4. The Department of State shall have printed, and
23 shall furnish to each supervisor of elections, a copy of the
24 summary from the initiative financial information statements.
25 The supervisors shall have the summary from the initiative
26 financial information statements available at each polling
27 place and at the main office of the supervisor of elections
28 upon request.

29 5. The Secretary of State and the Office of Economic
30 and Demographic Research shall make available on the Internet
31 each initiative financial information statement in its

1 entirety. In addition, each supervisor of elections whose
 2 office has a website shall post the summary from each
 3 initiative financial information statement on the website.
 4 Each supervisor shall include the Internet addresses for the
 5 information statements on the Secretary of State's and the
 6 Office of Economic and Demographic Research's websites in the
 7 publication or mailing required by s. 101.20.

8 ~~(11)(12)~~ The Department of State may adopt rules in
 9 accordance with s. 120.54 to carry out this section.

10 Section 5. Subsection (1) of section 101.161, Florida
 11 Statutes, is amended to read:

12 101.161 Referenda; ballots.--

13 (1) Whenever a constitutional amendment or other
 14 public measure is submitted to the vote of the people, the
 15 substance of such amendment or other public measure shall be
 16 printed in clear and unambiguous language on the ballot after
 17 the list of candidates, followed by the word "yes" and also by
 18 the word "no," and shall be styled in such a manner that a
 19 "yes" vote will indicate approval of the proposal and a "no"
 20 vote will indicate rejection. The wording of the substance of
 21 the amendment or other public measure and the ballot title to
 22 appear on the ballot shall be embodied in the joint
 23 resolution, constitutional revision commission proposal,
 24 constitutional convention proposal, taxation and budget reform
 25 commission proposal, or enabling resolution or ordinance.
 26 Except for amendments and ballot language proposed by joint
 27 resolution, the substance of the amendment or other public
 28 measure shall be an explanatory statement, not exceeding 75
 29 words in length, of the chief purpose of the measure. In
 30 addition, for every amendment proposed by initiative, the
 31 ballot shall include, following the ballot summary, a separate

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1 financial impact statement concerning the measure prepared by
2 the Financial Impact Estimating Conference in accordance with
3 s. 100.371(11) ~~s. 100.371(6)~~. The ballot title shall consist
4 of a caption, not exceeding 15 words in length, by which the
5 measure is commonly referred to or spoken of.

6 Section 6. Section 33 of chapter 2005-278, Laws of
7 Florida, is repealed.

8 Section 7. Effective January 1, 2007, subsection (1)
9 of section 101.161, Florida Statutes, as amended by this act,
10 is amended to read:

11 101.161 Referenda; ballots.--

12 (1) Whenever a constitutional amendment or other
13 public measure is submitted to the vote of the people, the
14 substance of such amendment or other public measure shall be
15 printed in clear and unambiguous language on the ballot after
16 the list of candidates, followed by the word "yes" and also by
17 the word "no," and shall be styled in such a manner that a
18 "yes" vote will indicate approval of the proposal and a "no"
19 vote will indicate rejection. The wording of the substance of
20 the amendment or other public measure and the ballot title to
21 appear on the ballot shall be embodied in the joint
22 resolution, constitutional revision commission proposal,
23 constitutional convention proposal, taxation and budget reform
24 commission proposal, or enabling resolution or ordinance.

25 Except for amendments and ballot language proposed by joint
26 resolution, the substance of the amendment or other public
27 measure shall be an explanatory statement, not exceeding 75
28 words in length, of the chief purpose of the measure. In
29 addition, for every amendment proposed by initiative, the
30 ballot shall include, following the ballot summary, a separate
31 financial impact statement concerning the measure prepared by

1 the Financial Impact Estimating Conference in accordance with
2 s. 100.371(10) ~~s.100.371(11)~~. The ballot title shall consist
3 of a caption, not exceeding 15 words in length, by which the
4 measure is commonly referred to or spoken of.

5 Section 8. Any signature gathered on a previously
6 approved initiative petition form that has been submitted for
7 verification before August 1, 2006, may be verified and
8 counted, if otherwise valid. However, any initiative petition
9 form that is submitted for verification on or after that date
10 may be verified and counted only if it complies with this act
11 and has been approved by the Secretary of State before
12 obtaining elector signatures.

13 Section 9. If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 invalidity does not affect other provisions or applications of
16 the act which can be given effect without the invalid
17 provision or application, and to this end the provisions of
18 this act are severable.

19 Section 10. Except as otherwise expressly provided in
20 this act, this act shall take effect August 1, 2006.
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