

Bill No. HB 1471, 2nd Eng.

Barcode 030784

CHAMBER ACTION

Senate

House

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Senator Alexander moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Petition Fraud and Voter Protection Act."

Section 2. Subsections (1), (3), and (4) of section 99.097, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

99.097 Verification of signatures on petitions.--

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

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

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions.

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1 The sample must be such that a determination can be made as to
2 whether or not the required number of valid signatures has
3 ~~have~~ been obtained with a reliability of at least 99.5
4 percent. Rules and guidelines for this method of petition
5 verification shall be promulgated by the Department of State,
6 which may include a requirement that petitions bear an
7 additional number of names and signatures, not to exceed 15
8 percent of the names and signatures otherwise required. If
9 the petitions do not meet such criteria, then the use of the
10 verification method described in this paragraph shall not be
11 available to supervisors.

12
13 Notwithstanding any other provision of law, petitions to
14 secure ballot placement for an issue, and petition revocations
15 directed pursuant to s. 100.371(7), must be verified by the
16 method provided in paragraph (a).

17 (3)(a) A signature name on a petition, in a name that
18 ~~which name~~ is not in substantially the same form as a name on
19 the voter registration books, shall be counted as a valid
20 signature if, after comparing the signature on the petition
21 with the signature of the alleged signer as shown on the
22 registration books, the supervisor determines that the person
23 signing the petition and the person who registered to vote are
24 one and the same. In any situation in which this code
25 requires the form of the petition to be prescribed by the
26 division, no signature shall be counted toward the number of
27 signatures required unless it is on a petition form prescribed
28 by the division. A signature on a petition may not be counted
29 toward the number of valid signatures required for ballot
30 placement unless all relevant provisions of this code have
31 been satisfied.

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1 (b) If a voter signs a petition and lists an address
 2 other than the legal residence where the voter is registered,
 3 the supervisor shall treat the signature as if the voter had
 4 listed the address where the voter is registered.

5 (4)(a) The supervisor shall be paid in advance the sum
 6 of 10 cents for each signature checked or the actual cost of
 7 checking such signature, whichever is less, by the candidate
 8 or, in the case of a petition to have an issue placed on the
 9 ballot, by the person or organization submitting the petition.
 10 However, if a candidate, person, or organization seeking to
 11 have an issue placed upon the ballot cannot pay such charges
 12 without imposing an undue burden on personal resources or upon
 13 the resources otherwise available to such candidate, person,
 14 or organization, such candidate, person, or organization
 15 shall, upon written certification of such inability given
 16 under oath to the supervisor, be entitled to have the
 17 signatures verified at no charge. In the event a candidate,
 18 person, or organization submitting a petition to have an issue
 19 placed upon the ballot is entitled to have the signatures
 20 verified at no charge, the supervisor of elections of each
 21 county in which the signatures are verified at no charge shall
 22 submit the total number of such signatures checked in the
 23 county to the Chief Financial Officer no later than December 1
 24 of the general election year, and the Chief Financial Officer
 25 shall cause such supervisor of elections to be reimbursed from
 26 the General Revenue Fund in an amount equal to 10 cents for
 27 each signature ~~name~~ checked or the actual cost of checking
 28 such signatures, whichever is less. In no event shall such
 29 reimbursement of costs be deemed or applied as extra
 30 compensation for the supervisor. Petitions shall be retained
 31 by the supervisors for a period of 1 year following the

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1 election for which the petitions were circulated.

2 (b) A person or organization submitting a petition to
3 secure ballot placement for an issue which has filed a
4 certification of undue burden may not provide compensation to
5 any paid petition circulator, as defined in s. 100.372, unless
6 the person or organization first pays all supervisors for each
7 signature checked or reimburses the General Revenue Fund for
8 such costs. If a person or organization subject to this
9 paragraph provides compensation to a paid petition circulator
10 before the date the person or organization pays all
11 supervisors for each signature checked or reimburses the
12 General Revenue Fund for such costs, no signature on a
13 petition circulated by the petition circulator before that
14 date may be counted toward the number of valid signatures
15 required for ballot placement until the person or organization
16 pays all supervisors for each signature checked or reimburses
17 the General Revenue Fund for such costs.

18 (6)(a) The alleged improper verification of a
19 signature on a petition to secure ballot placement for an
20 issue pursuant to this code may be contested in the circuit
21 court by a political committee or by an elector. The
22 contestant shall file a complaint setting forth the basis of
23 the contest, together with the fees prescribed in chapter 28,
24 with the clerk of the circuit court in the county in which the
25 petition is certified or in Leon County if the complaint is
26 directed to petitions certified in more than one county.

27 (b) If the contestant demonstrates by a preponderance
28 of the evidence that one or more petitions were improperly
29 verified, the signatures appearing on such petitions may not
30 be counted toward the number of valid signatures required for
31 ballot placement. If an action brought under this subsection

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1 is resolved after the Secretary of State has issued a
 2 certificate of ballot position for the issue, but the
 3 contestant demonstrates that the person or organization
 4 submitting the petition had obtained verification of an
 5 insufficient number of valid and verified signatures to
 6 qualify for ballot placement, the issue shall be removed from
 7 the ballot or, if such action is impractical, any votes cast
 8 for or against the issue may not be counted and shall be
 9 invalidated.

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

13 Section 3. Section 100.371, Florida Statutes, as
 14 amended by section 9 of chapter 2002-281, Laws of Florida, is
 15 amended to read:

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

18 (1) Constitutional amendments proposed by initiative
 19 shall be placed on the ballot for the general election
 20 providing that an initiative petition is filed with the
 21 Secretary of State by February 1 of the year in which the
 22 general election is to be held ~~occurring in excess of 90 days~~
 23 ~~from the certification of ballot position by the Secretary of~~
 24 State.

25 (2) Certification of ballot position ~~Such~~
 26 ~~certification~~ shall be issued when the Secretary of State has
 27 received verification certificates from the supervisors of
 28 elections indicating that the requisite number and
 29 distribution of valid petitions bearing the signatures of
 30 electors have been submitted to and verified by the
 31 supervisors. Every signature shall be dated by the elector

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1 when made. Signatures are ~~and shall be~~ valid for a period of 4
2 years following such date, provided all other requirements of
3 law are satisfied ~~complied with~~.

4 (3) The sponsor of an initiative amendment shall,
5 prior to obtaining any signatures, register as a political
6 committee pursuant to s. 106.03 and submit the text of the
7 proposed amendment to the Secretary of State, with the form on
8 which the signatures will be affixed, and shall obtain the
9 approval of the Secretary of State of such form. The division
10 ~~Secretary of State~~ shall adopt rules pursuant to s. 120.54
11 prescribing the style and requirements of such form. Upon
12 filing with the Secretary of State, the text of the proposed
13 amendment and all forms filed in connection with this section
14 must, upon request, be made available in alternative formats.

15
16 The contents of a petition form shall be limited to those
17 items required by statute or rule. A petition form shall be
18 deemed a political advertisement as defined in s. 106.011 and,
19 as such, must comply with all relevant requirements of chapter
20 106.

21 (4) The supervisor of elections shall record the date
22 each petition form was received by the supervisor and the date
23 the signature on the form was verified as valid. The
24 supervisor shall verify that the signature on a petition form
25 is valid only if the form complies with all of the following:

26 (a) The form must contain the original signature of
27 the purported elector;

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

30 (c) The form must accurately set forth the purported
31 elector's name, street address, county, voter registration

1 number or date of birth;

2 (d) The purported elector must be, at the time he or
3 she signs the form, a duly qualified and registered elector
4 authorized to vote in the county in which his or her signature
5 is submitted;

6 (e) The date the elector signed the form, as recorded
7 by the elector, must be no more than 30 days from the date the
8 form was received by the supervisor of elections;

9 (f) The elector must accurately record on the form
10 whether the elector signed the form in the presence of a
11 petition circulator, as defined in s. 100.372(1); and

12 (g) If the elector signed the petition form in the
13 presence of a petition circulator, the petition form must
14 comply with the requirements of s. 100.372.

15 (5) An elector has the right to submit his or her
16 signed form to the sponsor of the initiative amendment, by
17 mail or otherwise, at an address listed on the form for this
18 purpose.

19 (6) Each form must contain the following notices at
20 the top of the form in bold type and in a 16-point or larger
21 font, immediately following the title "Constitutional
22 Amendment Petition Form":

23
24 RIGHT TO MAIL IN.--You have the right to take
25 this petition home and study the issue before
26 signing. If you choose to sign the petition,
27 you may return it to the sponsors of the
28 amendment at the following
29 address: _____.

30
31 NATURE OF AMENDMENT.--The merits of the

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1 proposed change to the Florida Constitution
 2 appearing below have not been officially
 3 reviewed by any court or agency of state
 4 government.

5
 6 (7) An elector's signature on a petition form may be
 7 revoked by submitting to the supervisor a signed petition
 8 revocation form adopted by rule for this purpose by the
 9 division. The sponsor of an initiative amendment shall provide
 10 to any elector submitting his or her signature on a petition
 11 form a revocation form for that initiative. The revocation
 12 form must contain the address of the Secretary of State to
 13 permit the elector to submit the revocation form via United
 14 States mail. The petition revocation form shall be filed with
 15 the Secretary of State no later than January 1 preceding the
 16 next general election or, if the initiative amendment is not
 17 certified for ballot position in that election, no later than
 18 the January 1 preceding the next successive general election.
 19 The division shall promptly process the revocation form under
 20 procedures adopted by rule for this purpose by the division.

21 (8)(4) The sponsor shall submit signed and dated forms
 22 to the appropriate supervisor of elections for verification as
 23 to the number of registered electors whose valid signatures
 24 appear thereon. The supervisor shall promptly verify the
 25 signatures upon payment of the fee required by s. 99.097. Upon
 26 completion of verification, the supervisor shall execute a
 27 certificate indicating the total number of signatures checked,
 28 the number of signatures verified as valid and as being of
 29 registered electors, the number of signatures validly revoked
 30 pursuant to subsection (7), and the distribution of such
 31 signatures by congressional district. This certificate shall

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1 be immediately transmitted to the Secretary of State. The
 2 supervisor shall retain the signed ~~signature~~ forms and
 3 revocation forms for at least 1 year following the election in
 4 which the issue appeared on the ballot or until the Division
 5 of Elections notifies the supervisors of elections that the
 6 committee which circulated the petition is no longer seeking
 7 to obtain ballot position.

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

21 ~~(10)(6)~~(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 ~~or, within 30 days after~~
 24 ~~such receipt if receipt occurs 120 days or less before the~~
 25 ~~election at which the question of ratifying the amendment will~~
 26 ~~be presented~~, the Financial Impact Estimating Conference shall
 27 complete an analysis and financial impact statement to be
 28 placed on the ballot of the estimated increase or decrease in
 29 any revenues or costs to state or local governments resulting
 30 from the proposed initiative. The ballot must include a
 31 statement, as prescribed by rule of the Department of State,

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1 to the effect that the financial impact statement is required
 2 under the State Constitution and the Florida Statutes and
 3 should not be construed as an endorsement by the state of the
 4 proposed revision or amendment to the State Constitution. The
 5 Financial Impact Estimating Conference shall submit the
 6 financial impact statement to the Attorney General and
 7 Secretary of State.

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

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

28 3. Principals of the Financial Impact Estimating
 29 Conference shall reach a consensus or majority concurrence on
 30 a clear and unambiguous financial impact statement, no more
 31 than 75 words in length, and immediately submit the statement

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1 to the Attorney General. Nothing in this subsection prohibits
 2 the Financial Impact Estimating Conference from setting forth
 3 a range of potential impacts in the financial impact
 4 statement. Any financial impact statement that a court finds
 5 not to be in accordance with this section shall be remanded
 6 solely to the Financial Impact Estimating Conference for
 7 redrafting. The Financial Impact Estimating Conference shall
 8 redraft the financial impact statement within 15 days.

9 4. If the members of the Financial Impact Estimating
 10 Conference are unable to agree on the statement required by
 11 this subsection, or if the Supreme Court has rejected the
 12 initial submission by the Financial Impact Estimating
 13 Conference and no redraft has been approved by the Supreme
 14 Court by April 1 of the year in which the general election is
 15 to be held 5 p.m. on the 75th day before the election, the
 16 following statement shall appear on the ballot pursuant to s.
 17 101.161(1): "The financial impact of this measure, if any,
 18 cannot be reasonably determined at this time."

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

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

1 court's opinion.

2 2. If, by 5 p.m. on April 1 of the year in which the
3 general election is to be held ~~the 75th day before the~~
4 ~~election~~, the Supreme Court has not issued an advisory opinion
5 on the initial financial impact statement prepared by the
6 Financial Impact Estimating Conference for an initiative
7 amendment that otherwise meets the legal requirements for
8 ballot placement, the financial impact statement shall be
9 deemed approved for placement on the ballot.

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

27 4. The Department of State shall have printed, and
28 shall furnish to each supervisor of elections, a copy of the
29 summary from the initiative financial information statements.
30 The supervisors shall have the summary from the initiative
31 financial information statements available at each polling

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1 place and at the main office of the supervisor of elections
2 upon request.

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

13 ~~(11)(7)~~ The Department of State may adopt rules in
14 accordance with s. 120.54 to carry out this section ~~the~~
15 ~~provisions of subsections (1)-(6).~~

16 Section 4. Section 100.372, Florida Statutes, is
17 created to read:

18 100.372 Regulation of initiative petition
19 circulators.--

20 (1) For purposes of this section, a:

21 (a) "Petition circulator" is any person who, in the
22 context of a direct face-to-face conversation, presents to
23 another person for his or her possible signature a petition
24 form or petition revocation form regarding ballot placement
25 for an initiative.

26 (b) "Paid petition circulator" is a petition
27 circulator who receives any compensation as either a direct or
28 indirect consequence of the activities described in paragraph
29 (a).

30 (2) At the time a petition circulator presents to any
31 person for his or her possible signature a petition form or

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1 petition revocation form regarding ballot placement for an
2 initiative, the petition circulator must:

3 (a) Be at least 18 years of age;

4 (b) Be eligible to register to vote in this or any
5 other state or territory of the United States; and

6 (c) Not be a convicted felon ineligible to register or
7 vote under s. 97.041(2)(b).

8 (3) A paid petition circulator shall, when engaged in
9 the activities described in paragraph (1)(a), wear a prominent
10 badge, in a form and manner prescribed by rule by the
11 division, identifying him or her as a "PAID PETITION
12 CIRCULATOR."

13 (4) In addition to any other practice or action
14 permissible under law, an owner, lessee, or other person
15 lawfully exercising control over private property may:

16 (a) Uniformly prohibit petition circulators from
17 operating on the property and prohibit persons from engaging
18 in other activities supporting or opposing an initiative; or

19 (b) Permit such conduct on the property subject to
20 time, place, and manner restrictions that are reasonable and
21 uniformly applied.

22 (5) Prior to being presented to a possible elector for
23 signature, a petition form or petition revocation form
24 regarding ballot placement for an initiative must set forth
25 the following information in a format and manner prescribed by
26 rule by the division:

27 (a) The name of any organization or entity with which
28 the petition circulator is affiliated and on behalf of which
29 the petition circulator is presenting forms to electors for
30 possible signature.

31 (b) The name of the sponsor of the initiative if

1 different from the entity with which the petition circulator
2 is affiliated.

3 (c) A statement directing those seeking information
4 about initiative sponsors and their contributors to the
5 internet address of the appropriate division website; and

6 (d) A statement disclosing whether the petition
7 circulator is a paid petition circulator, and, if so, the
8 amount or rate of compensation and the name and address of the
9 person or entity paying the compensation to the paid petition
10 circulator.

11 (6)(a) A paid petition circulator shall attach to each
12 signed petition form, petition revocation form, or group of
13 such forms obtained by the paid petition circulator a signed
14 and dated declaration under penalty of perjury executed by the
15 paid petition circulator, in a form prescribed by rule by the
16 division. If the declaration pertains to a group of forms, the
17 forms shall be consecutively numbered on their face by the
18 paid petition circulator and the declaration shall refer to
19 the forms by number.

20 (b) The declaration shall include the paid petition
21 circulator's printed name; the street address at which he or
22 she resides, including county; the petition circulator's date
23 of birth; the petition circulator's Florida voter registration
24 number and county of registration, if applicable, or an
25 identification number from a valid government-issued photo
26 identification card along with information identifying the
27 issuer; and the date he or she signed the declaration.

28 (c) The declaration shall attest that the paid
29 petition circulator has read and understands the laws
30 governing the circulation of petition and petition revocation
31 forms regarding ballot placement for an initiative; that he or

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1 she satisfied the requirements of s. 100.372(2) at the time
2 the attached form or forms were circulated and signed by the
3 listed electors; that he or she circulated the attached form
4 or forms; that each signature thereon was affixed in the
5 circulator's presence; that each signature thereon is the
6 signature of the person whose name it purports to be; that to
7 the best of the circulator's knowledge and belief each of the
8 persons signing the form or forms was, at the time of signing,
9 a registered elector; that the circulator has not provided or
10 received, and will not in the future provide or receive,
11 compensation that is based, directly or indirectly, upon the
12 number of signatures obtained on petitions or petition
13 revocation forms; and that he or she has not paid or will not
14 in the future pay, and that he or she believes that no other
15 person has paid or will pay, directly or indirectly, any money
16 or other thing of value to any signer for the purpose of
17 inducing or causing such signer to affix his or her signature
18 to the form.

19 (d) A signature on a petition form or petition
20 revocation form regarding ballot placement for an initiative
21 to which a declaration required by this subsection is not
22 attached is invalid, may not be verified by the supervisor of
23 elections, and may not be counted toward the number of valid
24 signatures required for ballot placement.

25 (7) Each paid petition circulator shall provide to the
26 sponsor of the initiative amendment for which he or she is
27 circulating petitions a copy of a valid and current
28 government-issued photo identification card that accurately
29 indicates the address at which the paid petition circulator
30 resides. The sponsor of the initiative shall maintain the
31 copies of these identification cards in its files and shall

1 make them available for inspection by the division, a
 2 supervisor of elections, or any law enforcement agency. If a
 3 sponsor fails to maintain such a copy with respect to a
 4 particular paid petition circulator, all petitions obtained by
 5 that paid petition circulator prior to the date the sponsor
 6 produces the required copy of the identification card are
 7 invalid, may not be verified by the supervisor of elections,
 8 and may not be counted toward the number of valid signatures
 9 required for ballot placement.

10 (8) A signature on a petition form or petition
 11 revocation form regarding ballot placement for an initiative
 12 which does not fully comply with the applicable provisions of
 13 this chapter, or which was obtained in violation of the
 14 applicable provisions of this code, is invalid and may not be
 15 verified by a supervisor of elections and may not be counted
 16 toward the number of valid signatures required for ballot
 17 placement.

18 Section 5. Section 101.161, Florida Statutes, is
 19 amended to read:

20 101.161 Referenda; ballots.--

21 (1) Whenever a constitutional amendment or other
 22 public measure is submitted to the vote of the people, the
 23 substance of such amendment or other public measure shall be
 24 printed in clear and unambiguous language on the ballot after
 25 the list of candidates, followed by the word "yes" and also by
 26 the word "no," and shall be styled in such a manner that a
 27 "yes" vote will indicate approval of the proposal and a "no"
 28 vote will indicate rejection. The wording of the substance of
 29 the amendment or other public measure and the ballot title to
 30 appear on the ballot shall be embodied in the joint
 31 resolution, constitutional revision commission proposal,

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1 constitutional convention proposal, taxation and budget reform
 2 commission proposal, or enabling resolution or ordinance.
 3 Except for amendments and ballot language proposed by joint
 4 resolution, the substance of the amendment or other public
 5 measure shall be an explanatory statement, not exceeding 75
 6 words in length, of the chief purpose of the measure. In
 7 addition, for every amendment proposed by initiative, the
 8 ballot shall include, following the ballot summary, a separate
 9 financial impact statement concerning the measure prepared by
 10 the Financial Impact Estimating Conference in accordance with
 11 s. 100.371(10) ~~s. 100.371(6)~~. The ballot title shall consist
 12 of a caption, not exceeding 15 words in length, by which the
 13 measure is commonly referred to or spoken of.

14 (2) The substance and ballot title of a constitutional
 15 amendment proposed by initiative shall be prepared by the
 16 sponsor and approved by the Secretary of State in accordance
 17 with rules adopted pursuant to s. 120.54. The Department of
 18 State shall give each proposed constitutional amendment a
 19 designating number for convenient reference. This number
 20 designation shall appear on the ballot. Designating numbers
 21 shall be assigned in the order of filing or certification and
 22 in accordance with rules adopted by the Department of State.
 23 The Department of State shall furnish the designating number,
 24 the ballot title, and the substance of each amendment to the
 25 supervisor of elections of each county in which such amendment
 26 is to be voted on.

27 (3)(a) The ballot for the general election in the year
 28 2000 must contain a statement allowing voters to determine
 29 whether circuit or county court judges will be selected by
 30 merit selection and retention as provided in s. 10, Art. V of
 31 the State Constitution. The ballot in each circuit must

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1 contain the statement in paragraph (c). The ballot in each
2 county must contain the statement in paragraph (e).

3 (b) For any general election in which the Secretary of
4 State, for any circuit, or the supervisor of elections, for
5 any county, has certified the ballot position for an
6 initiative to change the method of selection of judges, the
7 ballot for any circuit must contain the statement in paragraph
8 (c) or paragraph (d) and the ballot for any county must
9 contain the statement in paragraph (e) or paragraph (f).

10 (c) In any circuit where the initiative is to change
11 the selection of circuit court judges to selection by merit
12 selection and retention, the ballot shall state: "Shall the
13 method of selecting circuit court judges in the ...(number of
14 the circuit)... judicial circuit be changed from election by a
15 vote of the people to selection by the judicial nominating
16 commission and appointment by the Governor with subsequent
17 terms determined by a retention vote of the people?" This
18 statement must be followed by the word "yes" and also by the
19 word "no."

20 (d) In any circuit where the initiative is to change
21 the selection of circuit court judges to election by the
22 voters, the ballot shall state: "Shall the method of selecting
23 circuit court judges in the ...(number of the circuit)...
24 judicial circuit be changed from selection by the judicial
25 nominating commission and appointment by the Governor with
26 subsequent terms determined by a retention vote of the people
27 to election by a vote of the people?" This statement must be
28 followed by the word "yes" and also by the word "no."

29 (e) In any county where the initiative is to change
30 the selection of county court judges to merit selection and
31 retention, the ballot shall state: "Shall the method of

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1 selecting county court judges in ...(name of county)... be
 2 changed from election by a vote of the people to selection by
 3 the judicial nominating commission and appointment by the
 4 Governor with subsequent terms determined by a retention vote
 5 of the people?" This statement must be followed by the word
 6 "yes" and also by the word "no."

7 (f) In any county where the initiative is to change
 8 the selection of county court judges to election by the
 9 voters, the ballot shall state: "Shall the method of selecting
 10 county court judges in ...(name of the county)... be changed
 11 from selection by the judicial nominating commission and
 12 appointment by the Governor with subsequent terms determined
 13 by a retention vote of the people to election by a vote of the
 14 people?" This statement must be followed by the word "yes" and
 15 also by the word "no."

16 Section 6. Paragraph (a) of subsection (4) of section
 17 101.62, Florida Statutes, is amended to read:

18 101.62 Request for absentee ballots.--

19 (4)(a) To each absent qualified elector overseas who
 20 has requested an absentee ballot, the supervisor of elections
 21 shall, not fewer than 35 days before the first primary
 22 election, mail an absentee ballot. Not fewer than 45 days
 23 before the second primary and general election, the supervisor
 24 of elections shall mail an advance absentee ballot to those
 25 persons requesting ballots for such elections. The advance
 26 absentee ballot for the second primary shall be the same as
 27 the first primary absentee ballot as to the names of
 28 candidates, except that for any offices where there are only
 29 two candidates, those offices and all political party
 30 executive committee offices shall be omitted. Except as
 31 provided in ss. 99.063(4) and 100.371(10) ~~100.371(6)~~, the

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1 advance absentee ballot for the general election shall be as
2 specified in s. 101.151, except that in the case of candidates
3 of political parties where nominations were not made in the
4 first primary, the names of the candidates placing first and
5 second in the first primary election shall be printed on the
6 advance absentee ballot. The advance absentee ballot or
7 advance absentee ballot information booklet shall be of a
8 different color for each election and also a different color
9 from the absentee ballots for the first primary, second
10 primary, and general election. The supervisor shall mail an
11 advance absentee ballot for the second primary and general
12 election to each qualified absent elector for whom a request
13 is received until the absentee ballots are printed. The
14 supervisor shall enclose with the advance second primary
15 absentee ballot and advance general election absentee ballot
16 an explanation stating that the absentee ballot for the
17 election will be mailed as soon as it is printed; and, if both
18 the advance absentee ballot and the absentee ballot for the
19 election are returned in time to be counted, only the absentee
20 ballot will be counted. The Department of State may prescribe
21 by rule the requirements for preparing and mailing absentee
22 ballots to absent qualified electors overseas.

23 Section 7. Section 104.012, Florida Statutes, is
24 amended to read:

25 104.012 Consideration for registration; interference
26 with registration; soliciting registrations for compensation;
27 alteration of registration application; failing to submit
28 registration application.--

29 (1) Any person who gives anything of value that is
30 redeemable in cash to any person in consideration for his or
31 her becoming a registered voter commits a felony of the third

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1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084. This section shall not be interpreted, however, to
3 exclude such services as transportation to the place of
4 registration or baby-sitting in connection with the absence of
5 an elector from home for registering.

6 (2) A person who by bribery, menace, threat, or other
7 corruption, directly or indirectly, influences, deceives, or
8 deters or attempts to influence, deceive, or deter any person
9 in the free exercise of that person's right to register to
10 vote at any time, upon the first conviction, commits a felony
11 of the third degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084, and, upon any subsequent conviction,
13 commits a felony of the second degree, punishable as provided
14 in s. 775.082, s. 775.083, or s. 775.084.

15 (3) A person may not solicit or pay another person to
16 solicit voter registrations for compensation that is based
17 upon the number of registrations obtained. A person who
18 violates the provisions of this subsection commits a felony of
19 the third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084.

21 (4) A person who alters the voter registration
22 application of any other person, without the other person's
23 knowledge and consent, commits a felony of the third degree,
24 punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084.

26 (5) Any person who obtains an executed voter
27 registration application from another person and who willfully
28 fails to submit this application to the appropriate supervisor
29 of elections within 10 days commits a felony of the third
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084.

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1 Section 8. Section 104.185, Florida Statutes, is
2 amended to read:

3 104.185 Violations involving petitions; ~~knowingly~~
4 ~~signing more than once; signing another person's name or a~~
5 ~~fictitious name.--~~

6 (1) A person who knowingly signs a petition or
7 petitions to secure ballot position for a candidate, a minor
8 political party, or an issue more than one time commits a
9 misdemeanor of the first degree, punishable as provided in s.
10 775.082 or s. 775.083 and, upon any subsequent conviction,
11 commits a felony of the third degree, punishable as provided
12 in s. 775.082, s. 775.083, or s. 775.084.

13 (2) A person who signs another person's name or a
14 fictitious name to any petition to secure ballot position for
15 a candidate, a minor political party, or an issue, or to a
16 petition revocation form, commits a misdemeanor of the first
17 degree, punishable as provided in s. 775.082 or s. 775.083
18 and, upon any subsequent conviction, commits a felony of the
19 third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084.

21 (3) A person who willfully swears or affirms falsely
22 to any oath or affirmation, or willfully procures another
23 person to swear or affirm falsely to an oath or affirmation,
24 in connection with or arising out of the petitioning process
25 commits a misdemeanor of the first degree, punishable as
26 provided in s. 775.082, or s. 775.083 and, upon any subsequent
27 conviction, commits a felony of the third degree, punishable
28 as provided in s. 775.082, s. 775.083, or s. 775.084.

29 (4) A person who willfully submits any false
30 information on a petition or petition revocation form commits
31 a misdemeanor of the first degree, punishable as provided in

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1 s. 775.082 or s. 775.083 and, upon any subsequent conviction,
2 commits a felony of the third degree, punishable as provided
3 in s. 775.082, s. 775.083, or s. 775.084.

4 (5) A person who directly or indirectly gives or
5 promises anything of value to any other person to induce that
6 other person to sign a petition or petition revocation form
7 commits a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 or s. 775.083 and, upon any subsequent
9 conviction, commits a felony of the third degree, punishable
10 as provided in s. 775.082, s. 775.083, or s. 775.085.

11 (6) A person who, by bribery, menace, threat, or other
12 corruption, directly or indirectly influences, deceives, or
13 deters, or attempts to influence, deceive, or deter, any
14 person in the free exercise of that person's right to sign a
15 petition or petition revocation form, upon the first
16 conviction commits a misdemeanor of the first degree,
17 punishable as provided in s. 775.082 or s. 775.083 and, upon
18 any subsequent conviction, commits a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or
20 s. 775.084.

21 (7) A person may not provide or receive compensation
22 that is based, directly or indirectly, upon the number of
23 signatures obtained on petitions or petition revocation forms.
24 A person who violates this subsection commits a misdemeanor of
25 the first degree punishable as provided in s. 775.082 or s.
26 775.083 and, upon any subsequent conviction, commits a felony
27 of the third degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084.

29 (8) A person who alters the petition or petition
30 revocation form signed by any other person without the other
31 person's knowledge and consent commits a misdemeanor of the

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1 first degree, punishable as provided in s. 775.082 or s.
 2 775.083 and, upon any subsequent conviction, commits a felony
 3 of the third degree, punishable as provided in s. 775.082, s.
 4 775.083, or s. 775.084.

5 (9) A person perpetrating, or attempting to perpetrate
 6 or aid in the perpetration of, any fraud in connection with
 7 obtaining the signature of electors on petition or petition
 8 revocation forms commits a misdemeanor of the first degree,
 9 punishable as provided in s. 775.082 or s. 775.083 and, upon
 10 any subsequent conviction, commits a felony of the third
 11 degree, punishable as provided in s. 775.082, s. 775.083, or
 12 s. 775.084.

13 (10) In addition to any other penalty provided for by
 14 law, if a paid petition circulator, as defined in s.
 15 100.372(1), violates any provision of this section, the
 16 commission may, pursuant to s. 106.265, impose a civil penalty
 17 in the form of a fine not to exceed \$1,000 per violation on
 18 such paid petition circulator.

19 Section 9. Section 104.42, Florida Statutes, is
 20 amended to read:

21 104.42 Unlawful registrations, petitions, ~~Fraudulent~~
 22 ~~registration~~ and illegal voting; investigation.--

23 (1) The supervisor of elections is authorized to
 24 investigate unlawful ~~fraudulent~~ registrations, petitions, and
 25 ~~illegal~~ voting and to report his or her findings to the local
 26 state attorney, the Florida Department of Law Enforcement, and
 27 the Florida Elections Commission.

28 (2) The board of county commissioners in any county
 29 may appropriate funds to the supervisor of elections for the
 30 purpose of investigating unlawful ~~fraudulent~~ registrations,
 31 petitions, and ~~illegal~~ voting.

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1 (3) The supervisor of elections shall document and
 2 report suspected unlawful registrations, petitions, and voting
 3 to the Florida Elections Commission within 10 days after
 4 acquiring reasonable suspicion concerning the lawfulness of
 5 the registrations, petitions, and voting.

6 Section 10. Any signature gathered on an authorized
 7 form for an initiative petition which has been submitted for
 8 verification prior to the effective date of this act may be
 9 verified and counted, if otherwise valid. However, any
 10 petition form that is submitted for verification on or after
 11 the effective date of this act shall be verified and counted
 12 only if it complies with this act. Any initiative petition
 13 form approved by the Secretary of State prior to the effective
 14 date of this act is invalidated, and a new petition form must
 15 be resubmitted to the Secretary of State for approval in
 16 accordance with the requirements of this act prior to
 17 obtaining elector signatures.

18 Section 11. If any provision of this act or its
 19 application to any person or circumstance is held invalid, the
 20 invalidity does not affect other provisions or applications of
 21 the act which can be given effect without the invalid
 22 provision or application, and to this end the provisions of
 23 this act are declared severable.

24 Section 12. This act shall take effect August 1, 2005.

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 26

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

30

31 and insert:

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1 A bill to be entitled

2 An act relating to the petition process;

3 providing a short title; amending s. 99.097,

4 F.S.; revising requirements for verification of

5 signatures on petitions; prescribing limits on

6 use of paid petition circulators; providing

7 procedures to contest alleged improper

8 signature verification; amending s. 100.371,

9 F.S.; revising procedures for placing an

10 initiative on the ballot; providing

11 requirements for information to be contained on

12 petitions; providing procedure for revocation

13 of a petition signature; requiring a statement

14 on the ballot regarding the financial impact

15 statement; creating s. 100.372, F.S.; providing

16 regulation for initiative petition circulators

17 and their activities; amending s. 101.161,

18 F.S.; conforming a cross-reference; amending s.

19 101.62, F.S.; conforming a cross-reference;

20 amending s. 104.012, F.S.; providing criminal

21 penalties for specified offenses involving

22 voter registration applications; amending s.

23 104.185, F.S.; proscribing specified actions

24 involving petitions and providing or increasing

25 criminal penalties therefor; amending s.

26 104.42, F.S.; prescribing duties of supervisors

27 of elections with respect to unlawful

28 registrations, petitions, and voting; providing

29 for verifying and counting signatures submitted

30 for verification before the effective date of

31 the act; requiring resubmission and reapproval

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1 of petition forms; providing severability;
2 providing an effective date.
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