

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.



1 Representative(s) Goodlette and Jennings offered the following:

2

3 **Amendment (with title amendment)**

4 Remove line(s) 74-659 and insert:

5 ballot placement for an issue must be verified by the method
6 provided in paragraph (a).

7 (3)(a) A signature name on a petition, in a ~~which~~ name
8 that is not in substantially the same form as a name on the
9 voter registration books, shall be counted as a valid signature
10 if, after comparing the signature on the petition with the
11 signature of the alleged signer as shown on the registration
12 books, the supervisor determines that the person signing the
13 petition and the person who registered to vote are one and the
14 same. In any situation in which this code requires the form of
15 the petition to be prescribed by the division, no signature

091657

Amendment No. (for drafter's use only)

16 shall be counted toward the number of signatures required unless
17 it is on a petition form prescribed by the division. A signature
18 on a petition may not be counted toward the number of valid
19 signatures required for ballot placement unless all relevant
20 provisions of this code have been satisfied.

21 (b) If a voter signs a petition and lists an address other
22 than the legal residence where the voter is registered, the
23 supervisor shall treat the signature as if the voter had listed
24 the address where the voter is registered.

25 (4)(a) The supervisor shall be paid in advance the sum of
26 10 cents for each signature checked or the actual cost of
27 checking such signature, whichever is less, by the candidate or,
28 in the case of a petition to have an issue placed on the ballot,
29 by the person or organization submitting the petition. However,
30 if a candidate, person, or organization seeking to have an issue
31 placed upon the ballot cannot pay such charges without imposing
32 an undue burden on personal resources or upon the resources
33 otherwise available to such candidate, person, or organization,
34 such candidate, person, or organization shall, upon written
35 certification of such inability given under oath to the
36 supervisor, be entitled to have the signatures verified at no
37 charge. In the event a candidate, person, or organization
38 submitting a petition to have an issue placed upon the ballot is
39 entitled to have the signatures verified at no charge, the
40 supervisor of elections of each county in which the signatures
41 are verified at no charge shall submit the total number of such
42 signatures checked in the county to the Chief Financial Officer

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

43 no later than December 1 of the general election year, and the
44 Chief Financial Officer shall cause such supervisor of elections
45 to be reimbursed from the General Revenue Fund in an amount
46 equal to 10 cents for each signature ~~name~~ checked or the actual
47 cost of checking such signatures, whichever is less. In no event
48 shall such reimbursement of costs be deemed or applied as extra
49 compensation for the supervisor. Petitions shall be retained by
50 the supervisors for a period of 1 year following the election
51 for which the petitions were circulated.

52 (b) A person or organization submitting a petition to
53 secure ballot placement for an issue which has filed a
54 certification of undue burden may not provide compensation to
55 any paid petition circulator, as defined in s. 100.372, unless
56 the person or organization first pays all supervisors for each
57 signature checked or reimburses the General Revenue Fund for
58 such costs. If a person or organization subject to this
59 paragraph provides compensation to a paid petition circulator
60 before the date the person or organization pays all supervisors
61 for each signature checked or reimburses the General Revenue
62 Fund for such costs, no signature on a petition circulated by
63 the petition circulator before that date may be counted toward
64 the number of valid signatures required for ballot placement.

65 (6)(a) The alleged improper verification of a signature on
66 a petition to secure ballot placement for an issue pursuant to
67 this code may be contested in the circuit court by a political
68 committee or by an elector. The contestant shall file a
69 complaint setting forth the basis of the contest, together with

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

70 the fees prescribed in chapter 28, with the clerk of the circuit
71 court in the county in which the petition is certified or in
72 Leon County if the complaint is directed to petitions certified
73 in more than one county.

74 (b) If the contestant demonstrates by a preponderance of
75 the evidence that one or more petitions were improperly
76 verified, the signatures appearing on such petitions may not be
77 counted toward the number of valid signatures required for
78 ballot placement. If an action brought under this subsection is
79 resolved after the Secretary of State has issued a certificate
80 of ballot position for the issue, but the contestant
81 demonstrates by a preponderance of the evidence that the person
82 or organization submitting the petition had obtained
83 verification of an insufficient number of valid and verified
84 signatures to qualify for ballot placement, the issue shall be
85 removed from the ballot or, if such action is impractical, any
86 votes cast for or against the issue may not be counted and shall
87 be invalidated.

88 (c) An action under this subsection must be commenced not
89 later than 90 days after the Secretary of State issues a
90 certificate of ballot position for the issue.

91 Section 3. Section 100.371, Florida Statutes, as amended
92 by section 9 of chapter 2002-281, Laws of Florida, is amended to
93 read:

94 100.371 Initiatives; procedure for placement on ballot.--

95 (1) Constitutional amendments proposed by initiative shall
96 be placed on the ballot for the general election provided that

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

97 | an initiative petition is filed with the Secretary of State by
98 | February 1 of the year in which the general election is to be
99 | held occurring in excess of 90 days from the certification of
100 | ballot position by the Secretary of State.

101 | (2) ~~Such~~ Certification of ballot position shall be issued
102 | when the Secretary of State has received verification
103 | certificates from the supervisors of elections indicating that
104 | the requisite number and distribution of valid petitions bearing
105 | the signatures of electors have been submitted to and verified
106 | by the supervisors. Every signature shall be dated by the
107 | elector when made. Signatures are ~~and shall be~~ valid for a
108 | period of 4 years following such date, provided all other
109 | requirements of law are satisfied ~~complied with~~.

110 | (3) The sponsor of an initiative amendment shall, prior to
111 | obtaining any signatures, register as a political committee
112 | pursuant to s. 106.03 and submit the text of the proposed
113 | amendment to the Secretary of State, with the form on which the
114 | signatures will be affixed, and shall obtain the approval of the
115 | Secretary of State of such form. The division ~~Secretary of State~~
116 | shall adopt rules pursuant to s. 120.54 prescribing the style
117 | and requirements of such form. Upon filing with the Secretary of
118 | State, the text of the proposed amendment and all forms filed in
119 | connection with this section must, upon request, be made
120 | available in alternative formats. The contents of a petition
121 | form shall be limited to those items required by statute or
122 | rule. A petition form shall be deemed a political advertisement

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

123 as defined in s. 106.011 and, as such, must comply with all
124 relevant requirements of chapter 106.

125 (4) The supervisor of elections shall record the date each
126 petition form was received by the supervisor and the date the
127 signature on the form was verified as valid. The supervisor
128 shall verify that the signature on a petition form is valid only
129 if the form complies with all of the following:

130 (a) The form must contain the original signature of the
131 purported elector;

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

134 (c) The form must accurately set forth the purported
135 elector's name, street address, county, voter registration
136 number or date of birth, and any other information required by
137 the division by rule;

138 (d) The purported elector must be, at the time he or she
139 signs the form, a duly qualified and registered elector
140 authorized to vote in the county for which his or her signature
141 is submitted;

142 (e) The date the elector signed the form, as recorded by
143 the elector, must be no more than 45 days from the date the form
144 was received by the supervisor of elections;

145 (f) The elector must accurately record on the form whether
146 the elector was presented with the petition form for his or her
147 signature by a petition circulator, as defined in s. 100.372(1);
148 and

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

149 (g) If the elector was presented with the petition form
150 for his or her signature by a petition circulator, the petition
151 form must comply with the requirements of s. 100.372.

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

155 (6) Each form must contain the following three notices at
156 the top of the form in bold type and in a 16-point or larger
157 font, immediately following the title "Constitutional Amendment
158 Petition Form":

159
160 RIGHT TO MAIL-IN - You have the right to take this
161 petition home and study the issue before signing. If
162 you choose to sign the petition, you may return it to
163 the sponsors of the amendment at the following
164 address: _____.

165
166 PAID PETITION CIRCULATOR - The person presenting this
167 petition for your signature may be receiving
168 compensation to do so. You have the right to ask for
169 this information and the person's rate of compensation
170 before you sign the petition.

171
172 NATURE OF AMENDMENT - The merits of the proposed
173 change to the Florida Constitution appearing below
174 have not been officially reviewed by any court or
175 agency of state government.

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202

~~(7)~~(4) The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution of such signatures by congressional district. This certificate shall be immediately transmitted to the Secretary of State. The supervisor shall retain the signed ~~signature~~ forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

~~(8)~~(5) The Secretary of State shall determine from the verification certificates received from supervisors of elections the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

203 or certificates from supervisors of elections indicating the
204 petition has been signed by the constitutionally required number
205 of electors.

206 ~~(9)(6)~~(a) Within 45 days after receipt of a proposed
207 revision or amendment to the State Constitution by initiative
208 petition from the Secretary of State ~~or, within 30 days after~~
209 ~~such receipt if receipt occurs 120 days or less before the~~
210 ~~election at which the question of ratifying the amendment will~~
211 ~~be presented~~, the Financial Impact Estimating Conference shall
212 complete an analysis and financial impact statement to be placed
213 on the ballot of the estimated increase or decrease in any
214 revenues or costs to state or local governments resulting from
215 the proposed initiative. The Financial Impact Estimating
216 Conference shall submit the financial impact statement to the
217 Attorney General and Secretary of State.

218 (b)1. The Financial Impact Estimating Conference shall
219 provide an opportunity for any proponents or opponents of the
220 initiative to submit information and may solicit information or
221 analysis from any other entities or agencies, including the
222 Office of Economic and Demographic Research. All meetings of the
223 Financial Impact Estimating Conference shall be open to the
224 public as provided in chapter 286.

225 2. The Financial Impact Estimating Conference is
226 established to review, analyze, and estimate the financial
227 impact of amendments to or revisions of the State Constitution
228 proposed by initiative. The Financial Impact Estimating
229 Conference shall consist of four principals: one person from the

091657

4/25/2005 9:53:36 PM

HOUSE AMENDMENT

Bill No. HB 1471

Amendment No. (for drafter's use only)

230 Executive Office of the Governor; the coordinator of the Office
231 of Economic and Demographic Research, or his or her designee;
232 one person from the professional staff of the Senate; and one
233 person from the professional staff of the House of
234 Representatives. Each principal shall have appropriate fiscal
235 expertise in the subject matter of the initiative. A Financial
236 Impact Estimating Conference may be appointed for each
237 initiative.

238 3. Principals of the Financial Impact Estimating
239 Conference shall reach a consensus or majority concurrence on a
240 clear and unambiguous financial impact statement, no more than
241 75 words in length, and immediately submit the statement to the
242 Attorney General. Nothing in this subsection prohibits the
243 Financial Impact Estimating Conference from setting forth a
244 range of potential impacts in the financial impact statement.
245 Any financial impact statement that a court finds not to be in
246 accordance with this section shall be remanded solely to the
247 Financial Impact Estimating Conference for redrafting. The
248 Financial Impact Estimating Conference shall redraft the
249 financial impact statement within 15 days.

250 4. If the members of the Financial Impact Estimating
251 Conference are unable to agree on the statement required by this
252 subsection, or if the Supreme Court has rejected the initial
253 submission by the Financial Impact Estimating Conference and no
254 redraft has been approved by the Supreme Court by April 1 of the
255 year in which the general election is to be held ~~5 p.m. on the~~
256 ~~75th day before the election~~, the following statement shall

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

257 appear on the ballot pursuant to s. 101.161(1): "The financial
258 impact of this measure, if any, cannot be reasonably determined
259 at this time."

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

263 (d)1. Any financial impact statement that the Supreme
264 Court finds not to be in accordance with this subsection shall
265 be remanded solely to the Financial Impact Estimating Conference
266 for redrafting, provided the court's advisory opinion is
267 rendered by April 1 of the year in which the general election is
268 to be held ~~at least 75 days before the election at which the~~
269 ~~question of ratifying the amendment will be presented.~~ The
270 Financial Impact Estimating Conference shall prepare and adopt a
271 revised financial impact statement no later than 5 p.m. on the
272 15th day after the date of the court's opinion.

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

281 3. In addition to the financial impact statement required
282 by this subsection, the Financial Impact Estimating Conference
283 shall draft an initiative financial information statement. The

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

284 initiative financial information statement should describe in
285 greater detail than the financial impact statement any projected
286 increase or decrease in revenues or costs that the state or
287 local governments would likely experience if the ballot measure
288 were approved. If appropriate, the initiative financial
289 information statement may include both estimated dollar amounts
290 and a description placing the estimated dollar amounts into
291 context. The initiative financial information statement must
292 include both a summary of not more than 500 words and additional
293 detailed information that includes the assumptions that were
294 made to develop the financial impacts, workpapers, and any other
295 information deemed relevant by the Financial Impact Estimating
296 Conference.

297 4. The Department of State shall have printed, and shall
298 furnish to each supervisor of elections, a copy of the summary
299 from the initiative financial information statements. The
300 supervisors shall have the summary from the initiative financial
301 information statements available at each polling place and at
302 the main office of the supervisor of elections upon request.

303 5. The Secretary of State and the Office of Economic and
304 Demographic Research shall make available on the Internet each
305 initiative financial information statement in its entirety. In
306 addition, each supervisor of elections whose office has a
307 website shall post the summary from each initiative financial
308 information statement on the website. Each supervisor shall
309 include the Internet addresses for the information statements on
310 the Secretary of State's and the Office of Economic and

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

311 Demographic Research's websites in the publication or mailing
312 required by s. 101.20.

313 ~~(10)(7)~~ The Department of State may adopt rules in
314 accordance with s. 120.54 to carry out this section ~~the~~
315 ~~provisions of subsections (1)-(6).~~

316 Section 4. Section 100.372, Florida Statutes, is created
317 to read:

318 100.372 Regulation of initiative petition circulators.--

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

320 (a) "Petition circulator" is any person who, in the
321 context of a direct face-to-face conversation, presents to
322 another person for his or her possible signature a petition form
323 regarding ballot placement for an initiative.

324 (b) "Paid petition circulator" is a petition circulator
325 who receives any compensation as either a direct or indirect
326 consequence of the activities described in paragraph (a).

327 (2) A petition circulator must be, at the time the
328 petition circulator presents to any person for his or her
329 possible signature a petition form regarding ballot placement
330 for an initiative, at least 18 years of age and eligible to
331 register to vote in this state pursuant to s. 97.041.

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

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

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

339 (a) Uniformly prohibit petition circulators from operating
340 on the property and uniformly prohibit persons from engaging in
341 other activities supporting or opposing an initiative; or

342 (b) Permit such conduct on the property subject to time,
343 place, and manner restrictions that are reasonable and uniformly
344 applied.

345 (5) Prior to being presented to a possible elector for
346 signature, a petition form regarding ballot placement for an
347 initiative must set forth the following information in a format
348 and manner prescribed by rule by the division:

349 (a) The name of any organization or entity with which the
350 petition circulator is affiliated and on behalf of which the
351 petition circulator is presenting forms to electors for possible
352 signature.

353 (b) The name of the sponsor of the initiative if different
354 from the entity with which the petition circulator is
355 affiliated.

356 (c) A statement directing those seeking information about
357 initiative sponsors and their contributors to the Internet
358 address of the appropriate division website; and

359 (d) A statement disclosing whether the petition circulator
360 is a paid petition circulator, and, if so, the amount or rate of
361 compensation and the name and address of the person or entity
362 paying the compensation to the paid petition circulator.

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

363 (6)(a) A paid petition circulator shall attach to each
364 signed petition form or group of petition forms obtained by the
365 paid petition circulator a signed, notarized, and dated
366 affidavit executed by the paid petition circulator in a form
367 prescribed by rule by the division. If the affidavit pertains to
368 a group of forms, the forms shall be consecutively numbered on
369 their face by the paid petition circulator and the affidavit
370 shall refer to the forms by number.

371 (b) The affidavit shall include the paid petition
372 circulator's printed name; the street address at which he or she
373 resides, including county; the petition circulator's date of
374 birth; the petition circulator's Florida voter registration
375 number and county of registration, if applicable, or an
376 identification number from a valid government-issued photo
377 identification card along with information identifying the
378 issuer; and the date he or she signed the affidavit.

379 (c) The affidavit shall attest that the paid petition
380 circulator has read and understands the laws governing the
381 circulation of petition forms regarding ballot placement for an
382 initiative; that he or she was 18 years of age and eligible to
383 register to vote at the time the attached form or forms were
384 circulated and signed by the listed electors; that he or she
385 circulated the attached form or forms; that each signature
386 thereon was affixed in the circulator's presence; that to the
387 best of the circulator's knowledge and belief each signature
388 thereon is the signature of the person whose name it purports to
389 be; that to the best of the circulator's knowledge and belief

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

390 each of the persons signing the form or forms was, at the time
391 of signing, a registered elector; that the circulator has not
392 provided or received, and will not in the future provide or
393 receive, compensation that is based, directly or indirectly,
394 upon the number of signatures obtained on petitions; and that he
395 or she has not paid or will not in the future pay, and that he
396 or she believes that no other person has paid or will pay,
397 directly or indirectly, any money or other thing of value to any
398 signer for the purpose of inducing or causing such signer to
399 affix his or her signature to the form.

400 (d) A signature on a petition form regarding ballot
401 placement for an initiative to which an affidavit required by
402 this subsection is not attached is invalid, may not be verified
403 by the supervisor of elections, and may not be counted toward
404 the number of valid signatures required for ballot placement.

405 (7) Each paid petition circulator shall provide to the
406 sponsor of the initiative amendment for which he or she is
407 circulating petitions a copy of a valid and current government-
408 issued photo identification card that accurately indicates the
409 address at which the paid petition circulator resides. The
410 sponsor of the initiative shall maintain the copies of these
411 identification cards in its files and shall make them available
412 for inspection by the division, a supervisor of elections, or
413 any law enforcement agency. If a sponsor fails to maintain such
414 a copy with respect to a particular paid petition circulator,
415 all petitions obtained by that paid petition circulator prior to
416 the date the sponsor produces the required copy of the

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

417 identification card are invalid, may not be verified by the
418 supervisor of elections, and may not be counted toward the
419 number of valid signatures required for ballot placement.

420 (8) A signature on a petition form regarding ballot
421 placement for an initiative which does not fully comply with the
422 applicable provisions of this chapter, or which was obtained in
423 violation of the applicable provisions of this code, is invalid,
424 may not be verified by the supervisor of elections, and may not
425 be counted toward the number of valid signatures required for
426 ballot placement.

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

429 (1) Whenever a constitutional amendment or other public
430 measure is submitted to the vote of the people, the substance of
431 such amendment or other public measure shall be printed in clear
432 and unambiguous language on the ballot after the list of
433 candidates, followed by the word "yes" and also by the word
434 "no," and shall be styled in such a manner that a "yes" vote
435 will indicate approval of the proposal and a "no" vote will
436 indicate rejection. The wording of the substance of the
437 amendment or other public measure and the ballot title to appear
438 on the ballot shall be embodied in the joint resolution,
439 constitutional revision commission proposal, constitutional
440 convention proposal, taxation and budget reform commission
441 proposal, or enabling resolution or ordinance. Except for
442 amendments and ballot language proposed by joint resolution, the
443 substance of the amendment or other public measure shall be an

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

444 explanatory statement, not exceeding 75 words in length, of the
445 chief purpose of the measure. In addition, for every amendment
446 proposed by initiative, the ballot shall include, following the
447 ballot summary, a separate financial impact statement concerning
448 the measure prepared by the Financial Impact Estimating
449 Conference in accordance with s. 100.371(9)(6). The ballot title
450 shall consist of a caption, not exceeding 15 words in length, by
451 which the measure is commonly referred to or spoken of.

452 Section 6. Paragraph (a) of subsection (4) of section
453 101.62, Florida Statutes, is amended to read:

454 101.62 Request for absentee ballots.--

455 (4)(a) To each absent qualified elector overseas who has
456 requested an absentee ballot, the supervisor of elections shall,
457 not fewer than 35 days before the first primary election, mail
458 an absentee ballot. Not fewer than 45 days before the second
459 primary and general election, the supervisor of elections shall
460 mail an advance absentee ballot to those persons requesting
461 ballots for such elections. The advance absentee ballot for the
462 second primary shall be the same as the first primary absentee
463 ballot as to the names of candidates, except that for any
464 offices where there are only two candidates, those offices and
465 all political party executive committee offices shall be
466 omitted. Except as provided in ss. 99.063(4) and 100.371(9)(6),
467 the advance absentee ballot for the general election shall be as
468 specified in s. 101.151, except that in the case of candidates
469 of political parties where nominations were not made in the
470 first primary, the names of the candidates placing first and

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

471 second in the first primary election shall be printed on the
472 advance absentee ballot. The advance absentee ballot or advance
473 absentee ballot information booklet shall be of a different
474 color for each election and also a different color from the
475 absentee ballots for the first primary, second primary, and
476 general election. The supervisor shall mail an advance absentee
477 ballot for the second primary and general election to each
478 qualified absent elector for whom a request is received until
479 the absentee ballots are printed. The supervisor shall enclose
480 with the advance second primary absentee ballot and advance
481 general election absentee ballot an explanation stating that the
482 absentee ballot for the election will be mailed as soon as it is
483 printed; and, if both the advance absentee ballot and the
484 absentee ballot for the election are returned in time to be
485 counted, only the absentee ballot will be counted. The
486 Department of State may prescribe by rule the requirements for
487 preparing and mailing absentee ballots to absent qualified
488 electors overseas.

489 Section 7. Subsection (5) is added to section 104.012,
490 Florida Statutes, to read:

491 104.012 Consideration for registration; interference with
492 registration; soliciting registrations for compensation;
493 alteration of registration application; failing to submit
494 registration application.--

495 (5) Any person who obtains an executed voter registration
496 application from another person and who willfully fails to
497 submit this application to the appropriate supervisor of

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

498 elections within 10 days commits a felony of the third degree,
499 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

500 Section 8. Section 104.185, Florida Statutes, is amended
501 to read:

502 104.185 Violations involving petitions; ~~knowingly signing~~
503 ~~more than once; signing another person's name or a fictitious~~
504 ~~name.--~~

505 (1) A person who knowingly signs a petition or petitions
506 to secure ballot position for a candidate, a minor political
507 party, or an issue more than one time commits a misdemeanor of
508 the first degree, punishable as provided in s. 775.082 or s.
509 775.083 and, upon any subsequent conviction, commits a felony of
510 the third degree, punishable as provided in s. 775.082, s.
511 775.083, or s. 775.084.

512 (2) A person who signs another person's name or a
513 fictitious name to any petition to secure ballot position for a
514 candidate, a minor political party, or an issue commits a
515 misdemeanor of the first degree, punishable as provided in s.
516 775.082 or s. 775.083 and, upon any subsequent conviction,
517 commits a felony of the third degree, punishable as provided in
518 s. 775.082, s. 775.083, or s. 775.084.

519 (3) A person who willfully swears or affirms falsely to
520 any oath or affirmation, or willfully procures another person to
521 swear or affirm falsely to an oath or affirmation, in connection
522 with or arising out of the petitioning process commits a
523 misdemeanor of the first degree, punishable as provided in s.
524 775.082 or s. 775.083 and, upon any subsequent conviction,

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

525 commits a felony of the third degree, punishable as provided in
526 s. 775.082, s. 775.083, or s. 775.084.

527 (4) A person who willfully submits any false information
528 on a petition commits a misdemeanor of the first degree,
529 punishable as provided in s. 775.082 or s. 775.083 and, upon any
530 subsequent conviction, commits a felony of the third degree,
531 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

532 (5) A person who directly or indirectly gives or promises
533 anything of value to any other person to induce that other
534 person to sign a petition commits a misdemeanor of the first
535 degree, punishable as provided in s. 775.082 or s. 775.083 and,
536 upon any subsequent conviction, commits a felony of the third
537 degree, punishable as provided in s. 775.082, s. 775.083, or s.
538 775.084.

539 (6) A person who, by bribery, menace, threat, or other
540 corruption, directly or indirectly influences, deceives, or
541 deters, or attempts to influence, deceive, or deter, any person
542 in the free exercise of that person's right to sign a petition,
543 upon the first conviction commits a misdemeanor of the first
544 degree, punishable as provided in s. 775.082 or s. 775.083 and,
545 upon any subsequent conviction, commits a felony of the third
546 degree, punishable as provided in s. 775.082, s. 775.083, or s.
547 775.084.

548 (7) A person may not provide or receive compensation that
549 is based, directly or indirectly, upon the number of signatures
550 obtained on petitions. A person who violates this subsection
551 commits a misdemeanor of the first degree, punishable as

091657

4/25/2005 9:53:36 PM

Amendment No. (for drafter's use only)

552 provided in s. 775.082 or s. 775.083 and, upon any subsequent
553 conviction, commits a felony of the third degree, punishable as
554 provided in s. 775.082, s. 775.083, or s. 775.084.

555 (8) A person who alters the petition signed by any other
556 person without the other person's knowledge and consent commits
557 a misdemeanor of the first degree, punishable as provided in s.
558 775.082 or s. 775.083 and, upon any subsequent conviction,
559 commits a felony of the third degree, punishable as provided in
560 s. 775.082, s. 775.083, or s. 775.084.

561 (9) A person perpetrating, or attempting to perpetrate or
562 aid in the perpetration of, any fraud in connection with
563 obtaining the signature of electors on petitions commits a
564 misdemeanor of the first degree,

565
566 ===== T I T L E A M E N D M E N T =====

567 Remove line(s) 4-20 and insert:
568 certain petitions to be verified by a certain method;
569 requiring certain provisions to be satisfied before a
570 signature on a petition may be counted; prohibiting
571 compensation to any paid petition circulator in certain
572 circumstances; providing the procedure to contest and
573 resolve the alleged improper verification of certain
574 signatures; amending s. 100.371, F.S.; revising
575 requirements for placement of constitutional amendments
576 proposed by initiative on the ballot for the general
577 election; revising and providing rulemaking authority;
578 providing limitations on the contents of a petition form;

091657

4/25/2005 9:53:36 PM

HOUSE AMENDMENT

Bill No. HB 1471

Amendment No. (for drafter's use only)

579 | establishing compliance criteria for petition forms;
580 | providing an elector's right to mail or deliver the form
581 | to an address provided for that purpose; providing notices
582 | that must be contained in each petition form;

091657

4/25/2005 9:53:36 PM