

CHAMBER ACTION

1 The State Administration Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the petition process; providing a  
7 popular name; amending s. 99.097, F.S.; providing for  
8 certain petitions and petition revocations to be verified  
9 by a certain method; requiring certain provisions to be  
10 satisfied before a signature on a petition may be counted;  
11 prohibiting compensation to any paid petition circulator  
12 in certain circumstances; providing the procedure to  
13 contest and resolve the alleged improper verification of  
14 certain signatures; amending s. 100.371, F.S.; revising  
15 requirements for placement of constitutional amendments  
16 proposed by initiative on the ballot for the general  
17 election; revising and providing rulemaking authority;  
18 providing limitations on the contents of a petition form;  
19 establishing compliance criteria for petition forms;  
20 providing an elector's right to mail or deliver the form  
21 to an address provided for that purpose; providing notices  
22 that must be contained in each petition form; providing  
23 for revocation of an elector's signature; revising the

24 | duties of supervisors of elections; revising requirements  
 25 | relating to the Financial Impact Estimating Conference and  
 26 | financial impact statements; creating s. 100.372, F.S.;  
 27 | providing for the regulation of initiative petition  
 28 | circulators; providing definitions; providing  
 29 | qualification requirements; providing requirements for the  
 30 | practice of paid petition circulation; amending ss.  
 31 | 101.161, and 101.62, F.S.; correcting cross references;  
 32 | amending s. 104.012, F.S.; providing criminal penalties  
 33 | for specified offenses involving voter registration  
 34 | applications; amending s. 104.185, F.S.; revising and  
 35 | providing violations involving petitions and providing  
 36 | penalties therefor; amending s. 104.42, F.S.; revising  
 37 | provisions relating to unlawful registrations, petitions,  
 38 | and voting and the investigation of such matters;  
 39 | requiring documentation and reporting thereof to the  
 40 | Florida Elections Commission within a specified time  
 41 | period; providing for the validity of certain petition  
 42 | signatures gathered before the effective date of the act;  
 43 | requiring previously approved petition forms to be  
 44 | resubmitted for approval in accordance with the  
 45 | requirements of the act; providing severability; providing  
 46 | an effective date.

47 |  
 48 | Be It Enacted by the Legislature of the State of Florida:  
 49 |

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

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52 Section 2. Subsections (1), (3), and (4) of section  
53 99.097, Florida Statutes, are amended, and subsection (6) is  
54 added to said section, to read:

55 99.097 Verification of signatures on petitions.--

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

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

63 (b) A check of a random sample, as provided by the  
64 Department of State, of names and signatures on the petitions.  
65 The sample must be such that a determination can be made as to  
66 whether or not the required number of valid signatures has ~~have~~  
67 been obtained with a reliability of at least 99.5 percent. Rules  
68 and guidelines for this method of petition verification shall be  
69 promulgated by the Department of State, which may include a  
70 requirement that petitions bear an additional number of names  
71 and signatures, not to exceed 15 percent of the names and  
72 signatures otherwise required. If the petitions do not meet such  
73 criteria, then the use of the verification method described in  
74 this paragraph shall not be available to supervisors.

75  
76 Notwithstanding any other provision of law, petitions to secure  
77 ballot placement for an issue, and petition revocations pursuant  
78 to s. 100.371(7), must be verified by the method provided in  
79 paragraph (a).

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80           (3)(a) A signature ~~name~~ on a petition, in a ~~which~~ name  
 81 that is not in substantially the same form as a name on the  
 82 voter registration books, shall be counted as a valid signature  
 83 if, after comparing the signature on the petition with the  
 84 signature of the alleged signer as shown on the registration  
 85 books, the supervisor determines that the person signing the  
 86 petition and the person who registered to vote are one and the  
 87 same. In any situation in which this code requires the form of  
 88 the petition to be prescribed by the division, no signature  
 89 shall be counted toward the number of signatures required unless  
 90 it is on a petition form prescribed by the division. A signature  
 91 on a petition may not be counted toward the number of valid  
 92 signatures required for ballot placement unless all relevant  
 93 provisions of this code have been satisfied.

94           (b) If a voter signs a petition and lists an address other  
 95 than the legal residence where the voter is registered, the  
 96 supervisor shall treat the signature as if the voter had listed  
 97 the address where the voter is registered.

98           (4)(a) The supervisor shall be paid in advance the sum of  
 99 10 cents for each signature checked or the actual cost of  
 100 checking such signature, whichever is less, by the candidate or,  
 101 in the case of a petition to have an issue placed on the ballot,  
 102 by the person or organization submitting the petition. However,  
 103 if a candidate, person, or organization seeking to have an issue  
 104 placed upon the ballot cannot pay such charges without imposing  
 105 an undue burden on personal resources or upon the resources  
 106 otherwise available to such candidate, person, or organization,  
 107 such candidate, person, or organization shall, upon written

108 certification of such inability given under oath to the  
 109 supervisor, be entitled to have the signatures verified at no  
 110 charge. In the event a candidate, person, or organization  
 111 submitting a petition to have an issue placed upon the ballot is  
 112 entitled to have the signatures verified at no charge, the  
 113 supervisor of elections of each county in which the signatures  
 114 are verified at no charge shall submit the total number of such  
 115 signatures checked in the county to the Chief Financial Officer  
 116 no later than December 1 of the general election year, and the  
 117 Chief Financial Officer shall cause such supervisor of elections  
 118 to be reimbursed from the General Revenue Fund in an amount  
 119 equal to 10 cents for each signature ~~name~~ checked or the actual  
 120 cost of checking such signatures, whichever is less. In no event  
 121 shall such reimbursement of costs be deemed or applied as extra  
 122 compensation for the supervisor. Petitions shall be retained by  
 123 the supervisors for a period of 1 year following the election  
 124 for which the petitions were circulated.

125 (b) A person or organization submitting a petition to  
 126 secure ballot placement for an issue which has filed a  
 127 certification of undue burden may not provide compensation to  
 128 any paid petition circulator, as defined in s. 100.372, unless  
 129 the person or organization first pays all supervisors for each  
 130 signature checked or reimburses the General Revenue Fund for  
 131 such costs. If a person or organization subject to this  
 132 paragraph provides compensation to a paid petition circulator  
 133 before the date the person or organization pays all supervisors  
 134 for each signature checked or reimburses the General Revenue  
 135 Fund for such costs, no signature on a petition circulated by

136 | the petition circulator before that date may be counted toward  
 137 | the number of valid signatures required for ballot placement.

138 | (6)(a) The alleged improper verification of a signature on  
 139 | a petition to secure ballot placement for an issue pursuant to  
 140 | this code may be contested in the circuit court by a political  
 141 | committee or by an elector. The contestant shall file a  
 142 | complaint setting forth the basis of the contest, together with  
 143 | the fees prescribed in chapter 28, with the clerk of the circuit  
 144 | court in the county in which the petition is certified or in  
 145 | Leon County if the complaint is directed to petitions certified  
 146 | in more than one county.

147 | (b) If the contestant demonstrates by a preponderance of  
 148 | the evidence that one or more petitions were improperly  
 149 | verified, the signatures appearing on such petitions may not be  
 150 | counted toward the number of valid signatures required for  
 151 | ballot placement. If an action brought under this subsection is  
 152 | resolved after the Secretary of State has issued a certificate  
 153 | of ballot position for the issue, but the contestant  
 154 | demonstrates by a preponderance of the evidence that the person  
 155 | or organization submitting the petition had obtained  
 156 | verification of an insufficient number of valid and verified  
 157 | signatures to qualify for ballot placement, the issue shall be  
 158 | removed from the ballot or, if such action is impractical, any  
 159 | votes cast for or against the issue may not be counted and shall  
 160 | be invalidated.

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

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164 Section 3. Section 100.371, Florida Statutes, as amended  
165 by section 9 of chapter 2002-281, Laws of Florida, is amended to  
166 read:

167 100.371 Initiatives; procedure for placement on ballot.--

168 (1) Constitutional amendments proposed by initiative shall  
169 be placed on the ballot for the general election provided that  
170 an initiative petition is filed with the Secretary of State by  
171 February 1 of the year in which the general election is to be  
172 held occurring in excess of 90 days from the certification of  
173 ballot position by the Secretary of State.

174 (2) ~~Such~~ Certification of ballot position shall be issued  
175 when the Secretary of State has received verification  
176 certificates from the supervisors of elections indicating that  
177 the requisite number and distribution of valid petitions bearing  
178 the signatures of electors have been submitted to and verified  
179 by the supervisors. Every signature shall be dated by the  
180 elector when made. Signatures are ~~and shall be~~ valid for a  
181 period of 4 years following such date, provided all other  
182 requirements of law are satisfied ~~complied with~~.

183 (3) The sponsor of an initiative amendment shall, prior to  
184 obtaining any signatures, register as a political committee  
185 pursuant to s. 106.03 and submit the text of the proposed  
186 amendment to the Secretary of State, with the form on which the  
187 signatures will be affixed, and shall obtain the approval of the  
188 Secretary of State of such form. The division ~~Secretary of State~~  
189 shall adopt rules pursuant to s. 120.54 prescribing the style  
190 and requirements of such form. Upon filing with the Secretary of  
191 State, the text of the proposed amendment and all forms filed in

192 connection with this section must, upon request, be made  
 193 available in alternative formats. The contents of a petition  
 194 form shall be limited to those items required by statute or  
 195 rule. A petition form shall be deemed a political advertisement  
 196 as defined in s. 106.011 and, as such, must comply with all  
 197 relevant requirements of chapter 106.

198 (4) The supervisor of elections shall record the date each  
 199 petition form was received by the supervisor and the date the  
 200 signature on the form was verified as valid. The supervisor  
 201 shall verify that the signature on a petition form is valid only  
 202 if the form complies with all of the following:

203 (a) The form must contain the original signature of the  
 204 purported elector;

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

207 (c) The form must accurately set forth the purported  
 208 elector's name, street address, county, voter registration  
 209 number, and any other information required by the division by  
 210 rule;

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

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

218 (f) The elector must accurately record on the form whether  
 219 the elector was presented with the petition form for his or her



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220 signature by a petition circulator, as defined in s. 100.372(1);  
 221 and

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

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

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

232  
 233 RIGHT TO MAIL-IN - You have the right to take this  
 234 petition home and study the issue before signing. If  
 235 you choose to sign the petition, you may return it to  
 236 the sponsors of the amendment at the following  
 237 address: \_\_\_\_\_.

238  
 239 PAID PETITION CIRCULATOR - The person presenting this  
 240 petition for your signature may be receiving  
 241 compensation to do so. You have the right to ask for  
 242 this information and the person's rate of compensation  
 243 before you sign the petition.

244  
 245 NATURE OF AMENDMENT - The merits of the proposed  
 246 change to the Florida Constitution appearing below

247 have not been officially reviewed by any court or  
 248 agency of state government.

249  
 250 (7) An elector's signature on a petition form may be  
 251 revoked by submitting to the supervisor a signed petition  
 252 revocation form adopted by rule for this purpose by the  
 253 division. The sponsor of an initiative amendment shall provide  
 254 to any elector submitting his or her signature on a petition  
 255 form a revocation form for that initiative. The revocation form  
 256 must contain the address of the Secretary of State to permit the  
 257 elector to submit the revocation form via United States mail.  
 258 The petition revocation form shall be filed with the Secretary  
 259 of State no later than the January 1 preceding the next general  
 260 election or, if the initiative amendment is not certified for  
 261 ballot position in that election, no later than the January 1  
 262 preceding the next succeeding general election. The division  
 263 shall promptly process the revocation form under procedures  
 264 adopted by rule for this purpose by the division.

265 (8)~~(4)~~ The sponsor shall submit signed and dated forms to  
 266 the appropriate supervisor of elections for verification as to  
 267 the number of registered electors whose valid signatures appear  
 268 thereon. The supervisor shall promptly verify the signatures  
 269 upon payment of the fee required by s. 99.097. Upon completion  
 270 of verification, the supervisor shall execute a certificate  
 271 indicating the total number of signatures checked, the number of  
 272 signatures verified as valid and as being of registered  
 273 electors, the number of signatures validly revoked pursuant to  
 274 subsection (7), and the distribution of such signatures by

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275 congressional district. This certificate shall be immediately  
 276 transmitted to the Secretary of State. The supervisor shall  
 277 retain the signed signature forms and revocation forms for at  
 278 least 1 year following the election in which the issue appeared  
 279 on the ballot or until the Division of Elections notifies the  
 280 supervisors of elections that the committee which circulated the  
 281 petition is no longer seeking to obtain ballot position.

282 ~~(9)(5)~~ The Secretary of State shall determine from the  
 283 verification certificates received from supervisors of elections  
 284 the total number of verified valid signatures and the  
 285 distribution of such signatures by congressional districts. Upon  
 286 a determination that the requisite number and distribution of  
 287 valid signatures have been obtained, the secretary shall issue a  
 288 certificate of ballot position for that proposed amendment and  
 289 shall assign a designating number pursuant to s. 101.161. A  
 290 petition shall be deemed to be filed with the Secretary of State  
 291 upon the date of the receipt by the secretary of a certificate  
 292 or certificates from supervisors of elections indicating the  
 293 petition has been signed by the constitutionally required number  
 294 of electors.

295 ~~(10)(6)~~(a) Within 45 days after receipt of a proposed  
 296 revision or amendment to the State Constitution by initiative  
 297 petition from the Secretary of State ~~or, within 30 days after~~  
 298 ~~such receipt if receipt occurs 120 days or less before the~~  
 299 ~~election at which the question of ratifying the amendment will~~  
 300 ~~be presented~~, the Financial Impact Estimating Conference shall  
 301 complete an analysis and financial impact statement to be placed  
 302 on the ballot of the estimated increase or decrease in any

303 revenues or costs to state or local governments resulting from  
 304 the proposed initiative. The Financial Impact Estimating  
 305 Conference shall submit the financial impact statement to the  
 306 Attorney General and Secretary of State.

307 (b)1. The Financial Impact Estimating Conference shall  
 308 provide an opportunity for any proponents or opponents of the  
 309 initiative to submit information and may solicit information or  
 310 analysis from any other entities or agencies, including the  
 311 Office of Economic and Demographic Research. All meetings of the  
 312 Financial Impact Estimating Conference shall be open to the  
 313 public as provided in chapter 286.

314 2. The Financial Impact Estimating Conference is  
 315 established to review, analyze, and estimate the financial  
 316 impact of amendments to or revisions of the State Constitution  
 317 proposed by initiative. The Financial Impact Estimating  
 318 Conference shall consist of four principals: one person from the  
 319 Executive Office of the Governor; the coordinator of the Office  
 320 of Economic and Demographic Research, or his or her designee;  
 321 one person from the professional staff of the Senate; and one  
 322 person from the professional staff of the House of  
 323 Representatives. Each principal shall have appropriate fiscal  
 324 expertise in the subject matter of the initiative. A Financial  
 325 Impact Estimating Conference may be appointed for each  
 326 initiative.

327 3. Principals of the Financial Impact Estimating  
 328 Conference shall reach a consensus or majority concurrence on a  
 329 clear and unambiguous financial impact statement, no more than  
 330 75 words in length, and immediately submit the statement to the

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331 Attorney General. Nothing in this subsection prohibits the  
 332 Financial Impact Estimating Conference from setting forth a  
 333 range of potential impacts in the financial impact statement.  
 334 Any financial impact statement that a court finds not to be in  
 335 accordance with this section shall be remanded solely to the  
 336 Financial Impact Estimating Conference for redrafting. The  
 337 Financial Impact Estimating Conference shall redraft the  
 338 financial impact statement within 15 days.

339 4. If the members of the Financial Impact Estimating  
 340 Conference are unable to agree on the statement required by this  
 341 subsection, or if the Supreme Court has rejected the initial  
 342 submission by the Financial Impact Estimating Conference and no  
 343 redraft has been approved by the Supreme Court by April 1 of the  
 344 year in which the general election is to be held ~~5 p.m. on the~~  
 345 ~~75th day before the election~~, the following statement shall  
 346 appear on the ballot pursuant to s. 101.161(1): "The financial  
 347 impact of this measure, if any, cannot be reasonably determined  
 348 at this time."

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

352 (d)1. Any financial impact statement that the Supreme  
 353 Court finds not to be in accordance with this subsection shall  
 354 be remanded solely to the Financial Impact Estimating Conference  
 355 for redrafting, provided the court's advisory opinion is  
 356 rendered by April 1 of the year in which the general election is  
 357 to be held ~~at least 75 days before the election at which the~~  
 358 ~~question of ratifying the amendment will be presented~~. The

359 Financial Impact Estimating Conference shall prepare and adopt a  
 360 revised financial impact statement no later than 5 p.m. on the  
 361 15th day after the date of the court's opinion.

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

370 3. In addition to the financial impact statement required  
 371 by this subsection, the Financial Impact Estimating Conference  
 372 shall draft an initiative financial information statement. The  
 373 initiative financial information statement should describe in  
 374 greater detail than the financial impact statement any projected  
 375 increase or decrease in revenues or costs that the state or  
 376 local governments would likely experience if the ballot measure  
 377 were approved. If appropriate, the initiative financial  
 378 information statement may include both estimated dollar amounts  
 379 and a description placing the estimated dollar amounts into  
 380 context. The initiative financial information statement must  
 381 include both a summary of not more than 500 words and additional  
 382 detailed information that includes the assumptions that were  
 383 made to develop the financial impacts, workpapers, and any other  
 384 information deemed relevant by the Financial Impact Estimating  
 385 Conference.

386           4. The Department of State shall have printed, and shall  
387 furnish to each supervisor of elections, a copy of the summary  
388 from the initiative financial information statements. The  
389 supervisors shall have the summary from the initiative financial  
390 information statements available at each polling place and at  
391 the main office of the supervisor of elections upon request.

392           5. The Secretary of State and the Office of Economic and  
393 Demographic Research shall make available on the Internet each  
394 initiative financial information statement in its entirety. In  
395 addition, each supervisor of elections whose office has a  
396 website shall post the summary from each initiative financial  
397 information statement on the website. Each supervisor shall  
398 include the Internet addresses for the information statements on  
399 the Secretary of State's and the Office of Economic and  
400 Demographic Research's websites in the publication or mailing  
401 required by s. 101.20.

402           ~~(11)(7)~~ The Department of State may adopt rules in  
403 accordance with s. 120.54 to carry out this section ~~the~~  
404 ~~provisions of subsections (1)-(6)~~.

405           Section 4. Section 100.372, Florida Statutes, is created  
406 to read:

407           100.372 Regulation of initiative petition circulators.--

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

409           (a) "Petition circulator" is any person who, in the  
410 context of a direct face-to-face conversation, presents to  
411 another person for his or her possible signature a petition form  
412 or petition revocation form regarding ballot placement for an  
413 initiative.

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

417 (2) A petition circulator must be, at the time the  
 418 petition circulator presents to any person for his or her  
 419 possible signature a petition form or petition revocation form  
 420 regarding ballot placement for an initiative, at least 18 years  
 421 of age and eligible to register to vote in this state pursuant  
 422 to s. 97.041.

423 (3) A paid petitioner circulator shall, when engaged in  
 424 the activities described in paragraph (1)(a), wear a prominent  
 425 badge, in a form and manner prescribed by rule by the division,  
 426 identifying him or her as a "PAID PETITION CIRCULATOR."

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

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

433 (b) Permit such conduct on the property subject to time,  
 434 place, and manner restrictions that are reasonable and uniformly  
 435 applied.

436 (5) Prior to being presented to a possible elector for  
 437 signature, a petition form or petition revocation form regarding  
 438 ballot placement for an initiative must set forth the following  
 439 information in a format and manner prescribed by rule by the  
 440 division:



441        (a) The name of any organization or entity with which the  
 442 petition circulator is affiliated and on behalf of which the  
 443 petition circulator is presenting forms to electors for possible  
 444 signature.

445        (b) The name of the sponsor of the initiative if different  
 446 from the entity with which the petition circulator is  
 447 affiliated.

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

451        (d) A statement disclosing whether the petition circulator  
 452 is a paid petition circulator, and, if so, the amount or rate of  
 453 compensation and the name and address of the person or entity  
 454 paying the compensation to the paid petition circulator.

455        (6)(a) A paid petition circulator shall attach to each  
 456 signed petition form, petition revocation form, or group of such  
 457 forms obtained by the paid petition circulator a signed,  
 458 notarized, and dated affidavit executed by the paid petition  
 459 circulator in a form prescribed by rule by the division. If the  
 460 affidavit pertains to a group of forms, the forms shall be  
 461 consecutively numbered on their face by the paid petition  
 462 circulator and the affidavit shall refer to the forms by number.

463        (b) The affidavit shall include the paid petition  
 464 circulator's printed name; the street address at which he or she  
 465 resides, including county; the petition circulator's date of  
 466 birth; the petition circulator's Florida voter registration  
 467 number and county of registration, if applicable, or an  
 468 identification number from a valid government-issued photo

469 identification card along with information identifying the  
 470 issuer; and the date he or she signed the affidavit.

471 (c) The affidavit shall attest that the paid petition  
 472 circulator has read and understands the laws governing the  
 473 circulation of petition and petition revocation forms regarding  
 474 ballot placement for an initiative; that he or she was 18 years  
 475 of age and eligible to register to vote at the time the attached  
 476 form or forms were circulated and signed by the listed electors;  
 477 that he or she circulated the attached form or forms; that each  
 478 signature thereon was affixed in the circulator's presence; that  
 479 each signature thereon is the signature of the person whose name  
 480 it purports to be; that to the best of the circulator's  
 481 knowledge and belief each of the persons signing the form or  
 482 forms was, at the time of signing, a registered elector; that  
 483 the circulator has not provided or received, and will not in the  
 484 future provide or receive, compensation that is based, directly  
 485 or indirectly, upon the number of signatures obtained on  
 486 petitions or petition revocation forms; and that he or she has  
 487 not paid or will not in the future pay, and that he or she  
 488 believes that no other person has paid or will pay, directly or  
 489 indirectly, any money or other thing of value to any signer for  
 490 the purpose of inducing or causing such signer to affix his or  
 491 her signature to the form.

492 (d) A signature on a petition form or petition revocation  
 493 form regarding ballot placement for an initiative to which an  
 494 affidavit required by this subsection is not attached is  
 495 invalid, may not be verified by the supervisor of elections, and

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496 may not be counted toward the number of valid signatures  
497 required for ballot placement.

498 (7) Each paid petition circulator shall provide to the  
499 sponsor of the initiative amendment for which he or she is  
500 circulating petitions a copy of a valid and current government-  
501 issued photo identification card that accurately indicates the  
502 address at which the paid petition circulator resides. The  
503 sponsor of the initiative shall maintain the copies of these  
504 identification cards in its files and shall make them available  
505 for inspection by the division, a supervisor of elections, or  
506 any law enforcement agency. If a sponsor fails to maintain such  
507 a copy with respect to a particular paid petition circulator,  
508 all petitions obtained by that paid petition circulator prior to  
509 the date the sponsor produces the required copy of the  
510 identification card are invalid, may not be verified by the  
511 supervisor of elections, and may not be counted toward the  
512 number of valid signatures required for ballot placement.

513 (8) A signature on a petition form or petition revocation  
514 form regarding ballot placement for an initiative which does not  
515 fully comply with the applicable provisions of this chapter, or  
516 which was obtained in violation of the applicable provisions of  
517 this code, is invalid, may not be verified by the supervisor of  
518 elections, and may not be counted toward the number of valid  
519 signatures required for ballot placement.

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

522 (1) Whenever a constitutional amendment or other public  
523 measure is submitted to the vote of the people, the substance of

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524 such amendment or other public measure shall be printed in clear  
 525 and unambiguous language on the ballot after the list of  
 526 candidates, followed by the word "yes" and also by the word  
 527 "no," and shall be styled in such a manner that a "yes" vote  
 528 will indicate approval of the proposal and a "no" vote will  
 529 indicate rejection. The wording of the substance of the  
 530 amendment or other public measure and the ballot title to appear  
 531 on the ballot shall be embodied in the joint resolution,  
 532 constitutional revision commission proposal, constitutional  
 533 convention proposal, taxation and budget reform commission  
 534 proposal, or enabling resolution or ordinance. Except for  
 535 amendments and ballot language proposed by joint resolution, the  
 536 substance of the amendment or other public measure shall be an  
 537 explanatory statement, not exceeding 75 words in length, of the  
 538 chief purpose of the measure. In addition, for every amendment  
 539 proposed by initiative, the ballot shall include, following the  
 540 ballot summary, a separate financial impact statement concerning  
 541 the measure prepared by the Financial Impact Estimating  
 542 Conference in accordance with s. 100.371(10)(~~6~~). The ballot  
 543 title shall consist of a caption, not exceeding 15 words in  
 544 length, by which the measure is commonly referred to or spoken  
 545 of.

546 Section 6. Paragraph (a) of subsection (4) of section  
 547 101.62, Florida Statutes, is amended to read:

548 101.62 Request for absentee ballots.--

549 (4)(a) To each absent qualified elector overseas who has  
 550 requested an absentee ballot, the supervisor of elections shall,  
 551 not fewer than 35 days before the first primary election, mail

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552 an absentee ballot. Not fewer than 45 days before the second  
553 primary and general election, the supervisor of elections shall  
554 mail an advance absentee ballot to those persons requesting  
555 ballots for such elections. The advance absentee ballot for the  
556 second primary shall be the same as the first primary absentee  
557 ballot as to the names of candidates, except that for any  
558 offices where there are only two candidates, those offices and  
559 all political party executive committee offices shall be  
560 omitted. Except as provided in ss. 99.063(4) and 100.371(10)(~~6~~),  
561 the advance absentee ballot for the general election shall be as  
562 specified in s. 101.151, except that in the case of candidates  
563 of political parties where nominations were not made in the  
564 first primary, the names of the candidates placing first and  
565 second in the first primary election shall be printed on the  
566 advance absentee ballot. The advance absentee ballot or advance  
567 absentee ballot information booklet shall be of a different  
568 color for each election and also a different color from the  
569 absentee ballots for the first primary, second primary, and  
570 general election. The supervisor shall mail an advance absentee  
571 ballot for the second primary and general election to each  
572 qualified absent elector for whom a request is received until  
573 the absentee ballots are printed. The supervisor shall enclose  
574 with the advance second primary absentee ballot and advance  
575 general election absentee ballot an explanation stating that the  
576 absentee ballot for the election will be mailed as soon as it is  
577 printed; and, if both the advance absentee ballot and the  
578 absentee ballot for the election are returned in time to be  
579 counted, only the absentee ballot will be counted. The

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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580 Department of State may prescribe by rule the requirements for  
581 preparing and mailing absentee ballots to absent qualified  
582 electors overseas.

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

585 104.012 Consideration for registration; interference with  
586 registration; soliciting registrations for compensation;  
587 alteration of registration application; failing to submit  
588 registration application.--

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

594 Section 8. Section 104.185, Florida Statutes, is amended  
595 to read:

596 104.185 Violations involving petitions; ~~knowingly signing~~  
597 ~~more than once; signing another person's name or a fictitious~~  
598 ~~name~~.--

599 (1) A person who knowingly signs a petition or petitions  
600 to secure ballot position for a candidate, a minor political  
601 party, or an issue more than one time commits a misdemeanor of  
602 the first degree, punishable as provided in s. 775.082 or s.  
603 775.083 and, upon any subsequent conviction, commits a felony of  
604 the third degree, punishable as provided in s. 775.082, s.  
605 775.083, or s. 775.084.

606 (2) A person who signs another person's name or a  
607 fictitious name to any petition to secure ballot position for a

608 candidate, a minor political party, or an issue, or to a  
 609 petition revocation form, commits a misdemeanor of the first  
 610 degree, punishable as provided in s. 775.082 or s. 775.083 and,  
 611 upon any subsequent conviction, commits a felony of the third  
 612 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 613 775.084.

614 (3) A person who willfully swears or affirms falsely to  
 615 any oath or affirmation, or willfully procures another person to  
 616 swear or affirm falsely to an oath or affirmation, in connection  
 617 with or arising out of the petitioning process commits a  
 618 misdemeanor of the first degree, punishable as provided in s.  
 619 775.082 or s. 775.083 and, upon any subsequent conviction,  
 620 commits a felony of the third degree, punishable as provided in  
 621 s. 775.082, s. 775.083, or s. 775.084.

622 (4) A person who willfully submits any false information  
 623 on a petition or petition revocation form commits a misdemeanor  
 624 of the first degree, punishable as provided in s. 775.082 or s.  
 625 775.083 and, upon any subsequent conviction, commits a felony of  
 626 the third degree, punishable as provided in s. 775.082, s.  
 627 775.083, or s. 775.084.

628 (5) A person who directly or indirectly gives or promises  
 629 anything of value to any other person to induce that other  
 630 person to sign a petition or petition revocation form commits a  
 631 misdemeanor of the first degree, punishable as provided in s.  
 632 775.082 or s. 775.083 and, upon any subsequent conviction,  
 633 commits a felony of the third degree, punishable as provided in  
 634 s. 775.082, s. 775.083, or s. 775.084.

635       (6) A person who, by bribery, menace, threat, or other  
 636 corruption, directly or indirectly influences, deceives, or  
 637 deters, or attempts to influence, deceive, or deter, any person  
 638 in the free exercise of that person's right to sign a petition  
 639 or petition revocation form, upon the first conviction commits a  
 640 misdemeanor of the first degree, punishable as provided in s.  
 641 775.082 or s. 775.083 and, upon any subsequent conviction,  
 642 commits a felony of the third degree, punishable as provided in  
 643 s. 775.082, s. 775.083, or s. 775.084.

644       (7) A person may not provide or receive compensation that  
 645 is based, directly or indirectly, upon the number of signatures  
 646 obtained on petitions or petition revocation forms. A person who  
 647 violates this subsection commits a misdemeanor of the first  
 648 degree, punishable as provided in s. 775.082 or s. 775.083 and,  
 649 upon any subsequent conviction, commits a felony of the third  
 650 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 651 775.084.

652       (8) A person who alters the petition or petition  
 653 revocation form signed by any other person without the other  
 654 person's knowledge and consent commits a misdemeanor of the  
 655 first degree, punishable as provided in s. 775.082 or s. 775.083  
 656 and, upon any subsequent conviction, commits a felony of the  
 657 third degree, punishable as provided in s. 775.082, s. 775.083,  
 658 or s. 775.084.

659       (9) A person perpetrating, or attempting to perpetrate or  
 660 aid in the perpetration of, any fraud in connection with  
 661 obtaining the signature of electors on petitions or petition  
 662 revocation forms commits a misdemeanor of the first degree,



663 punishable as provided in s. 775.082 or s. 775.083 and, upon any  
 664 subsequent conviction, commits a felony of the third degree,  
 665 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

666 (10) In addition to any other penalty provided for by law,  
 667 if a paid petition circulator, as defined in s. 100.372(1),  
 668 violates any provision of this section, the Florida Elections  
 669 Commission may, pursuant to s. 106.265, impose a civil penalty  
 670 in the form of a fine not to exceed \$1,000 per violation on any  
 671 person or entity on behalf of which the petition circulator was  
 672 acting at the time of the violation.

673 Section 9. Section 104.42, Florida Statutes, is amended to  
 674 read:

675 104.42 Unlawful registrations, petitions, ~~Fraudulent~~  
 676 ~~registration~~ and ~~illegal~~ voting; investigation.--

677 (1) The supervisor of elections is authorized to  
 678 investigate unlawful ~~fraudulent~~ registrations, petitions, and  
 679 ~~illegal~~ voting and to report his or her findings to the local  
 680 state attorney, the Florida Department of Law Enforcement, and  
 681 the Florida Elections Commission.

682 (2) The board of county commissioners in any county may  
 683 appropriate funds to the supervisor of elections for the purpose  
 684 of investigating unlawful ~~fraudulent~~ registrations, petitions,  
 685 and ~~illegal~~ voting.

686 (3) The supervisor of elections shall document and report  
 687 suspected unlawful registrations, petitions, and voting to the  
 688 Florida Elections Commission within 10 days of acquiring  
 689 reasonable suspicion about the lawfulness of the registrations,  
 690 petitions, and voting.

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691           Section 10. Any signature gathered on an authorized form  
692 for an initiative petition that has been submitted for  
693 verification prior to the effective date of this act may be  
694 verified and counted if otherwise valid. However, any petition  
695 form that is submitted for verification on or after the  
696 effective date of this act shall be verified and counted only if  
697 it complies with all the provisions of this act. Any initiative  
698 petition form approved by the Secretary of State prior to the  
699 effective date of this act is hereby invalidated, and a new  
700 petition form must be resubmitted to the Secretary of State for  
701 approval in accordance with the requirements of this act prior  
702 to obtaining elector signatures.

703           Section 11. If any provision of this act or its  
704 application to any person or circumstance is held invalid, the  
705 invalidity does not affect other provisions or applications of  
706 the act which can be given effect without the invalid provision  
707 or application, and to this end the provisions of this act are  
708 declared severable.

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