

1 A bill to be entitled

2 An act relating to the petition process; providing a  
3 popular name; amending s. 99.097, F.S.; providing for  
4 certain petitions to be verified by a certain method;  
5 requiring certain provisions to be satisfied before a  
6 signature on a petition may be counted; prohibiting  
7 compensation to any paid petition circulator in certain  
8 circumstances; providing the procedure to contest and  
9 resolve the alleged improper verification of certain  
10 signatures; amending s. 100.371, F.S.; revising  
11 requirements for placement of constitutional amendments  
12 proposed by initiative on the ballot for the general  
13 election; revising and providing rulemaking authority;  
14 providing limitations on the contents of a petition form;  
15 establishing compliance criteria for petition forms;  
16 providing an elector's right to mail or deliver the form  
17 to an address provided for that purpose; providing notices  
18 that must be contained in each petition form; revising the  
19 duties of supervisors of elections; revising requirements  
20 relating to the Financial Impact Estimating Conference and  
21 financial impact statements; creating s. 100.372, F.S.;  
22 providing for the regulation of initiative petition  
23 circulators; providing definitions; providing  
24 qualification requirements; providing requirements for the  
25 practice of paid petition circulation; amending ss.  
26 101.161, and 101.62, F.S.; correcting cross references;  
27 amending s. 104.012, F.S.; providing criminal penalties  
28 for specified offenses involving voter registration

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29 applications; amending s. 104.185, F.S.; revising and  
30 providing violations involving petitions and providing  
31 penalties therefor; amending s. 104.42, F.S.; revising  
32 provisions relating to unlawful registrations, petitions,  
33 and voting and the investigation of such matters;  
34 requiring documentation and reporting thereof to the  
35 Florida Elections Commission within a specified time  
36 period; providing for the validity of certain petition  
37 signatures gathered before the effective date of the act;  
38 requiring previously approved petition forms to be  
39 resubmitted for approval in accordance with the  
40 requirements of the act; providing severability; providing  
41 an effective date.

42

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

44

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

47 Section 2. Subsections (1), (3), and (4) of section  
48 99.097, Florida Statutes, are amended, and subsection (6) is  
49 added to said section, to read:

50 99.097 Verification of signatures on petitions.--

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

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

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

70  
 71 Notwithstanding any other provision of law, petitions to secure  
 72 ballot placement for an issue must be verified by the method  
 73 provided in paragraph (a).

74 (3)(a) A signature ~~name~~ on a petition, in a ~~which~~ name  
 75 that is not in substantially the same form as a name on the  
 76 voter registration books, shall be counted as a valid signature  
 77 if, after comparing the signature on the petition with the  
 78 signature of the alleged signer as shown on the registration  
 79 books, the supervisor determines that the person signing the  
 80 petition and the person who registered to vote are one and the  
 81 same. In any situation in which this code requires the form of  
 82 the petition to be prescribed by the division, no signature  
 83 shall be counted toward the number of signatures required unless

84 it is on a petition form prescribed by the division. A signature  
85 on a petition may not be counted toward the number of valid  
86 signatures required for ballot placement unless all relevant  
87 provisions of this code have been satisfied.

88 (b) If a voter signs a petition and lists an address other  
89 than the legal residence where the voter is registered, the  
90 supervisor shall treat the signature as if the voter had listed  
91 the address where the voter is registered.

92 (4) (a) The supervisor shall be paid in advance the sum of  
93 10 cents for each signature checked or the actual cost of  
94 checking such signature, whichever is less, by the candidate or,  
95 in the case of a petition to have an issue placed on the ballot,  
96 by the person or organization submitting the petition. However,  
97 if a candidate, person, or organization seeking to have an issue  
98 placed upon the ballot cannot pay such charges without imposing  
99 an undue burden on personal resources or upon the resources  
100 otherwise available to such candidate, person, or organization,  
101 such candidate, person, or organization shall, upon written  
102 certification of such inability given under oath to the  
103 supervisor, be entitled to have the signatures verified at no  
104 charge. In the event a candidate, person, or organization  
105 submitting a petition to have an issue placed upon the ballot is  
106 entitled to have the signatures verified at no charge, the  
107 supervisor of elections of each county in which the signatures  
108 are verified at no charge shall submit the total number of such  
109 signatures checked in the county to the Chief Financial Officer  
110 no later than December 1 of the general election year, and the  
111 Chief Financial Officer shall cause such supervisor of elections

112 to be reimbursed from the General Revenue Fund in an amount  
113 equal to 10 cents for each signature ~~name~~ checked or the actual  
114 cost of checking such signatures, whichever is less. In no event  
115 shall such reimbursement of costs be deemed or applied as extra  
116 compensation for the supervisor. Petitions shall be retained by  
117 the supervisors for a period of 1 year following the election  
118 for which the petitions were circulated.

119 (b) A person or organization submitting a petition to  
120 secure ballot placement for an issue which has filed a  
121 certification of undue burden may not provide compensation to  
122 any paid petition circulator, as defined in s. 100.372, unless  
123 the person or organization first pays all supervisors for each  
124 signature checked or reimburses the General Revenue Fund for  
125 such costs. If a person or organization subject to this  
126 paragraph provides compensation to a paid petition circulator  
127 before the date the person or organization pays all supervisors  
128 for each signature checked or reimburses the General Revenue  
129 Fund for such costs, no signature on a petition circulated by  
130 the petition circulator before that date may be counted toward  
131 the number of valid signatures required for ballot placement.

132 (6) (a) The alleged improper verification of a signature on  
133 a petition to secure ballot placement for an issue pursuant to  
134 this code may be contested in the circuit court by a political  
135 committee or by an elector. The contestant shall file a  
136 complaint setting forth the basis of the contest, together with  
137 the fees prescribed in chapter 28, with the clerk of the circuit  
138 court in the county in which the petition is certified or in

139 Leon County if the complaint is directed to petitions certified  
 140 in more than one county.

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

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

158 Section 3. Section 100.371, Florida Statutes, as amended  
 159 by section 9 of chapter 2002-281, Laws of Florida, is amended to  
 160 read:

161 100.371 Initiatives; procedure for placement on ballot.--

162 (1) Constitutional amendments proposed by initiative shall  
 163 be placed on the ballot for the general election provided that  
 164 an initiative petition is filed with the Secretary of State by  
 165 February 1 of the year in which the general election is to be

166 ~~held occurring in excess of 90 days from the certification of~~  
167 ~~ballot position by the Secretary of State.~~

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

177 (3) The sponsor of an initiative amendment shall, prior to  
178 obtaining any signatures, register as a political committee  
179 pursuant to s. 106.03 and submit the text of the proposed  
180 amendment to the Secretary of State, with the form on which the  
181 signatures will be affixed, and shall obtain the approval of the  
182 Secretary of State of such form. The division ~~Secretary of State~~  
183 shall adopt rules pursuant to s. 120.54 prescribing the style  
184 and requirements of such form. Upon filing with the Secretary of  
185 State, the text of the proposed amendment and all forms filed in  
186 connection with this section must, upon request, be made  
187 available in alternative formats. The contents of a petition  
188 form shall be limited to those items required by statute or  
189 rule. A petition form shall be deemed a political advertisement  
190 as defined in s. 106.011 and, as such, must comply with all  
191 relevant requirements of chapter 106.

192 (4) The supervisor of elections shall record the date each  
193 petition form was received by the supervisor and the date the

194 signature on the form was verified as valid. The supervisor  
195 shall verify that the signature on a petition form is valid only  
196 if the form complies with all of the following:

197 (a) The form must contain the original signature of the  
198 purported elector;

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

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

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

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

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

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

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



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

226  
 227        RIGHT TO MAIL-IN - You have the right to take this  
 228 petition home and study the issue before signing. If  
 229 you choose to sign the petition, you may return it to  
 230 the sponsors of the amendment at the following  
 231 address: \_\_\_\_\_.

232  
 233        PAID PETITION CIRCULATOR - The person presenting this  
 234 petition for your signature may be receiving  
 235 compensation to do so. You have the right to ask for  
 236 this information and the person's rate of compensation  
 237 before you sign the petition.

238  
 239        NATURE OF AMENDMENT - The merits of the proposed  
 240 change to the Florida Constitution appearing below  
 241 have not been officially reviewed by any court or  
 242 agency of state government.

243  
 244        (7)-(4) The sponsor shall submit signed and dated forms to  
 245 the appropriate supervisor of elections for verification as to  
 246 the number of registered electors whose valid signatures appear  
 247 thereon. The supervisor shall promptly verify the signatures  
 248 upon payment of the fee required by s. 99.097. Upon completion  
 249 of verification, the supervisor shall execute a certificate

250 indicating the total number of signatures checked, the number of  
251 signatures verified as valid and as being of registered  
252 electors, and the distribution of such signatures by  
253 congressional district. This certificate shall be immediately  
254 transmitted to the Secretary of State. The supervisor shall  
255 retain the signed signature forms for at least 1 year following  
256 the election in which the issue appeared on the ballot or until  
257 the Division of Elections notifies the supervisors of elections  
258 that the committee which circulated the petition is no longer  
259 seeking to obtain ballot position.

260 (8)~~(5)~~ The Secretary of State shall determine from the  
261 verification certificates received from supervisors of elections  
262 the total number of verified valid signatures and the  
263 distribution of such signatures by congressional districts. Upon  
264 a determination that the requisite number and distribution of  
265 valid signatures have been obtained, the secretary shall issue a  
266 certificate of ballot position for that proposed amendment and  
267 shall assign a designating number pursuant to s. 101.161. A  
268 petition shall be deemed to be filed with the Secretary of State  
269 upon the date of the receipt by the secretary of a certificate  
270 or certificates from supervisors of elections indicating the  
271 petition has been signed by the constitutionally required number  
272 of electors.

273 (9)~~(6)~~(a) Within 45 days after receipt of a proposed  
274 revision or amendment to the State Constitution by initiative  
275 petition from the Secretary of State ~~or, within 30 days after~~  
276 ~~such receipt if receipt occurs 120 days or less before the~~  
277 ~~election at which the question of ratifying the amendment will~~

278 | ~~be presented~~, the Financial Impact Estimating Conference shall  
279 | complete an analysis and financial impact statement to be placed  
280 | on the ballot of the estimated increase or decrease in any  
281 | revenues or costs to state or local governments resulting from  
282 | the proposed initiative. The Financial Impact Estimating  
283 | Conference shall submit the financial impact statement to the  
284 | Attorney General and Secretary of State.

285 |       (b)1. The Financial Impact Estimating Conference shall  
286 | provide an opportunity for any proponents or opponents of the  
287 | initiative to submit information and may solicit information or  
288 | analysis from any other entities or agencies, including the  
289 | Office of Economic and Demographic Research. All meetings of the  
290 | Financial Impact Estimating Conference shall be open to the  
291 | public as provided in chapter 286.

292 |       2. The Financial Impact Estimating Conference is  
293 | established to review, analyze, and estimate the financial  
294 | impact of amendments to or revisions of the State Constitution  
295 | proposed by initiative. The Financial Impact Estimating  
296 | Conference shall consist of four principals: one person from the  
297 | Executive Office of the Governor; the coordinator of the Office  
298 | of Economic and Demographic Research, or his or her designee;  
299 | one person from the professional staff of the Senate; and one  
300 | person from the professional staff of the House of  
301 | Representatives. Each principal shall have appropriate fiscal  
302 | expertise in the subject matter of the initiative. A Financial  
303 | Impact Estimating Conference may be appointed for each  
304 | initiative.

305           3. Principals of the Financial Impact Estimating  
306 Conference shall reach a consensus or majority concurrence on a  
307 clear and unambiguous financial impact statement, no more than  
308 75 words in length, and immediately submit the statement to the  
309 Attorney General. Nothing in this subsection prohibits the  
310 Financial Impact Estimating Conference from setting forth a  
311 range of potential impacts in the financial impact statement.  
312 Any financial impact statement that a court finds not to be in  
313 accordance with this section shall be remanded solely to the  
314 Financial Impact Estimating Conference for redrafting. The  
315 Financial Impact Estimating Conference shall redraft the  
316 financial impact statement within 15 days.

317           4. If the members of the Financial Impact Estimating  
318 Conference are unable to agree on the statement required by this  
319 subsection, or if the Supreme Court has rejected the initial  
320 submission by the Financial Impact Estimating Conference and no  
321 redraft has been approved by the Supreme Court by April 1 of the  
322 year in which the general election is to be held ~~5 p.m. on the~~  
323 ~~75th day before the election~~, the following statement shall  
324 appear on the ballot pursuant to s. 101.161(1): "The financial  
325 impact of this measure, if any, cannot be reasonably determined  
326 at this time."

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

330           (d)1. Any financial impact statement that the Supreme  
331 Court finds not to be in accordance with this subsection shall  
332 be remanded solely to the Financial Impact Estimating Conference

333 | for redrafting, provided the court's advisory opinion is  
334 | rendered by April 1 of the year in which the general election is  
335 | to be held at least 75 days before the election at which the  
336 | question of ratifying the amendment will be presented. The  
337 | Financial Impact Estimating Conference shall prepare and adopt a  
338 | revised financial impact statement no later than 5 p.m. on the  
339 | 15th day after the date of the court's opinion.

340 |         2. If, by 5 p.m. on April 1 of the year in which the  
341 | general election is to be held the 75th day before the election,  
342 | the Supreme Court has not issued an advisory opinion on the  
343 | initial financial impact statement prepared by the Financial  
344 | Impact Estimating Conference for an initiative amendment that  
345 | otherwise meets the legal requirements for ballot placement, the  
346 | financial impact statement shall be deemed approved for  
347 | placement on the ballot.

348 |         3. In addition to the financial impact statement required  
349 | by this subsection, the Financial Impact Estimating Conference  
350 | shall draft an initiative financial information statement. The  
351 | initiative financial information statement should describe in  
352 | greater detail than the financial impact statement any projected  
353 | increase or decrease in revenues or costs that the state or  
354 | local governments would likely experience if the ballot measure  
355 | were approved. If appropriate, the initiative financial  
356 | information statement may include both estimated dollar amounts  
357 | and a description placing the estimated dollar amounts into  
358 | context. The initiative financial information statement must  
359 | include both a summary of not more than 500 words and additional  
360 | detailed information that includes the assumptions that were

361 made to develop the financial impacts, workpapers, and any other  
 362 information deemed relevant by the Financial Impact Estimating  
 363 Conference.

364 4. The Department of State shall have printed, and shall  
 365 furnish to each supervisor of elections, a copy of the summary  
 366 from the initiative financial information statements. The  
 367 supervisors shall have the summary from the initiative financial  
 368 information statements available at each polling place and at  
 369 the main office of the supervisor of elections upon request.

370 5. The Secretary of State and the Office of Economic and  
 371 Demographic Research shall make available on the Internet each  
 372 initiative financial information statement in its entirety. In  
 373 addition, each supervisor of elections whose office has a  
 374 website shall post the summary from each initiative financial  
 375 information statement on the website. Each supervisor shall  
 376 include the Internet addresses for the information statements on  
 377 the Secretary of State's and the Office of Economic and  
 378 Demographic Research's websites in the publication or mailing  
 379 required by s. 101.20.

380 ~~(10)-(7)~~ The Department of State may adopt rules in  
 381 accordance with s. 120.54 to carry out this section ~~the~~  
 382 ~~provisions of subsections (1)-(6)~~.

383 Section 4. Section 100.372, Florida Statutes, is created  
 384 to read:

385 100.372 Regulation of initiative petition circulators.--

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

387 (a) "Petition circulator" is any person who, in the  
 388 context of a direct face-to-face conversation, presents to

389 another person for his or her possible signature a petition form  
 390 regarding ballot placement for an initiative.

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

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

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

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

406 (a) Prohibit petition circulators from operating on the  
 407 property and prohibit persons from engaging in other activities  
 408 supporting or opposing an initiative; or

409 (b) Permit such conduct on the property subject to time,  
 410 place, and manner restrictions that are reasonable and uniformly  
 411 applied.

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

416       (a) The name of any organization or entity with which the  
417 petition circulator is affiliated and on behalf of which the  
418 petition circulator is presenting forms to electors for possible  
419 signature.

420       (b) The name of the sponsor of the initiative if different  
421 from the entity with which the petition circulator is  
422 affiliated.

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

426       (d) A statement disclosing whether the petition circulator  
427 is a paid petition circulator, and, if so, the amount or rate of  
428 compensation and the name and address of the person or entity  
429 paying the compensation to the paid petition circulator.

430       (6) (a) A paid petition circulator shall attach to each  
431 signed petition form or group of petition forms obtained by the  
432 paid petition circulator a signed, notarized, and dated  
433 affidavit executed by the paid petition circulator in a form  
434 prescribed by rule by the division. If the affidavit pertains to  
435 a group of forms, the forms shall be consecutively numbered on  
436 their face by the paid petition circulator and the affidavit  
437 shall refer to the forms by number.

438       (b) The affidavit shall include the paid petition  
439 circulator's printed name; the street address at which he or she  
440 resides, including county; the petition circulator's date of  
441 birth; the petition circulator's Florida voter registration  
442 number and county of registration, if applicable, or an  
443 identification number from a valid government-issued photo



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

446 (c) The affidavit shall attest that the paid petition  
447 circulator has read and understands the laws governing the  
448 circulation of petition forms regarding ballot placement for an  
449 initiative; that he or she was 18 years of age and eligible to  
450 register to vote at the time the attached form or forms were  
451 circulated and signed by the listed electors; that he or she  
452 circulated the attached form or forms; that each signature  
453 thereon was affixed in the circulator's presence; that to the  
454 best of the circulator's knowledge and belief each signature  
455 thereon is the signature of the person whose name it purports to  
456 be; that to the best of the circulator's knowledge and belief  
457 each of the persons signing the form or forms was, at the time  
458 of signing, a registered elector; that the circulator has not  
459 provided or received, and will not in the future provide or  
460 receive, compensation that is based, directly or indirectly,  
461 upon the number of signatures obtained on petitions; and that he  
462 or she has not paid or will not in the future pay, and that he  
463 or she believes that no other person has paid or will pay,  
464 directly or indirectly, any money or other thing of value to any  
465 signer for the purpose of inducing or causing such signer to  
466 affix his or her signature to the form.

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

472        (7) Each paid petition circulator shall provide to the  
473 sponsor of the initiative amendment for which he or she is  
474 circulating petitions a copy of a valid and current government-  
475 issued photo identification card that accurately indicates the  
476 address at which the paid petition circulator resides. The  
477 sponsor of the initiative shall maintain the copies of these  
478 identification cards in its files and shall make them available  
479 for inspection by the division, a supervisor of elections, or  
480 any law enforcement agency. If a sponsor fails to maintain such  
481 a copy with respect to a particular paid petition circulator,  
482 all petitions obtained by that paid petition circulator prior to  
483 the date the sponsor produces the required copy of the  
484 identification card are invalid, may not be verified by the  
485 supervisor of elections, and may not be counted toward the  
486 number of valid signatures required for ballot placement.

487        (8) A signature on a petition form regarding ballot  
488 placement for an initiative which does not fully comply with the  
489 applicable provisions of this chapter, or which was obtained in  
490 violation of the applicable provisions of this code, is invalid,  
491 may not be verified by the supervisor of elections, and may not  
492 be counted toward the number of valid signatures required for  
493 ballot placement.

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

496        (1) Whenever a constitutional amendment or other public  
497 measure is submitted to the vote of the people, the substance of  
498 such amendment or other public measure shall be printed in clear  
499 and unambiguous language on the ballot after the list of

500 candidates, followed by the word "yes" and also by the word  
501 "no," and shall be styled in such a manner that a "yes" vote  
502 will indicate approval of the proposal and a "no" vote will  
503 indicate rejection. The wording of the substance of the  
504 amendment or other public measure and the ballot title to appear  
505 on the ballot shall be embodied in the joint resolution,  
506 constitutional revision commission proposal, constitutional  
507 convention proposal, taxation and budget reform commission  
508 proposal, or enabling resolution or ordinance. Except for  
509 amendments and ballot language proposed by joint resolution, the  
510 substance of the amendment or other public measure shall be an  
511 explanatory statement, not exceeding 75 words in length, of the  
512 chief purpose of the measure. In addition, for every amendment  
513 proposed by initiative, the ballot shall include, following the  
514 ballot summary, a separate financial impact statement concerning  
515 the measure prepared by the Financial Impact Estimating  
516 Conference in accordance with s. 100.371(9)~~(6)~~. The ballot title  
517 shall consist of a caption, not exceeding 15 words in length, by  
518 which the measure is commonly referred to or spoken of.

519 Section 6. Paragraph (a) of subsection (4) of section  
520 101.62, Florida Statutes, is amended to read:

521 101.62 Request for absentee ballots.--

522 (4) (a) To each absent qualified elector overseas who has  
523 requested an absentee ballot, the supervisor of elections shall,  
524 not fewer than 35 days before the first primary election, mail  
525 an absentee ballot. Not fewer than 45 days before the second  
526 primary and general election, the supervisor of elections shall  
527 mail an advance absentee ballot to those persons requesting

528 ballots for such elections. The advance absentee ballot for the  
529 second primary shall be the same as the first primary absentee  
530 ballot as to the names of candidates, except that for any  
531 offices where there are only two candidates, those offices and  
532 all political party executive committee offices shall be  
533 omitted. Except as provided in ss. 99.063(4) and 100.371(9)~~(6)~~,  
534 the advance absentee ballot for the general election shall be as  
535 specified in s. 101.151, except that in the case of candidates  
536 of political parties where nominations were not made in the  
537 first primary, the names of the candidates placing first and  
538 second in the first primary election shall be printed on the  
539 advance absentee ballot. The advance absentee ballot or advance  
540 absentee ballot information booklet shall be of a different  
541 color for each election and also a different color from the  
542 absentee ballots for the first primary, second primary, and  
543 general election. The supervisor shall mail an advance absentee  
544 ballot for the second primary and general election to each  
545 qualified absent elector for whom a request is received until  
546 the absentee ballots are printed. The supervisor shall enclose  
547 with the advance second primary absentee ballot and advance  
548 general election absentee ballot an explanation stating that the  
549 absentee ballot for the election will be mailed as soon as it is  
550 printed; and, if both the advance absentee ballot and the  
551 absentee ballot for the election are returned in time to be  
552 counted, only the absentee ballot will be counted. The  
553 Department of State may prescribe by rule the requirements for  
554 preparing and mailing absentee ballots to absent qualified  
555 electors overseas.

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

558 104.012 Consideration for registration; interference with  
559 registration; soliciting registrations for compensation;  
560 alteration of registration application; failing to submit  
561 registration application.--

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

567 Section 8. Section 104.185, Florida Statutes, is amended  
568 to read:

569 104.185 Violations involving petitions; ~~knowingly signing~~  
570 ~~more than once; signing another person's name or a fictitious~~  
571 ~~name~~.--

572 (1) A person who knowingly signs a petition or petitions  
573 to secure ballot position for a candidate, a minor political  
574 party, or an issue more than one time commits a misdemeanor of  
575 the first degree, punishable as provided in s. 775.082 or s.  
576 775.083 and, upon any subsequent conviction, commits a felony of  
577 the third degree, punishable as provided in s. 775.082, s.  
578 775.083, or s. 775.084.

579 (2) A person who signs another person's name or a  
580 fictitious name to any petition to secure ballot position for a  
581 candidate, a minor political party, or an issue commits a  
582 misdemeanor of the first degree, punishable as provided in s.  
583 775.082 or s. 775.083 and, upon any subsequent conviction,

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

586 (3) A person who willfully swears or affirms falsely to  
587 any oath or affirmation, or willfully procures another person to  
588 swear or affirm falsely to an oath or affirmation, in connection  
589 with or arising out of the petitioning process commits a  
590 misdemeanor of the first degree, punishable as provided in s.  
591 775.082 or s. 775.083 and, upon any subsequent conviction,  
592 commits a felony of the third degree, punishable as provided in  
593 s. 775.082, s. 775.083, or s. 775.084.

594 (4) A person who willfully submits any false information  
595 on a petition commits a misdemeanor of the first degree,  
596 punishable as provided in s. 775.082 or s. 775.083 and, upon any  
597 subsequent conviction, commits a felony of the third degree,  
598 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

599 (5) A person who directly or indirectly gives or promises  
600 anything of value to any other person to induce that other  
601 person to sign a petition commits a misdemeanor of the first  
602 degree, punishable as provided in s. 775.082 or s. 775.083 and,  
603 upon any subsequent conviction, commits a felony of the third  
604 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
605 775.084.

606 (6) A person who, by bribery, menace, threat, or other  
607 corruption, directly or indirectly influences, deceives, or  
608 deters, or attempts to influence, deceive, or deter, any person  
609 in the free exercise of that person's right to sign a petition,  
610 upon the first conviction commits a misdemeanor of the first  
611 degree, punishable as provided in s. 775.082 or s. 775.083 and,

612 upon any subsequent conviction, commits a felony of the third  
613 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
614 775.084.

615 (7) A person may not provide or receive compensation that  
616 is based, directly or indirectly, upon the number of signatures  
617 obtained on petitions. A person who violates this subsection  
618 commits a misdemeanor of the first degree, punishable as  
619 provided in s. 775.082 or s. 775.083 and, upon any subsequent  
620 conviction, commits a felony of the third degree, punishable as  
621 provided in s. 775.082, s. 775.083, or s. 775.084.

622 (8) A person who alters the petition signed by any other  
623 person without the other person's knowledge and consent commits  
624 a misdemeanor of the first degree, punishable as provided in s.  
625 775.082 or s. 775.083 and, upon any subsequent conviction,  
626 commits a felony of the third degree, punishable as provided in  
627 s. 775.082, s. 775.083, or s. 775.084.

628 (9) A person perpetrating, or attempting to perpetrate or  
629 aid in the perpetration of, any fraud in connection with  
630 obtaining the signature of electors on petitions 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 (10) In addition to any other penalty provided for by law,  
636 if a paid petition circulator, as defined in s. 100.372(1),  
637 violates any provision of this section, the Florida Elections  
638 Commission may, pursuant to s. 106.265, impose a civil penalty  
639 in the form of a fine not to exceed \$1,000 per violation on any

640 person or entity on behalf of which the petition circulator was  
641 acting at the time of the violation.

642 Section 9. Section 104.42, Florida Statutes, is amended to  
643 read:

644 104.42 Unlawful registrations, petitions, ~~Fraudulent~~  
645 ~~registration~~ and ~~illegal~~ voting; investigation.--

646 (1) The supervisor of elections is authorized to  
647 investigate unlawful ~~fraudulent~~ registrations, petitions, and  
648 ~~illegal~~ voting and to report his or her findings to the local  
649 state attorney, the Florida Department of Law Enforcement, and  
650 the Florida Elections Commission.

651 (2) The board of county commissioners in any county may  
652 appropriate funds to the supervisor of elections for the purpose  
653 of investigating unlawful ~~fraudulent~~ registrations, petitions,  
654 and ~~illegal~~ voting.

655 (3) The supervisor of elections shall document and report  
656 suspected unlawful registrations, petitions, and voting to the  
657 Florida Elections Commission within 10 days of acquiring  
658 reasonable suspicion about the lawfulness of the registrations,  
659 petitions, and voting.

660 Section 10. Any signature gathered on an authorized form  
661 for an initiative petition that has been submitted for  
662 verification prior to the effective date of this act may be  
663 verified and counted if otherwise valid. However, any petition  
664 form that is submitted for verification on or after the  
665 effective date of this act shall be verified and counted only if  
666 it complies with all the provisions of this act. Any initiative  
667 petition form approved by the Secretary of State prior to the



668 effective date of this act is hereby invalidated, and a new  
669 petition form must be resubmitted to the Secretary of State for  
670 approval in accordance with the requirements of this act prior  
671 to obtaining elector signatures.

672 Section 11. If any provision of this act or its  
673 application to any person or circumstance is held invalid, the  
674 invalidity does not affect other provisions or applications of  
675 the act which can be given effect without the invalid provision  
676 or application, and to this end the provisions of this act are  
677 declared severable.

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