

Bill No. SB 1996

Barcode 622094

CHAMBER ACTION

Senate

House

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The Committee on Ethics and Elections (Posey) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

99.097 Verification of signatures on petitions.--

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

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

(b) A check of a random sample, as provided by the

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

13

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

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

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1 been satisfied.

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

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

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1 by the supervisors for a period of 1 year following the  
2 election for which the petitions were circulated.

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

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

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

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

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

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

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

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

24       (2) Certification of ballot position ~~Such~~  
 25 ~~certification~~ shall be issued when the Secretary of State has  
 26 received verification certificates from the supervisors of  
 27 elections indicating that the requisite number and  
 28 distribution of valid petitions bearing the signatures of  
 29 electors have been submitted to and verified by the  
 30 supervisors. Every signature shall be dated by the elector  
 31 when made. Signatures are ~~and shall be~~ valid for a period of 4

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1 years following such date, provided all other requirements of  
2 law are satisfied ~~complied with~~.

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

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

24 (a) The form must contain the original signature of  
25 the purported elector;

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

28 (c) The purported elector must accurately record on  
29 the form his or her name, street address, county, voter  
30 registration number, and any other information required by the  
31 division by rule;

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

5       (e) The date the elector signed the form, as recorded  
6 by the elector, must be no more than 10 days from the date the  
7 form was received by the supervisor of elections;

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

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

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

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

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

30  
31       PAID PETITIONER CIRCULATOR.--The person

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1           presenting this petition for your signature may  
 2           be receiving compensation to do so. You have  
 3           the right to ask for this information and the  
 4           person's rate of compensation before you sign  
 5           the petition.

6  
 7           NATURE OF AMENDMENT.--The merits of the  
 8           proposed change to the Florida Constitution  
 9           appearing below have not been officially  
 10          reviewed by any court or agency of state  
 11          government.

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

27          (8)(4) The sponsor shall submit signed and dated forms  
 28          to the appropriate supervisor of elections for verification as  
 29          to the number of registered electors whose valid signatures  
 30          appear thereon. The supervisor shall promptly verify the  
 31          signatures upon payment of the fee required by s. 99.097. Upon



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1 completion of verification, the supervisor shall execute a  
 2 certificate indicating the total number of signatures checked,  
 3 the number of signatures verified as valid and as being of  
 4 registered electors, the number of signatures validly revoked  
 5 pursuant to subsection (7), and the distribution of such  
 6 signatures by congressional district. This certificate shall  
 7 be immediately transmitted to the Secretary of State. The  
 8 supervisor shall retain the signed signature forms and  
 9 revocation forms for at least 1 year following the election in  
 10 which the issue appeared on the ballot or until the Division  
 11 of Elections notifies the supervisors of elections that the  
 12 committee which circulated the petition is no longer seeking  
 13 to obtain ballot position.

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

27 ~~(10)(6)(a)~~ Within 45 days after receipt of a proposed  
 28 revision or amendment to the State Constitution by initiative  
 29 petition from the Secretary of State ~~or, within 30 days after~~  
 30 ~~such receipt if receipt occurs 120 days or less before the~~  
 31 ~~election at which the question of ratifying the amendment will~~

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1 ~~be presented~~, the Financial Impact Estimating Conference shall  
 2 complete an analysis and financial impact statement to be  
 3 placed on the ballot of the estimated increase or decrease in  
 4 any revenues or costs to state or local governments resulting  
 5 from the proposed initiative. The Financial Impact Estimating  
 6 Conference shall submit the financial impact statement to the  
 7 Attorney General and Secretary of State.

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

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

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

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

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

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

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

1 court's opinion.

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

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

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

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

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

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

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

18           100.372 Regulation of initiative petition  
19 circulators.--

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

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

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

30           (2) A petition circulator must be, at the time the  
31 petition circulator presents to any person for his or her

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1 possible signature a petition form or petition revocation form  
 2 regarding ballot placement for an initiative, at least 18  
 3 years of age and eligible to register to vote in this state  
 4 pursuant to s. 97.041.

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

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

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

16 (b) Permit such conduct on the property subject to  
 17 time, place, and manner restrictions that are reasonable and  
 18 uniformly applied.

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

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

28 (b) The name of the sponsor of the initiative if  
 29 different from the entity with which the petition circulator  
 30 is affiliated.

31 (c) A statement directing those seeking information

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1 about initiative sponsors and their contributors to the  
2 internet address of the appropriate division website; and

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

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

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

25 (c) The affidavit shall attest that the paid petition  
26 circulator has read and understands the laws governing the  
27 circulation of petition and petition revocation forms  
28 regarding ballot placement for an initiative; that he or she  
29 was 18 years of age and eligible to register to vote at the  
30 time the attached form or forms were circulated and signed by  
31 the listed electors; that he or she circulated the attached

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

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

22 (7) Each paid petition circulator shall provide to the  
 23 sponsor of the initiative amendment for which he or she is  
 24 circulating petitions a copy of a valid and current  
 25 government-issued photo identification card that accurately  
 26 indicates the address at which the paid petition circulator  
 27 resides. The sponsor of the initiative shall maintain the  
 28 copies of these identification cards in its files and shall  
 29 make them available for inspection by any person. If a sponsor  
 30 fails to maintain such a copy with respect to a particular  
 31 paid petition circulator, all petitions obtained by that paid



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1 petition circulator prior to the date the sponsor produces the  
2 required copy of the identification card are invalid, and may  
3 not be verified by the supervisor of elections, and may not be  
4 counted toward the number of valid signatures required for  
5 ballot placement.

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

14       Section 5. Section 101.161, Florida Statutes, is  
15 amended to read:

16       101.161 Referenda; ballots.--

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

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1 measure shall be an explanatory statement, not exceeding 75  
2 words in length, of the chief purpose of the measure. In  
3 addition, for every amendment proposed by initiative, the  
4 ballot shall include, following the ballot summary, a separate  
5 financial impact statement concerning the measure prepared by  
6 the Financial Impact Estimating Conference in accordance with  
7 s. 100.371(10) ~~s. 100.371(6)~~. The ballot title shall consist  
8 of a caption, not exceeding 15 words in length, by which the  
9 measure is commonly referred to or spoken of.

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

23 (3)(a) The ballot for the general election in the year  
24 2000 must contain a statement allowing voters to determine  
25 whether circuit or county court judges will be selected by  
26 merit selection and retention as provided in s. 10, Art. V of  
27 the State Constitution. The ballot in each circuit must  
28 contain the statement in paragraph (c). The ballot in each  
29 county must contain the statement in paragraph (e).

30 (b) For any general election in which the Secretary of  
31 State, for any circuit, or the supervisor of elections, for

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1 any county, has certified the ballot position for an  
 2 initiative to change the method of selection of judges, the  
 3 ballot for any circuit must contain the statement in paragraph  
 4 (c) or paragraph (d) and the ballot for any county must  
 5 contain the statement in paragraph (e) or paragraph (f).

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

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

25 (e) In any county where the initiative is to change  
 26 the selection of county court judges to merit selection and  
 27 retention, the ballot shall state: "Shall the method of  
 28 selecting county court judges in ...(name of county)... be  
 29 changed from election by a vote of the people to selection by  
 30 the judicial nominating commission and appointment by the  
 31 Governor with subsequent terms determined by a retention vote

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1 of the people?" This statement must be followed by the word  
2 "yes" and also by the word "no."

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

12 Section 6. Paragraph (a) of subsection (4) of section  
13 101.62, Florida Statutes, is amended to read:

14 101.62 Request for absentee ballots.--

15 (4)(a) To each absent qualified elector overseas who  
16 has requested an absentee ballot, the supervisor of elections  
17 shall, not fewer than 35 days before the first primary  
18 election, mail an absentee ballot. Not fewer than 45 days  
19 before the second primary and general election, the supervisor  
20 of elections shall mail an advance absentee ballot to those  
21 persons requesting ballots for such elections. The advance  
22 absentee ballot for the second primary shall be the same as  
23 the first primary absentee ballot as to the names of  
24 candidates, except that for any offices where there are only  
25 two candidates, those offices and all political party  
26 executive committee offices shall be omitted. Except as  
27 provided in ss. 99.063(4) and 100.371(10) ~~100.371(6)~~, the  
28 advance absentee ballot for the general election shall be as  
29 specified in s. 101.151, except that in the case of candidates  
30 of political parties where nominations were not made in the  
31 first primary, the names of the candidates placing first and

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1 second in the first primary election shall be printed on the  
2 advance absentee ballot. The advance absentee ballot or  
3 advance absentee ballot information booklet shall be of a  
4 different color for each election and also a different color  
5 from the absentee ballots for the first primary, second  
6 primary, and general election. The supervisor shall mail an  
7 advance absentee ballot for the second primary and general  
8 election to each qualified absent elector for whom a request  
9 is received until the absentee ballots are printed. The  
10 supervisor shall enclose with the advance second primary  
11 absentee ballot and advance general election absentee ballot  
12 an explanation stating that the absentee ballot for the  
13 election will be mailed as soon as it is printed; and, if both  
14 the advance absentee ballot and the absentee ballot for the  
15 election are returned in time to be counted, only the absentee  
16 ballot will be counted. The Department of State may prescribe  
17 by rule the requirements for preparing and mailing absentee  
18 ballots to absent qualified electors overseas.

19 Section 7. Section 104.012, Florida Statutes, is  
20 amended to read:

21 104.012 Consideration for registration; interference  
22 with registration; soliciting registrations for compensation;  
23 alteration of registration application; failing to submit  
24 registration application.--

25 (1) Any person who gives anything of value that is  
26 redeemable in cash to any person in consideration for his or  
27 her becoming a registered voter commits a felony of the third  
28 degree, punishable as provided in s. 775.082, s. 775.083, or  
29 s. 775.084. This section shall not be interpreted, however, to  
30 exclude such services as transportation to the place of  
31 registration or baby-sitting in connection with the absence of

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1 an elector from home for registering.

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

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

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

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

28 Section 8. Section 104.185, Florida Statutes, is  
 29 amended to read:

30 104.185 Violations involving petitions; ~~knowingly~~  
 31 ~~signing more than once; signing another person's name or a~~

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1 ~~fictitious name.--~~

2 (1) A person who knowingly signs a petition or  
3 petitions to secure ballot position for a candidate, a minor  
4 political party, or an issue more than one time commits a  
5 misdemeanor of the first degree, punishable as provided in s.  
6 775.082 or s. 775.083.

7 (2) A person who signs another person's name or a  
8 fictitious name to any petition to secure ballot position for  
9 a candidate, a minor political party, or an issue, or to a  
10 petition revocation form, commits a felony misdemeanor of the  
11 third first degree, punishable as provided in s. 775.082, ~~or~~  
12 s. 775.083, or s. 775.084.

13 (3) A person who willfully swears or affirms falsely  
14 to any oath or affirmation, or willfully procures another  
15 person to swear or affirm falsely to an oath or affirmation,  
16 in connection with or arising out of the petitioning process  
17 commits a felony of the third degree, punishable as provided  
18 in s. 775.082, s. 775.083, or s. 775.084.

19 (4) A person who willfully submits any false  
20 information on a petition or petition revocation form commits  
21 a felony of the third degree, punishable as provided in s.  
22 775.082 or s. 775.083.

23 (5) A person who directly or indirectly gives or  
24 promises anything of value to any other person to induce that  
25 other person to sign a petition or petition revocation form  
26 commits a felony of the third degree, punishable as provided  
27 in s. 775.082, s. 775.083, or s. 775.084.

28 (6) A person who, by bribery, menace, threat, or other  
29 corruption, directly or indirectly influences, deceives, or  
30 deters, or attempts to influence, deceive, or deter, any  
31 person in the free exercise of that person's right to sign a

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

7       (7) A person may not provide or receive compensation  
8 that is based, directly or indirectly, upon the number of  
9 signatures obtained on petitions or petition revocation forms.  
10 A person who violates this subsection commits a felony of the  
11 second degree punishable as provided in s. 775.082, s.  
12 775.083, or s. 775.084.

13       (8) A person who alters the petition or petition  
14 revocation form signed by any other person without the other  
15 person's knowledge and consent commits a felony of the third  
16 degree, punishable as provided in s. 775.082, s. 775.083, or  
17 s. 775.084.

18       (9) A person perpetrating, or attempting to perpetrate  
19 or aid in the perpetration of, any fraud in connection with  
20 obtaining the signature of electors on petition or petition  
21 revocation forms commits a felony of the third degree,  
22 punishable as provided in s. 775.082, s. 775.083, or s.  
23 775.084.

24       (10) In addition to any other penalty provided for by  
25 law, if a paid petition circulator, as defined in s.  
26 100.372(1), violates any provision of this section, the  
27 commission may, pursuant to s. 106.265, impose a civil penalty  
28 in the form of a fine not to exceed \$1,000 per violation on  
29 any person or entity on behalf of which the petition  
30 circulator was acting at the time of the violation.

31       Section 9. Section 104.42, Florida Statutes, is



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1 amended to read:

2           104.42 Unlawful registrations, petitions, ~~Fraudulent~~  
3 ~~registration~~ and ~~illegal~~ voting; investigation.--

4           (1) The supervisor of elections is authorized to  
5 investigate unlawful ~~fraudulent~~ registrations, petitions, and  
6 ~~illegal~~ voting and to report his or her findings to the local  
7 state attorney, the Florida Department of Law Enforcement, and  
8 the Florida Elections Commission.

9           (2) The board of county commissioners in any county  
10 may appropriate funds to the supervisor of elections for the  
11 purpose of investigating unlawful ~~fraudulent~~ registrations,  
12 petitions, and ~~illegal~~ voting.

13           (3) The supervisor of elections shall document and  
14 report suspected unlawful registrations, petitions, and voting  
15 to the Florida Elections Commission within 10 days of  
16 acquiring reasonable suspicion about the lawfulness of the  
17 registrations, petitions, and voting.

18           Section 10. Any signature gathered on an authorized  
19 form for an initiative petition which has been submitted for  
20 verification prior to the effective date of this act may be  
21 verified and counted, if otherwise valid. However, any  
22 petition form that is submitted for verification on or after  
23 the effective date of this act shall be verified and counted  
24 only if it complies with this act. Any initiative petition  
25 form approved by the Secretary of State prior to the effective  
26 date of this act is invalidated, and a new petition form must  
27 be resubmitted to the Secretary of State for approval in  
28 accordance with the requirements of this act prior to  
29 obtaining elector signatures.

30           Section 11. If any provision of this act or its  
31 application to any person or circumstance is held invalid, the

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1 invalidity does not affect other provisions or applications of  
 2 the act which can be given effect without the invalid  
 3 provision or application, and to this end the provisions of  
 4 this act are declared severable.

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

6

7

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

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11

12 and insert:

13

A bill to be entitled

14

An act relating to the petition process;

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providing a short title; amending s. 99.097,

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F.S.; revising requirements for verification of

17

signatures on petitions; prescribing limits on

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use of paid petition circulators; providing

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procedures to contest alleged improper

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signature verification; amending s. 100.371,

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F.S.; revising procedures for placing an

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initiative on the ballot; providing

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requirements for information to be contained on

24

petitions; providing procedure for revocation

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of a petition signature; creating s. 100.372,

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F.S.; providing regulation for initiative

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petition circulators and their activities;

28

amending s. 101.161, F.S.; conforming a

29

cross-reference; amending s. 101.62, F.S.;

30

conforming a cross-reference; amending s.

31

104.012, F.S.; providing criminal penalties for

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1 specified offenses involving voter registration  
2 applications; amending s. 104.185, F.S.;  
3 proscribing specified actions involving  
4 petitions and providing or increasing criminal  
5 penalties therefor; amending s. 104.42, F.S.;  
6 prescribing duties of supervisors of elections  
7 with respect to unlawful registrations,  
8 petitions, and voting; providing for verifying  
9 and counting signatures submitted for  
10 verification before the effective date of the  
11 act; requiring resubmission and reapproval of  
12 petition forms; providing severability;  
13 providing an effective date.

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