



1           act; requiring resubmission and reapproval of  
2           petition forms; providing severability;  
3           providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

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

9           Section 2. Subsections (1), (3), and (4) of section  
10 99.097, Florida Statutes, are amended, and subsection (6) is  
11 added to that section, to read:

12           99.097 Verification of signatures on petitions.--

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

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

20           (b) A check of a random sample, as provided by the  
21 Department of State, of names and signatures on the petitions.  
22 The sample must be such that a determination can be made as to  
23 whether or not the required number of valid signatures has  
24 ~~have~~ been obtained with a reliability of at least 99.5  
25 percent. Rules and guidelines for this method of petition  
26 verification shall be promulgated by the Department of State,  
27 which may include a requirement that petitions bear an  
28 additional number of names and signatures, not to exceed 15  
29 percent of the names and signatures otherwise required. If  
30 the petitions do not meet such criteria, then the use of the  
31

1 verification method described in this paragraph shall not be  
2 available to supervisors.

3  
4 Notwithstanding any other provision of law, petitions to  
5 secure ballot placement for an issue, and petition revocations  
6 directed pursuant to s. 100.371(8), must be verified by the  
7 method provided in paragraph (a).

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

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

27 (4)(a) The supervisor shall be paid in advance the sum  
28 of 10 cents for each signature checked or the actual cost of  
29 checking such signature, whichever is less, by the candidate  
30 or, in the case of a petition to have an issue placed on the  
31 ballot, by the person or organization submitting the petition.

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

24 |       **(b) A person or organization submitting a petition to**  
25 | **secure ballot placement for an issue which has filed a**  
26 | **certification of undue burden may not provide compensation to**  
27 | **any paid petition circulator, as defined in s. 100.372, unless**  
28 | **the person or organization first pays all supervisors for each**  
29 | **signature checked or reimburses the General Revenue Fund for**  
30 | **such costs. If a person or organization subject to this**  
31 | **paragraph provides compensation to a paid petition circulator**

1 before the date the person or organization pays all  
2 supervisors for each signature checked or reimburses the  
3 General Revenue Fund for such costs, no signature on a  
4 petition circulated by the petition circulator before that  
5 date may be counted toward the number of valid signatures  
6 required for ballot placement.

7       (6)(a) The alleged improper verification of a  
8 signature on a petition to secure ballot placement for an  
9 issue pursuant to paragraph (1)(a) may be contested in the  
10 circuit court by a political committee or by an elector. The  
11 contestant shall file a complaint setting forth the basis of  
12 the contest, together with the fees prescribed in chapter 28,  
13 with the clerk of the circuit court in the county in which the  
14 petition is certified or in Leon County if the petition covers  
15 more than one county, within 30 days after the date the  
16 verified signature was certified to the Secretary of State.

17       (b) If the contestant demonstrates that one or more  
18 petitions were improperly verified, the signatures appearing  
19 on such petitions may not be counted toward the number of  
20 valid signatures required for ballot placement. If an action  
21 brought under this subsection is resolved after the Secretary  
22 of State has issued a certificate of ballot position for the  
23 issue, but the contestant demonstrates that the person or  
24 organization submitting the petition had obtained verification  
25 of an insufficient number of valid and verified signatures to  
26 qualify for ballot placement, the issue shall be removed from  
27 the ballot or, if such action is impractical, any votes cast  
28 for or against the issue may not be counted and shall be  
29 invalidated.

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

4           100.371 Initiatives; procedure for placement on  
5 ballot.--

6           (1) Constitutional amendments proposed by initiative  
7 shall be placed on the ballot for the general election if  
8 ~~occurring in excess of 90 days from~~ the certification of  
9 ballot position is issued by the Secretary of State no later  
10 than February 1 of the year in which the general election is  
11 to be held.

12           (2) Such certification shall be issued when the  
13 Secretary of State has received verification certificates from  
14 the supervisors of elections indicating that the requisite  
15 number and distribution of valid petitions bearing the  
16 signatures of electors have been submitted to and verified by  
17 the supervisors. Every signature shall be dated by the elector  
18 when made. Signatures are ~~and shall be~~ valid for a period of 4  
19 years following such date, provided all other requirements of  
20 law are complied with.

21           (3) The sponsor of an initiative amendment shall,  
22 prior to obtaining any signatures, register as a political  
23 committee pursuant to s. 106.03 and submit the text of the  
24 proposed amendment to the Secretary of State, with the form on  
25 which the signatures will be affixed, and shall obtain the  
26 approval of the Secretary of State of such form. The division  
27 ~~Secretary of State~~ shall adopt rules pursuant to s. 120.54  
28 prescribing the style and requirements of such form. Upon  
29 filing with the Secretary of State, the text of the proposed  
30 amendment and all forms filed in connection with this section  
31 must, upon request, be made available in alternative formats.

1 The contents of a petition form shall be limited to those  
2 items required by statute or rule. A petition form shall be  
3 deemed a political advertisement as defined in s. 106.011 and,  
4 as such, must comply with all relevant requirements of chapter  
5 106.

6 (4) The supervisor of elections shall record the date  
7 each petition form was received by the supervisor and the date  
8 the signature on the form was verified as valid. The  
9 supervisor shall verify that the signature on a petition form  
10 is valid only if the form complies with all of the following:

11 (a) The form must contain the original signature of  
12 the purported elector;

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

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

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

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

26 (f) The elector must accurately record on the form  
27 whether the elector was presented with the petition form for  
28 signature by a petition circulator, as defined in s.  
29 100.372(1); and  
30  
31

1           (g) If the elector was presented with the petition  
2 form for signature by a petition circulator, the petition form  
3 must comply with the requirements of s. 100.372.

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

8           (7) Each form must contain the following three notices  
9 at the top of the form in bold type and in a 16-point or  
10 larger font, immediately following the title "Constitutional  
11 Amendment Petition Form":

12  
13           RIGHT TO MAIL IN.--You have the right to take  
14 this petition home and study the issue before  
15 signing. If you choose to sign the petition,  
16 you may return it to the sponsors of the  
17 amendment at the following  
18 address: \_\_\_\_\_.

19  
20           PAID PETITIONER CIRCULATOR.--The person  
21 presenting this petition for your signature may  
22 be receiving compensation to do so. You have  
23 the right to ask for this information and the  
24 person's rate of compensation before you sign  
25 the petition.

26  
27           NATURE OF AMENDMENT.--The merits of the  
28 proposed change to the Florida Constitution  
29 appearing below have not been officially  
30 reviewed by any court or agency of state  
31 government.



1           (8) An elector's signature on a petition form may be  
2 revoked by submitting to the supervisor a signed petition  
3 revocation form adopted by rule for this purpose by the  
4 division. The petition revocation form is subject to the same  
5 requirements as the corresponding petition form under this  
6 code. The petition revocation form shall be filed with the  
7 appropriate supervisor of elections no later than January 1  
8 preceding the next general election or, if the initiative  
9 amendment is not certified for ballot position in that  
10 election, no later than the January 1 preceding the next  
11 successive general election. The supervisor of elections shall  
12 promptly check the signature on the revocation form and  
13 process such revocation upon payment of a fee, in advance, of  
14 10 cents or the actual cost of checking such signature,  
15 whichever is less.

16           (9)(4) The sponsor shall submit signed and dated forms  
17 to the appropriate supervisor of elections for verification as  
18 to the number of registered electors whose valid signatures  
19 appear thereon. The supervisor shall promptly verify the  
20 signatures upon payment of the fee required by s. 99.097. Upon  
21 completion of verification, the supervisor shall execute a  
22 certificate indicating the total number of signatures checked,  
23 the number of signatures verified as valid and as being of  
24 registered electors, the member of signatures validly revoked  
25 pursuant to subsection (8), and the distribution of such  
26 signatures by congressional district. This certificate shall  
27 be immediately transmitted to the Secretary of State. The  
28 supervisor shall retain the signed signature forms and  
29 revocation forms for at least 1 year following the election in  
30 which the issue appeared on the ballot or until the Division  
31 of Elections notifies the supervisors of elections that the

1 committee which circulated the petition is no longer seeking  
2 to obtain ballot position.

3 ~~(10)(5)~~ The Secretary of State shall determine from  
4 the verification certificates received from supervisors of  
5 elections the total number of verified valid signatures and  
6 the distribution of such signatures by congressional  
7 districts. Upon a determination that the requisite number and  
8 distribution of valid signatures have been obtained, the  
9 secretary shall issue a certificate of ballot position for  
10 that proposed amendment and shall assign a designating number  
11 pursuant to s. 101.161. A petition shall be deemed to be filed  
12 with the Secretary of State upon the date of the receipt by  
13 the secretary of a certificate or certificates from  
14 supervisors of elections indicating the petition has been  
15 signed by the constitutionally required number of electors.

16 ~~(11)(6)(a)~~ Within 45 days after receipt of a proposed  
17 revision or amendment to the State Constitution by initiative  
18 petition from the Secretary of State ~~or, within 30 days after~~  
19 ~~such receipt if receipt occurs 120 days or less before the~~  
20 ~~election at which the question of ratifying the amendment will~~  
21 ~~be presented~~, the Financial Impact Estimating Conference shall  
22 complete an analysis and financial impact statement to be  
23 placed on the ballot of the estimated financial impact of the  
24 initiative on the private and public sectors of the state,  
25 including any increase or decrease in any revenues or costs to  
26 state or local governments resulting from the proposed  
27 initiative. The Financial Impact Estimating Conference shall  
28 submit the financial impact statement to the Attorney General  
29 and Secretary of State.

30 (b)1. The Financial Impact Estimating Conference shall  
31 provide an opportunity for any proponents or opponents of the

1 initiative to submit information and may solicit information  
2 or analysis from any other entities or agencies, including the  
3 Office of Economic and Demographic Research. All meetings of  
4 the Financial Impact Estimating Conference shall be open to  
5 the public as provided in chapter 286.

6         2. The Financial Impact Estimating Conference is  
7 established to review, analyze, and estimate the financial  
8 impact of amendments to or revisions of the State Constitution  
9 proposed by initiative. The Financial Impact Estimating  
10 Conference shall consist of four principals: one person from  
11 the Executive Office of the Governor; the coordinator of the  
12 Office of Economic and Demographic Research, or his or her  
13 designee; one person from the professional staff of the  
14 Senate; and one person from the professional staff of the  
15 House of Representatives. Each principal shall have  
16 appropriate fiscal expertise in the subject matter of the  
17 initiative. A Financial Impact Estimating Conference may be  
18 appointed for each initiative.

19         3. Principals of the Financial Impact Estimating  
20 Conference shall reach a consensus or majority concurrence on  
21 a clear and unambiguous financial impact statement, no more  
22 than 75 words in length, and immediately submit the statement  
23 to the Attorney General. Nothing in this subsection prohibits  
24 the Financial Impact Estimating Conference from setting forth  
25 a range of potential impacts in the financial impact  
26 statement. Any financial impact statement that a court finds  
27 not to be in accordance with this section shall be remanded  
28 solely to the Financial Impact Estimating Conference for  
29 redrafting. The Financial Impact Estimating Conference shall  
30 redraft the financial impact statement within 15 days.

31

1           4. If the members of the Financial Impact Estimating  
2 Conference are unable to agree on the statement required by  
3 this subsection, or if the Supreme Court has rejected the  
4 initial submission by the Financial Impact Estimating  
5 Conference and no redraft has been approved by the Supreme  
6 Court by 5 p.m. on the 75th day before the election, the  
7 following statement shall appear on the ballot pursuant to s.  
8 101.161(1): "The financial impact of this measure, if any,  
9 cannot be reasonably determined at this time."

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

13           (d)1. Any financial impact statement that the Supreme  
14 Court finds not to be in accordance with this subsection shall  
15 be remanded solely to the Financial Impact Estimating  
16 Conference for redrafting, provided the court's advisory  
17 opinion is rendered at least 75 days before the election at  
18 which the question of ratifying the amendment will be  
19 presented. The Financial Impact Estimating Conference shall  
20 prepare and adopt a revised financial impact statement no  
21 later than 5 p.m. on the 15th day after the date of the  
22 court's opinion.

23           2. If, by 5 p.m. on the 75th day before the election,  
24 the Supreme Court has not issued an advisory opinion on the  
25 initial financial impact statement prepared by the Financial  
26 Impact Estimating Conference for an initiative amendment that  
27 otherwise meets the legal requirements for ballot placement,  
28 the financial impact statement shall be deemed approved for  
29 placement on the ballot.

30           3. In addition to the financial impact statement  
31 required by this subsection, the Financial Impact Estimating

1 Conference shall draft an initiative financial information  
2 statement. The initiative financial information statement  
3 should describe in greater detail than the financial impact  
4 statement any projected financial impact of the initiative on  
5 the private and public sectors of the state, including any  
6 increase or decrease in revenues or costs that the state or  
7 local governments would likely experience if the ballot  
8 measure were approved. If appropriate, the initiative  
9 financial information statement may include both estimated  
10 dollar amounts and a description placing the estimated dollar  
11 amounts into context. The initiative financial information  
12 statement must include both a summary of not more than 500  
13 words and additional detailed information that includes the  
14 assumptions that were made to develop the financial impacts,  
15 workpapers, and any other information deemed relevant by the  
16 Financial Impact Estimating Conference.

17           4. The Department of State shall have printed, and  
18 shall furnish to each supervisor of elections, a copy of the  
19 summary from the initiative financial information statements.  
20 The supervisors shall have the summary from the initiative  
21 financial information statements available at each polling  
22 place and at the main office of the supervisor of elections  
23 upon request.

24           5. The Secretary of State and the Office of Economic  
25 and Demographic Research shall make available on the Internet  
26 each initiative financial information statement in its  
27 entirety. In addition, each supervisor of elections whose  
28 office has a website shall post the summary from each  
29 initiative financial information statement on the website.  
30 Each supervisor shall include the Internet addresses for the  
31 information statements on the Secretary of State's and the

1 Office of Economic and Demographic Research's websites in the  
2 publication or mailing required by s. 101.20.

3 ~~(12)(7)~~ The Department of State may adopt rules in  
4 accordance with s. 120.54 to carry out this section ~~the~~  
5 ~~provisions of subsections (1) (6)~~.

6 Section 4. Section 100.372, Florida Statutes, is  
7 created to read:

8 100.372 Regulation of initiative petition  
9 circulators.--

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

11 (a) "Petition circulator" is any person who, in the  
12 context of a direct face-to-face conversation, presents to  
13 another person for possible signature a petition form or  
14 petition revocation form regarding ballot placement for an  
15 initiative.

16 (b) "Paid petition circulator" is a petition  
17 circulator who receives any compensation as either a direct or  
18 indirect consequence of the activities described in paragraph  
19 (a).

20 (2) A petition circulator must be, at the time he or  
21 she presents to any person for possible signature a petition  
22 form or petition revocation form regarding ballot placement  
23 for an initiative, at least 18 years of age and eligible to  
24 register to vote in this state pursuant to s. 97.041.

25 (3) A paid petitioner circulator shall, when engaged  
26 in the activities described in paragraph (1)(a), wear a  
27 prominent badge, in a form and manner prescribed by rule by  
28 the division, identifying him or her as a "PAID PETITIONER  
29 CIRCULATOR."

30 (4)(a) Prior to being presented to a possible elector  
31 for signature, a petition form or petition revocation form

1 regarding ballot placement for an initiative must set forth  
2 the following information in a format and manner prescribed by  
3 rule by the division:

4 1. The name of any organization or entity with which  
5 the petition circulator is affiliated and on behalf of which  
6 the petition circulator is presenting forms to persons for  
7 possible signature; and

8 2. A statement as to whether the petition circulator  
9 is a paid petition circulator and, if so, the amount or rate  
10 of compensation.

11 (b) When submitted to the supervisor of elections for  
12 verification, each signed petition form or petition revocation  
13 form regarding ballot placement for an initiative obtained by  
14 a petition circulator must also contain the following  
15 information in a format and manner prescribed by rule by the  
16 division:

17 1. The name of the petition circulator;

18 2. The street address at which the petition circulator  
19 resides, including county;

20 3. The petition circulator's date of birth; and

21 4. The petition circulator's Florida voter  
22 registration number and county of registration, if applicable.

23 (6)(a) A paid petition circulator shall attach to each  
24 signed petition form, petition revocation form, or group of  
25 such forms obtained by the paid petition circulator a signed,  
26 notarized, and dated affidavit executed by the paid petition  
27 circulator, in a form prescribed by rule by the division. If  
28 the affidavit pertains to a group of forms, the forms shall be  
29 consecutively numbered on their face by the paid petition  
30 circulator and the affidavit shall refer to the forms by  
31 number.

1           (b) The affidavit shall include the paid petition  
2 circulator's printed name; the street address at which he or  
3 she resides, including county; and the date he or she signed  
4 the affidavit.

5           (c) The affidavit shall attest that the paid petition  
6 circulator has read and understands the laws governing the  
7 circulation of petition and petition revocation forms  
8 regarding ballot placement for an initiative; that he or she  
9 was 18 years of age and eligible to register to vote at the  
10 time the attached form or forms were circulated and signed by  
11 the listed electors; that he or she circulated the attached  
12 form or forms; that each signature thereon was affixed in the  
13 circulator's presence; that each signature thereon is the  
14 signature of the person whose name it purports to be; that to  
15 the best of the circulator's knowledge and belief each of the  
16 persons signing the form or forms was, at the time of signing,  
17 a registered elector; that the circulator has not provided or  
18 received, and will not in the future provide or receive,  
19 compensation that is based, directly or indirectly, upon the  
20 number of signatures obtained on petitions or petition  
21 revocation forms; and that he or she has not paid or will not  
22 in the future pay, and that he or she believes that no other  
23 person has paid or will pay, directly or indirectly, any money  
24 or other thing of value to any signer for the purpose of  
25 inducing or causing such signer to affix his or her signature  
26 to the form.

27           (d) A signature on a petition form or petition  
28 revocation form regarding ballot placement for an initiative  
29 to which an affidavit required by this subsection is not  
30 attached is invalid and may not be verified by a supervisor of  
31 elections.



1       (7) Each paid petition circulator shall provide to the  
2 sponsor of the initiative amendment for which he or she is  
3 circulating petitions a copy of a valid and current  
4 government-issued photo identification card that accurately  
5 indicates the address at which the paid petition circulator  
6 resides. The sponsor of the initiative shall maintain the  
7 copies of these identification cards in its files and shall  
8 make them available for inspection by any person. If a sponsor  
9 fails to maintain such a copy with respect to a particular  
10 paid petition circulator, all petitions obtained by that paid  
11 petition circulator prior to the date the sponsor produces the  
12 required copy of the identification card are invalid and may  
13 not be verified by the supervisor of elections.

14       (8) If a supervisor of elections or the division seeks  
15 to contact a petition circulator at the residence address  
16 listed on a petition form, petition revocation form,  
17 affidavit, or identification card copy, whichever is dated  
18 latest, and receives no response from the petition circulator  
19 within 15 days, all petitions obtained by that petition  
20 circulator are invalid and may not be verified by the  
21 supervisor of elections.

22       (9) A signature on a petition form or petition  
23 revocation form regarding ballot placement for an initiative  
24 which does not fully comply with the applicable provisions of  
25 this chapter, or which was obtained in violation of the  
26 applicable provisions of this chapter or chapter 104, is  
27 invalid and may not be verified by a supervisor of elections.

28       Section 5. Section 101.161, Florida Statutes, is  
29 amended to read:

30       101.161 Referenda; ballots.--  
31

1           (1) Whenever a constitutional amendment or other  
2 public measure is submitted to the vote of the people, the  
3 substance of such amendment or other public measure shall be  
4 printed in clear and unambiguous language on the ballot after  
5 the list of candidates, followed by the word "yes" and also by  
6 the word "no," and shall be styled in such a manner that a  
7 "yes" vote will indicate approval of the proposal and a "no"  
8 vote will indicate rejection. The wording of the substance of  
9 the amendment or other public measure and the ballot title to  
10 appear on the ballot shall be embodied in the joint  
11 resolution, constitutional revision commission proposal,  
12 constitutional convention proposal, taxation and budget reform  
13 commission proposal, or enabling resolution or ordinance.  
14 Except for amendments and ballot language proposed by joint  
15 resolution, the substance of the amendment or other public  
16 measure shall be an explanatory statement, not exceeding 75  
17 words in length, of the chief purpose of the measure. In  
18 addition, for every amendment proposed by initiative, the  
19 ballot shall include, following the ballot summary, a separate  
20 financial impact statement concerning the measure prepared by  
21 the Financial Impact Estimating Conference in accordance with  
22 s. 100.371(11) ~~s. 100.371(6)~~. The ballot title shall consist  
23 of a caption, not exceeding 15 words in length, by which the  
24 measure is commonly referred to or spoken of.

25           (2) The substance and ballot title of a constitutional  
26 amendment proposed by initiative shall be prepared by the  
27 sponsor and approved by the Secretary of State in accordance  
28 with rules adopted pursuant to s. 120.54. The Department of  
29 State shall give each proposed constitutional amendment a  
30 designating number for convenient reference. This number  
31 designation shall appear on the ballot. Designating numbers

1 shall be assigned in the order of filing or certification and  
2 in accordance with rules adopted by the Department of State.  
3 The Department of State shall furnish the designating number,  
4 the ballot title, and the substance of each amendment to the  
5 supervisor of elections of each county in which such amendment  
6 is to be voted on.

7 ~~(3)(a) The ballot for the general election in the year~~  
8 ~~2000 must contain a statement allowing voters to determine~~  
9 ~~whether circuit or county court judges will be selected by~~  
10 ~~merit selection and retention as provided in s. 10, Art. V of~~  
11 ~~the State Constitution. The ballot in each circuit must~~  
12 ~~contain the statement in paragraph (c). The ballot in each~~  
13 ~~county must contain the statement in paragraph (e).~~

14 ~~(b) For any general election in which the Secretary of~~  
15 ~~State, for any circuit, or the supervisor of elections, for~~  
16 ~~any county, has certified the ballot position for an~~  
17 ~~initiative to change the method of selection of judges, the~~  
18 ~~ballot for any circuit must contain the statement in paragraph~~  
19 ~~(c) or paragraph (d) and the ballot for any county must~~  
20 ~~contain the statement in paragraph (e) or paragraph (f).~~

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

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

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

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

28           Section 6. Paragraph (a) of subsection (4) of section  
29 101.62, Florida Statutes, is amended to read:

30           101.62 Request for absentee ballots.--

31

1           (4)(a) To each absent qualified elector overseas who  
2 has requested an absentee ballot, the supervisor of elections  
3 shall, not fewer than 35 days before the first primary  
4 election, mail an absentee ballot. Not fewer than 45 days  
5 before the second primary and general election, the supervisor  
6 of elections shall mail an advance absentee ballot to those  
7 persons requesting ballots for such elections. The advance  
8 absentee ballot for the second primary shall be the same as  
9 the first primary absentee ballot as to the names of  
10 candidates, except that for any offices where there are only  
11 two candidates, those offices and all political party  
12 executive committee offices shall be omitted. Except as  
13 provided in ss. 99.063(4) and 100.371(11) ~~100.371(6)~~, the  
14 advance absentee ballot for the general election shall be as  
15 specified in s. 101.151, except that in the case of candidates  
16 of political parties where nominations were not made in the  
17 first primary, the names of the candidates placing first and  
18 second in the first primary election shall be printed on the  
19 advance absentee ballot. The advance absentee ballot or  
20 advance absentee ballot information booklet shall be of a  
21 different color for each election and also a different color  
22 from the absentee ballots for the first primary, second  
23 primary, and general election. The supervisor shall mail an  
24 advance absentee ballot for the second primary and general  
25 election to each qualified absent elector for whom a request  
26 is received until the absentee ballots are printed. The  
27 supervisor shall enclose with the advance second primary  
28 absentee ballot and advance general election absentee ballot  
29 an explanation stating that the absentee ballot for the  
30 election will be mailed as soon as it is printed; and, if both  
31 the advance absentee ballot and the absentee ballot for the

1 | election are returned in time to be counted, only the absentee  
2 | ballot will be counted. The Department of State may prescribe  
3 | by rule the requirements for preparing and mailing absentee  
4 | ballots to absent qualified electors overseas.

5 |       Section 7. Section 104.012, Florida Statutes, is  
6 | amended to read:

7 |       104.012 Consideration for registration; interference  
8 | with registration; soliciting registrations for compensation;  
9 | alteration of registration application; failing to submit  
10 | registration application; copying of voter registration  
11 | applications.--

12 |       (1) Any person who gives anything of value that is  
13 | redeemable in cash to any person in consideration for his or  
14 | her becoming a registered voter commits a felony of the third  
15 | degree, punishable as provided in s. 775.082, s. 775.083, or  
16 | s. 775.084. This section shall not be interpreted, however, to  
17 | exclude such services as transportation to the place of  
18 | registration or baby-sitting in connection with the absence of  
19 | an elector from home for registering.

20 |       (2) A person who by bribery, menace, threat, or other  
21 | corruption, directly or indirectly, influences, deceives, or  
22 | deters or attempts to influence, deceive, or deter any person  
23 | in the free exercise of that person's right to register to  
24 | vote at any time, upon the first conviction, commits a felony  
25 | of the third degree, punishable as provided in s. 775.082, s.  
26 | 775.083, or s. 775.084, and, upon any subsequent conviction,  
27 | commits a felony of the second degree, punishable as provided  
28 | in s. 775.082, s. 775.083, or s. 775.084.

29 |       (3) A person may not solicit or pay another person to  
30 | solicit voter registrations for compensation that is based  
31 | upon the number of registrations obtained. A person who

1 | violates the provisions of this subsection commits a felony of  
2 | the third degree, punishable as provided in s. 775.082, s.  
3 | 775.083, or s. 775.084.

4 |       (4) A person who alters the voter registration  
5 | application of any other person, without the other person's  
6 | knowledge and consent, commits a felony of the third degree,  
7 | punishable as provided in s. 775.082, s. 775.083, or s.  
8 | 775.084.

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

15 |       (6) A person other than the applicant who, without the  
16 | express written consent of the applicant, copies a signed  
17 | voter registration application or records information from  
18 | such an application prior to its submission to the supervisor  
19 | of elections, or who willfully receives such a copy or  
20 | recorded information, commits a felony of the third degree,  
21 | punishable as provided in s. 775.082, s. 775.083, or s.  
22 | 775.084.

23 |       Section 8. Section 104.185, Florida Statutes, is  
24 | amended to read:

25 |       104.185 Violations involving petitions; ~~knowingly~~  
26 | ~~signing more than once; signing another person's name or a~~  
27 | ~~fictitious name.--~~

28 |       (1) A person who knowingly signs a petition or  
29 | petitions to secure ballot position for a candidate, a minor  
30 | political party, or an issue more than one time commits a  
31 |

1 misdemeanor of the first degree, punishable as provided in s.  
2 775.082 or s. 775.083.

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

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

15 (4) A person who willfully submits any false  
16 information on a petition or petition revocation form commits  
17 a felony of the third degree, punishable as provided in s.  
18 775.082 or s. 775.083.

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

24 (6) A person who, by bribery, menace, threat, or other  
25 corruption, directly or indirectly influences, deceives, or  
26 deters, or attempts to influence, deceive, or deter, any  
27 person in the free exercise of that person's right to sign a  
28 petition or petition revocation form, upon the first  
29 conviction commits a felony of the third degree, punishable as  
30 provided in s. 775.082, s. 775.083, or s. 775.084, and, upon  
31 any subsequent conviction, commits a felony of the second



1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

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

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

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

20 (10) A person other than the signer who, without the  
21 express prior written consent of the signer, copies a signed  
22 petition or petition revocation form, or records information  
23 from such a document prior to its submission to the supervisor  
24 of elections for verification, or who willfully receives such  
25 a copy or recorded information, commits a felony of the third  
26 degree, punishable as provided in s. 775.082, s. 775.083, or  
27 s. 775.084.

28 (11) In addition to any other penalty provided for by  
29 law, if a petition circulator, as defined in s. 100.372(1)(a),  
30 violates any provision of this section, the commission may,  
31 pursuant to s. 106.265, impose a civil penalty in the form of

1 a fine not to exceed \$1,000 per violation on any person or  
2 entity on behalf of which the petition circulator was acting  
3 at the time of the violation.

4 Section 9. Section 104.42, Florida Statutes, is  
5 amended to read:

6 104.42 Unlawful registrations, petitions, Fraudulent  
7 ~~registration~~ and ~~illegal~~ voting; investigation.--

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

13 (2) The board of county commissioners in any county  
14 may appropriate funds to the supervisor of elections for the  
15 purpose of investigating unlawful fraudulent registrations,  
16 petitions, and ~~illegal~~ voting.

17 (3) The supervisor of elections shall document and  
18 report suspected unlawful registrations, petitions, and voting  
19 to the Attorney General within 10 days.

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

1           Section 11. If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 invalidity does not affect other provisions or applications of  
4 the act which can be given effect without the invalid  
5 provision or application, and to this end the provisions of  
6 this act are declared severable.

7           Section 12. This act shall take effect October 1,  
8 2005.

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SENATE SUMMARY

Revises the process related to gathering, submission, and verification of petitions. Provides requirements for petition gatherers, including paid petition gatherers. Requires certain information to be included on petition forms at the time signatures are sought and when submitted for verification. Prohibits certain conduct related to the petition process and to submission and copying completed voter registration applications and provides criminal penalties therefor. Provides that signatures submitted for verification before October 1, 2005, need not comply with the amended standards but that previously approved forms must be resubmitted for approval under the amended standards.