

By the Committee on Criminal Justice; and Senator Alexander

591-2086-05

1                                   A bill to be entitled  
2           An act relating to the petition process;  
3           providing a short title; amending s. 99.097,  
4           F.S.; revising requirements for verification of  
5           signatures on petitions; prescribing limits on  
6           use of paid petition circulators; providing  
7           procedures to contest alleged improper  
8           signature verification; amending s. 100.371,  
9           F.S.; revising procedures for placing an  
10          initiative on the ballot; providing  
11          requirements for information to be contained on  
12          petitions; providing procedure for revocation  
13          of a petition signature; creating s. 100.372,  
14          F.S.; providing regulation for initiative  
15          petition circulators and their activities;  
16          amending s. 101.161, F.S.; conforming a  
17          cross-reference; amending s. 101.62, F.S.;  
18          conforming a cross-reference; amending s.  
19          104.012, F.S.; providing criminal penalties for  
20          specified offenses involving voter registration  
21          applications; amending s. 104.185, F.S.;  
22          proscribing specified actions involving  
23          petitions and providing or increasing criminal  
24          penalties therefor; amending s. 104.42, F.S.;  
25          prescribing duties of supervisors of elections  
26          with respect to unlawful registrations,  
27          petitions, and voting; providing for verifying  
28          and counting signatures submitted for  
29          verification before the effective date of the  
30          act; requiring resubmission and reapproval of  
31

1 petition forms; providing severability;  
2 providing an effective date.  
3

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

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

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

11 99.097 Verification of signatures on petitions.--

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

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

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

1  
2 Notwithstanding any other provision of law, petitions to  
3 secure ballot placement for an issue, and petition revocations  
4 directed pursuant to s. 100.371(7), must be verified by the  
5 method provided in paragraph (a).

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

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

25 (4)(a) The supervisor shall be paid in advance the sum  
26 of 10 cents for each signature checked or the actual cost of  
27 checking such signature, whichever is less, by the candidate  
28 or, in the case of a petition to have an issue placed on the  
29 ballot, by the person or organization submitting the petition.  
30 However, if a candidate, person, or organization seeking to  
31 have an issue placed upon the ballot cannot pay such charges

1 without imposing an undue burden on personal resources or upon  
2 the resources otherwise available to such candidate, person,  
3 or organization, such candidate, person, or organization  
4 shall, upon written certification of such inability given  
5 under oath to the supervisor, be entitled to have the  
6 signatures verified at no charge. In the event a candidate,  
7 person, or organization submitting a petition to have an issue  
8 placed upon the ballot is entitled to have the signatures  
9 verified at no charge, the supervisor of elections of each  
10 county in which the signatures are verified at no charge shall  
11 submit the total number of such signatures checked in the  
12 county to the Chief Financial Officer no later than December 1  
13 of the general election year, and the Chief Financial Officer  
14 shall cause such supervisor of elections to be reimbursed from  
15 the General Revenue Fund in an amount equal to 10 cents for  
16 each signature ~~name~~ checked or the actual cost of checking  
17 such signatures, whichever is less. In no event shall such  
18 reimbursement of costs be deemed or applied as extra  
19 compensation for the supervisor. Petitions shall be retained  
20 by the supervisors for a period of 1 year following the  
21 election for which the petitions were circulated.

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

1 General Revenue Fund for such costs, no signature on a  
2 petition circulated by the petition circulator before that  
3 date may be counted toward the number of valid signatures  
4 required for ballot placement.

5 (6)(a) The alleged improper verification of a  
6 signature on a petition to secure ballot placement for an  
7 issue pursuant to this code may be contested in the circuit  
8 court by a political committee or by an elector. The  
9 contestant shall file a complaint setting forth the basis of  
10 the contest, together with the fees prescribed in chapter 28,  
11 with the clerk of the circuit court in the county in which the  
12 petition is certified or in Leon County if the complaint is  
13 directed to petitions certified in more than one county.

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

28 (c) An action under the subsection must be commenced  
29 no later than 90 days after the Secretary of State issues a  
30 certificate of ballot position for the issue.

31

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  
8 providing that an initiative petition is filed with the  
9 Secretary of State by February 1 of the year in which the  
10 general election is to be held ~~occurring in excess of 90 days~~  
11 ~~from the certification of ballot position by the Secretary of~~  
12 ~~State.~~

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

23           (3) The sponsor of an initiative amendment shall,  
24 prior to obtaining any signatures, register as a political  
25 committee pursuant to s. 106.03 and submit the text of the  
26 proposed amendment to the Secretary of State, with the form on  
27 which the signatures will be affixed, and shall obtain the  
28 approval of the Secretary of State of such form. The division  
29 ~~Secretary of State~~ shall adopt rules pursuant to s. 120.54  
30 prescribing the style and requirements of such form. Upon  
31 filing with the Secretary of State, the text of the proposed

1 amendment and all forms filed in connection with this section  
2 must, upon request, be made available in alternative formats.  
3

4 The contents of a petition form shall be limited to those  
5 items required by statute or rule. A petition form shall be  
6 deemed a political advertisement as defined in s. 106.011 and,  
7 as such, must comply with all relevant requirements of chapter  
8 106.

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

14 (a) The form must contain the original signature of  
15 the purported elector;

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

18 (c) The purported elector must accurately record on  
19 the form his or her name, date of birth, street address,  
20 county, and any other information required by the division by  
21 rule;

22 (d) The purported elector must be, at the time he or  
23 she signs the form, a duly qualified and registered elector  
24 authorized to vote in the county in which his or her signature  
25 is submitted;

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

29 (f) The elector must accurately record on the form  
30 whether the elector was presented with the petition form for  
31

1 his or her signature by a petition circulator, as defined in  
2 s. 100.372(1); and

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

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

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

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

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

28  
29 NATURE OF AMENDMENT.--The merits of the  
30 proposed change to the Florida Constitution  
31 appearing below have not been officially



1           reviewed by any court or agency of state  
2           government.

3  
4           (7) An elector's signature on a petition form may be  
5 revoked by submitting to the supervisor a signed petition  
6 revocation form adopted by rule for this purpose by the  
7 division. The sponsor of an initiative amendment shall provide  
8 to any elector submitting his or her signature on a petition  
9 form a revocation form for that initiative. The revocation  
10 form must contain the address of the Secretary of State to  
11 permit the elector to submit the revocation form via United  
12 States mail. The petition revocation form shall be filed with  
13 the Secretary of State no later than January 1 preceding the  
14 next general election or, if the initiative amendment is not  
15 certified for ballot position in that election, no later than  
16 the January 1 preceding the next successive general election.  
17 The division shall promptly process the revocation form under  
18 procedures adopted by rule for this purpose by the division.

19           ~~(8)(4)~~ The sponsor shall submit signed and dated forms  
20 to the appropriate supervisor of elections for verification as  
21 to the number of registered electors whose valid signatures  
22 appear thereon. The supervisor shall promptly verify the  
23 signatures upon payment of the fee required by s. 99.097. Upon  
24 completion of verification, the supervisor shall execute a  
25 certificate indicating the total number of signatures checked,  
26 the number of signatures verified as valid and as being of  
27 registered electors, the number of signatures validly revoked  
28 pursuant to subsection (7), and the distribution of such  
29 signatures by congressional district. This certificate shall  
30 be immediately transmitted to the Secretary of State. The  
31 supervisor shall retain the signed ~~signature~~ forms and

1 revocation forms for at least 1 year following the election in  
2 which the issue appeared on the ballot or until the Division  
3 of Elections notifies the supervisors of elections that the  
4 committee which circulated the petition is no longer seeking  
5 to obtain ballot position.

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

19 ~~(10)(6)(a)~~ Within 45 days after receipt of a proposed  
20 revision or amendment to the State Constitution by initiative  
21 petition from the Secretary of State ~~or, within 30 days after~~  
22 ~~such receipt if receipt occurs 120 days or less before the~~  
23 ~~election at which the question of ratifying the amendment will~~  
24 ~~be presented~~, the Financial Impact Estimating Conference shall  
25 complete an analysis and financial impact statement to be  
26 placed on the ballot of the estimated increase or decrease in  
27 any revenues or costs to state or local governments resulting  
28 from the proposed initiative. The Financial Impact Estimating  
29 Conference shall submit the financial impact statement to the  
30 Attorney General and Secretary of State.

31

1           (b)1. The Financial Impact Estimating Conference shall  
2 provide an opportunity for any proponents or opponents of the  
3 initiative to submit information and may solicit information  
4 or analysis from any other entities or agencies, including the  
5 Office of Economic and Demographic Research. All meetings of  
6 the Financial Impact Estimating Conference shall be open to  
7 the public as provided in chapter 286.

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

21           3. Principals of the Financial Impact Estimating  
22 Conference shall reach a consensus or majority concurrence on  
23 a clear and unambiguous financial impact statement, no more  
24 than 75 words in length, and immediately submit the statement  
25 to the Attorney General. Nothing in this subsection prohibits  
26 the Financial Impact Estimating Conference from setting forth  
27 a range of potential impacts in the financial impact  
28 statement. Any financial impact statement that a court finds  
29 not to be in accordance with this section shall be remanded  
30 solely to the Financial Impact Estimating Conference for  
31

1 redrafting. The Financial Impact Estimating Conference shall  
2 redraft the financial impact statement within 15 days.

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

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

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

27 2. If, by 5 p.m. on April 1 of the year in which the  
28 general election is to be held the 75th day before the  
29 election, the Supreme Court has not issued an advisory opinion  
30 on the initial financial impact statement prepared by the  
31 Financial Impact Estimating Conference for an initiative

1 amendment that otherwise meets the legal requirements for  
2 ballot placement, the financial impact statement shall be  
3 deemed approved for placement on the ballot.

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

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

28           5. The Secretary of State and the Office of Economic  
29 and Demographic Research shall make available on the Internet  
30 each initiative financial information statement in its  
31 entirety. In addition, each supervisor of elections whose

1 office has a website shall post the summary from each  
2 initiative financial information statement on the website.  
3 Each supervisor shall include the Internet addresses for the  
4 information statements on the Secretary of State's and the  
5 Office of Economic and Demographic Research's websites in the  
6 publication or mailing required by s. 101.20.

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

10 Section 4. Section 100.372, Florida Statutes, is  
11 created to read:

12 100.372 Regulation of initiative petition  
13 circulators.--

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

15 (a) "Petition circulator" is any person who, in the  
16 context of a direct face-to-face conversation, presents to  
17 another person for his or her possible signature a petition  
18 form or petition revocation form regarding ballot placement  
19 for an initiative.

20 (b) "Paid petition circulator" is a petition  
21 circulator who receives any compensation as either a direct or  
22 indirect consequence of the activities described in paragraph  
23 (a).

24 (2) A petition circulator must be, at the time the  
25 petitioner circulator presents to any person for his or her  
26 possible signature a petition form or petition revocation form  
27 regarding ballot placement for an initiative, at least 18  
28 years of age and eligible to register to vote in this state  
29 pursuant to s. 97.041.

30 (3) A paid petitioner circulator shall, when engaged  
31 in the activities described in paragraph (1)(a), wear a

1 prominent badge, in a form and manner prescribed by rule by  
2 the division, identifying him or her as a "PAID PETITIONER  
3 CIRCULATOR."

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

7 (a) Uniformly prohibit petition circulators from  
8 operating on the property and prohibit persons from engaging  
9 in other activities supporting or opposing an initiative; or

10 (b) Permit such conduct on the property subject to  
11 time, place, and manner restrictions that are reasonable and  
12 uniformly applied.

13 (5) Prior to being presented to a possible elector for  
14 signature, a petition form or petition revocation form  
15 regarding ballot placement for an initiative must set forth  
16 the following information in a format and manner prescribed by  
17 rule by the division:

18 (a) The name of any organization or entity with which  
19 the petition circulator is affiliated and on behalf of which  
20 the petition circulator is presenting forms to electors for  
21 possible signature.

22 (b) The name of the sponsor of the initiative if  
23 different from the entity with which the petition circulator  
24 is affiliated.

25 (c) A statement directing those seeking information  
26 about initiative sponsors and their contributors to the  
27 internet address of the appropriate division website; and

28 (d) A statement disclosing whether the petition  
29 circulator is a paid petition circulator, and, if so, the  
30 amount or rate of compensation and the name and address of the  
31

1 person or entity paying the compensation to the paid petition  
2 circulator.

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

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

20 (c) The affidavit shall attest that the paid petition  
21 circulator has read and understands the laws governing the  
22 circulation of petition and petition revocation forms  
23 regarding ballot placement for an initiative; that he or she  
24 was 18 years of age and eligible to register to vote at the  
25 time the attached form or forms were circulated and signed by  
26 the listed electors; that he or she circulated the attached  
27 form or forms; that each signature thereon was affixed in the  
28 circulator's presence; that each signature thereon is the  
29 signature of the person whose name it purports to be; that to  
30 the best of the circulator's knowledge and belief each of the  
31 persons signing the form or forms was, at the time of signing,



1 a registered elector; that the circulator has not provided or  
2 received, and will not in the future provide or receive,  
3 compensation that is based, directly or indirectly, upon the  
4 number of signatures obtained on petitions or petition  
5 revocation forms; and that he or she has not paid or will not  
6 in the future pay, and that he or she believes that no other  
7 person has paid or will pay, directly or indirectly, any money  
8 or other thing of value to any signer for the purpose of  
9 inducing or causing such signer to affix his or her signature  
10 to the form.

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

17 (7) Each paid petition circulator shall provide to the  
18 sponsor of the initiative amendment for which he or she is  
19 circulating petitions a copy of a valid and current  
20 government-issued photo identification card that accurately  
21 indicates the address at which the paid petition circulator  
22 resides. The sponsor of the initiative shall maintain the  
23 copies of these identification cards in its files and shall  
24 make them available for inspection by any person. If a sponsor  
25 fails to maintain such a copy with respect to a particular  
26 paid petition circulator, all petitions obtained by that paid  
27 petition circulator prior to the date the sponsor produces the  
28 required copy of the identification card are invalid, may not  
29 be verified by the supervisor of elections, and may not be  
30 counted toward the number of valid signatures required for  
31 ballot placement.

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

9           Section 5. Section 101.161, Florida Statutes, is  
10 amended to read:

11           101.161 Referenda; ballots.--

12           (1) Whenever a constitutional amendment or other  
13 public measure is submitted to the vote of the people, the  
14 substance of such amendment or other public measure shall be  
15 printed in clear and unambiguous language on the ballot after  
16 the list of candidates, followed by the word "yes" and also by  
17 the word "no," and shall be styled in such a manner that a  
18 "yes" vote will indicate approval of the proposal and a "no"  
19 vote will indicate rejection. The wording of the substance of  
20 the amendment or other public measure and the ballot title to  
21 appear on the ballot shall be embodied in the joint  
22 resolution, constitutional revision commission proposal,  
23 constitutional convention proposal, taxation and budget reform  
24 commission proposal, or enabling resolution or ordinance.  
25 Except for amendments and ballot language proposed by joint  
26 resolution, the substance of the amendment or other public  
27 measure shall be an explanatory statement, not exceeding 75  
28 words in length, of the chief purpose of the measure. In  
29 addition, for every amendment proposed by initiative, the  
30 ballot shall include, following the ballot summary, a separate  
31 financial impact statement concerning the measure prepared by

1 the Financial Impact Estimating Conference in accordance with  
2 s. 100.371(10) ~~s. 100.371(6)~~. The ballot title shall consist  
3 of a caption, not exceeding 15 words in length, by which the  
4 measure is commonly referred to or spoken of.

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

18 (3)(a) The ballot for the general election in the year  
19 2000 must contain a statement allowing voters to determine  
20 whether circuit or county court judges will be selected by  
21 merit selection and retention as provided in s. 10, Art. V of  
22 the State Constitution. The ballot in each circuit must  
23 contain the statement in paragraph (c). The ballot in each  
24 county must contain the statement in paragraph (e).

25 (b) For any general election in which the Secretary of  
26 State, for any circuit, or the supervisor of elections, for  
27 any county, has certified the ballot position for an  
28 initiative to change the method of selection of judges, the  
29 ballot for any circuit must contain the statement in paragraph  
30 (c) or paragraph (d) and the ballot for any county must  
31 contain the statement in paragraph (e) or paragraph (f).

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

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

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

29           (f) In any county where the initiative is to change  
30 the selection of county court judges to election by the  
31 voters, the ballot shall state: "Shall the method of selecting

1 county court judges in ...(name of the county)... be changed  
2 from selection by the judicial nominating commission and  
3 appointment by the Governor with subsequent terms determined  
4 by a retention vote of the people to election by a vote of the  
5 people?" This statement must be followed by the word "yes" and  
6 also by the word "no."

7 Section 6. Paragraph (a) of subsection (4) of section  
8 101.62, Florida Statutes, is amended to read:

9 101.62 Request for absentee ballots.--

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

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

14 Section 7. Section 104.012, Florida Statutes, is  
15 amended to read:

16 104.012 Consideration for registration; interference  
17 with registration; soliciting registrations for compensation;  
18 alteration of registration application; failing to submit  
19 registration application.--

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

28 (2) 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 person  
31 in the free exercise of that person's right to register to

1 | vote at any time, upon the first conviction, commits a felony  
2 | of the third degree, punishable as provided in s. 775.082, s.  
3 | 775.083, or s. 775.084, and, upon any subsequent conviction,  
4 | commits a felony of the second degree, punishable as provided  
5 | in s. 775.082, s. 775.083, or s. 775.084.

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

12 |         (4) A person who alters the voter registration  
13 | application of any other person, without the other person's  
14 | knowledge and consent, commits a felony of the third degree,  
15 | punishable as provided in s. 775.082, s. 775.083, or s.  
16 | 775.084.

17 |         (5) Any person who obtains an executed voter  
18 | registration application from another person and who willfully  
19 | fails to submit this application to the appropriate supervisor  
20 | of elections within 10 days commits a felony of the third  
21 | degree, punishable as provided in s. 775.082, s. 775.083, or  
22 | s. 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 | misdemeanor of the first degree, punishable as provided in s.

1 775.082 or s. 775.083 and, upon any subsequent conviction,  
2 commits a felony of the third degree, punishable as provided  
3 in s. 775.082, s. 775.083, or s. 775.084.

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

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

20 (4) A person who willfully submits any false  
21 information on a petition or petition revocation form commits  
22 a misdemeanor of the first degree, punishable as provided in  
23 s. 775.082 or s. 775.083 and, upon any subsequent conviction,  
24 commits a felony of the third degree, punishable as provided  
25 in s. 775.082, s. 775.083, or s. 775.084.

26 (5) A person who directly or indirectly gives or  
27 promises anything of value to any other person to induce that  
28 other person to sign a petition or petition revocation form  
29 commits a misdemeanor of the first degree, punishable as  
30 provided in s. 775.082 or s. 775.083 and, upon any subsequent  
31



1 conviction, commits a felony of the third degree, punishable  
2 as provided in s. 775.082, s. 775.083, or s. 775.085.

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

13 (7) A person may not provide or receive compensation  
14 that is based, directly or indirectly, upon the number of  
15 signatures obtained on petitions or petition revocation forms.  
16 A person who violates this subsection commits a misdemeanor of  
17 the first degree punishable as provided in s. 775.082 or s.  
18 775.083 and, upon any subsequent conviction, commits a felony  
19 of the third degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084.

21 (8) A person who alters the petition or petition  
22 revocation form signed by any other person without the other  
23 person's knowledge and consent commits a misdemeanor of the  
24 first degree, punishable as provided in s. 775.082 or s.  
25 775.083 and, upon any subsequent conviction, commits a felony  
26 of the third degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084.

28 (9) A person perpetrating, or attempting to perpetrate  
29 or aid in the perpetration of, any fraud in connection with  
30 obtaining the signature of electors on petition or petition  
31 revocation forms commits a misdemeanor of the first degree,

1 punishable as provided in s. 775.082 or s. 775.083 and, upon  
2 any subsequent conviction, commits a felony of the third  
3 degree, punishable as provided in s. 775.082, s. 775.083, or  
4 s. 775.084.

5 (10) In addition to any other penalty provided for by  
6 law, if a paid petition circulator, as defined in s.  
7 100.372(1), violates any provision of this section, the  
8 commission may, pursuant to s. 106.265, impose a civil penalty  
9 in the form of a fine not to exceed \$1,000 per violation on  
10 any person or entity on behalf of which the petition  
11 circulator was acting at the time of the violation.

12 Section 9. Section 104.42, Florida Statutes, is  
13 amended to read:

14 104.42 Unlawful registrations, petitions, Fraudulent  
15 registration and illegal voting; investigation.--

16 (1) The supervisor of elections is authorized to  
17 investigate unlawful fraudulent registrations, petitions, and  
18 illegal voting and to report his or her findings to the local  
19 state attorney, the Florida Department of Law Enforcement, and  
20 the Florida Elections Commission.

21 (2) The board of county commissioners in any county  
22 may appropriate funds to the supervisor of elections for the  
23 purpose of investigating unlawful fraudulent registrations,  
24 petitions, and illegal voting.

25 (3) The supervisor of elections shall document and  
26 report suspected unlawful registrations, petitions, and voting  
27 to the Florida Elections Commission within 10 days after  
28 acquiring reasonable suspicion concerning the lawfulness of  
29 the registrations, petitions, and voting.

30 Section 10. Any signature gathered on an authorized  
31 form for an initiative petition which has been submitted for

1 verification prior to the effective date of this act may be  
2 verified and counted, if otherwise valid. However, any  
3 petition form that is submitted for verification on or after  
4 the effective date of this act shall be verified and counted  
5 only if it complies with this act. Any initiative petition  
6 form approved by the Secretary of State prior to the effective  
7 date of this act is invalidated, and a new petition form must  
8 be resubmitted to the Secretary of State for approval in  
9 accordance with the requirements of this act prior to  
10 obtaining elector signatures.

11           Section 11. If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 invalidity does not affect other provisions or applications of  
14 the act which can be given effect without the invalid  
15 provision or application, and to this end the provisions of  
16 this act are declared severable.

17           Section 12. This act shall take effect August 1, 2005.  
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- 1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3                                   Senate Bill 1996
- 4 - Provides that an action commenced to contest the  
5 verification of petitions must be filed no later than one  
6 year after the Secretary of State issues a certification  
7 of ballot position for the issue;
- 8 - Revises the provision relating to signature revocation by  
9 requiring sponsors to provide electors with signature  
10 revocation forms, and by permitting the division to  
11 promulgate rules to give effect to the section;
- 12 - Deletes language relating to the financial impact on the  
13 private sector of the state through the Financial Impact  
14 Estimating Conference;
- 15 - Permits a property owner, lessee, or other person  
16 lawfully exercising control over private property to  
17 prohibit petition circulators from operating on the  
18 property and to prohibit persons from engaging in other  
19 activities supporting or opposing an initiative, and to  
20 permit such conduct on the property subject to time,  
21 place, and manner restrictions that are reasonable and  
22 uniformly applied;
- 23 - Revises the information required to be disclosed on a  
24 petition form;
- 25 - Deletes a redundant section relating to personal  
26 information a petition circulator must disclose;
- 27 - Includes government issued identification numbers as  
28 permissible forms of identification for petition  
29 circulators;
- 30 - Deletes a provision relating to contacting petition  
31 circulators at a listed residence address;
- Restores language relating to the selection of circuit  
and county judges;
- Deletes a provision providing for criminal sanctions for  
copying voter registration applications;
- Deletes a provision providing for criminal sanctions for  
copying signed petition or petition revocation forms;
- Revises criminal penalties;
- Applies the possibility for civil penalties only to paid  
petition circulators;
- Requires supervisors to report suspected unlawful  
behavior to the Florida Elections Commission;
- Corrects cross-references, makes technical changes, and  
corrects various typographical and grammatical errors;  
and

1 - Amends the effective date.  
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