

1 of 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, and
20 county;

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

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

28 (f) If the elector was presented with the petition
29 form for his or her signature by a petition circulator, the
30 petition form must comply with the requirements of s. 100.372.
31

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

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

9
10 RIGHT TO MAIL IN.--You have the right to take
11 this petition home and study the issue before
12 signing. If you choose to sign the petition,
13 you may return it to the sponsors of the
14 amendment at the following
15 address: _____.

16
17 NATURE OF AMENDMENT.--The merits of the
18 proposed change to the Florida Constitution
19 appearing below have not been officially
20 reviewed by any court or agency of state
21 government.

22
23 (7) An elector's signature on a petition form may be
24 revoked by submitting to the supervisor a signed petition
25 revocation form adopted by rule for this purpose by the
26 division. The sponsor of an initiative amendment shall provide
27 to any elector submitting his or her signature on a petition
28 form a revocation form for that initiative. The revocation
29 form must contain the address of the Secretary of State to
30 permit the elector to submit the revocation form via United
31 States mail. The petition revocation form shall be filed with

1 the Secretary of State no later than January 1 preceding the
2 next general election or, if the initiative amendment is not
3 certified for ballot position in that election, no later than
4 the January 1 preceding the next successive general election.
5 The division shall promptly process the revocation form under
6 procedures adopted by rule for this purpose by the division.

7 ~~(8)(4)~~ The sponsor shall submit signed and dated forms
8 to the appropriate supervisor of elections for verification as
9 to the number of registered electors whose valid signatures
10 appear thereon. The supervisor shall promptly verify the
11 signatures upon payment of the fee required by s. 99.097. Upon
12 completion of verification, the supervisor shall execute a
13 certificate indicating the total number of signatures checked,
14 the number of signatures verified as valid and as being of
15 registered electors, the number of signatures validly revoked
16 pursuant to subsection (7), and the distribution of such
17 signatures by congressional district. This certificate shall
18 be immediately transmitted to the Secretary of State. The
19 supervisor shall retain the signed signature forms and
20 revocation forms for at least 1 year following the election in
21 which the issue appeared on the ballot or until the Division
22 of Elections notifies the supervisors of elections that the
23 committee which circulated the petition is no longer seeking
24 to obtain ballot position.

25 ~~(9)(5)~~ The Secretary of State shall determine from the
26 verification certificates received from supervisors of
27 elections the total number of verified valid signatures and
28 the distribution of such signatures by congressional
29 districts. Upon a determination that the requisite number and
30 distribution of valid signatures have been obtained, the
31 secretary shall issue a certificate of ballot position for

1 that proposed amendment and shall assign a designating number
2 pursuant to s. 101.161. A petition shall be deemed to be filed
3 with the Secretary of State upon the date of the receipt by
4 the secretary of a certificate or certificates from
5 supervisors of elections indicating the petition has been
6 signed by the constitutionally required number of electors.

7 ~~(10)(6)~~(a) Within 45 days after receipt of a proposed
8 revision or amendment to the State Constitution by initiative
9 petition from the Secretary of State ~~or, within 30 days after~~
10 ~~such receipt if receipt occurs 120 days or less before the~~
11 ~~election at which the question of ratifying the amendment will~~
12 ~~be presented~~, the Financial Impact Estimating Conference shall
13 complete an analysis and financial impact statement to be
14 placed on the ballot of the estimated increase or decrease in
15 any revenues or costs to state or local governments resulting
16 from the proposed initiative. The ballot must include a
17 statement, as prescribed by rule of the Department of State,
18 to the effect that the financial impact statement is required
19 under the State Constitution and the Florida Statutes and
20 should not be construed as an endorsement by the state of the
21 proposed revision or amendment to the State Constitution. The
22 Financial Impact Estimating Conference shall submit the
23 financial impact statement to the Attorney General and
24 Secretary of State.

25 (b)1. The Financial Impact Estimating Conference shall
26 provide an opportunity for any proponents or opponents of the
27 initiative to submit information and may solicit information
28 or analysis from any other entities or agencies, including the
29 Office of Economic and Demographic Research. All meetings of
30 the Financial Impact Estimating Conference shall be open to
31 the public as provided in chapter 286.

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

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

26 4. If the members of the Financial Impact Estimating
27 Conference are unable to agree on the statement required by
28 this subsection, or if the Supreme Court has rejected the
29 initial submission by the Financial Impact Estimating
30 Conference and no redraft has been approved by the Supreme
31 Court by April 1 of the year in which the general election is

1 ~~to be held 5 p.m. on the 75th day before the election,~~ the
2 following statement shall appear on the ballot pursuant to s.
3 101.161(1): "The financial impact of this measure, if any,
4 cannot be reasonably determined at this time."

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

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

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

27 3. In addition to the financial impact statement
28 required by this subsection, the Financial Impact Estimating
29 Conference shall draft an initiative financial information
30 statement. The initiative financial information statement
31 should describe in greater detail than the financial impact

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

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

20 | 5. The Secretary of State and the Office of Economic
21 | and Demographic Research shall make available on the Internet
22 | each initiative financial information statement in its
23 | entirety. In addition, each supervisor of elections whose
24 | office has a website shall post the summary from each
25 | initiative financial information statement on the website.
26 | Each supervisor shall include the Internet addresses for the
27 | information statements on the Secretary of State's and the
28 | Office of Economic and Demographic Research's websites in the
29 | publication or mailing required by s. 101.20.
30 |
31 |

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

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

6 100.372 Regulation of initiative petition
7 circulators.--

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

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

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

18 (2) At the time a petition circulator presents to any
19 person for his or her possible signature a petition form or
20 petition revocation form regarding ballot placement for an
21 initiative, the petition circulator must:

22 (a) Be at least 18 years of age;

23 (b) Be eligible to register to vote in this or any
24 other state or territory of the United States; and

25 (c) Not be a convicted felon ineligible to register or
26 vote under s. 97.041(2)(b).

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

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

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

7 (b) Permit such conduct on the property subject to
8 time, place, and manner restrictions that are reasonable and
9 uniformly applied.

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

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

19 (b) The name of the sponsor of the initiative if
20 different from the entity with which the petition circulator
21 is affiliated.

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

25 (d) A statement disclosing whether the petition
26 circulator is a paid petition circulator, and, if so, the
27 amount or rate of compensation and the name and address of the
28 person or entity paying the compensation to the paid petition
29 circulator.

30 (6)(a) A paid petition circulator shall attach to each
31 signed petition form, petition revocation form, or group of

1 such forms obtained by the paid petition circulator a signed,
2 notarized, and dated declaration under penalty of perjury
3 executed by the paid petition circulator, in a form prescribed
4 by rule by the division. If the declaration pertains to a
5 group of forms, the forms shall be consecutively numbered on
6 their face by the paid petition circulator and the declaration
7 shall refer to the forms by number.

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

16 (c) The declaration shall attest that the paid
17 petition circulator has read and understands the laws
18 governing the circulation of petition and petition revocation
19 forms regarding ballot placement for an initiative; that he or
20 she was 18 years of age and eligible to register to vote at
21 the time the attached form or forms were circulated and signed
22 by the listed electors; that he or she circulated the attached
23 form or forms; that each signature thereon was affixed in the
24 circulator's presence; that each signature thereon is the
25 signature of the person whose name it purports to be; that to
26 the best of the circulator's knowledge and belief each of the
27 persons signing the form or forms was, at the time of signing,
28 a registered elector; that the circulator has not provided or
29 received, and will not in the future provide or receive,
30 compensation that is based, directly or indirectly, upon the
31 number of signatures obtained on petitions or petition

1 revocation forms; and that he or she has not paid or will not
2 in the future pay, and that he or she believes that no other
3 person has paid or will pay, directly or indirectly, any money
4 or other thing of value to any signer for the purpose of
5 inducing or causing such signer to affix his or her signature
6 to the form.

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

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

29 (8) A signature on a petition form or petition
30 revocation form regarding ballot placement for an initiative
31 which does not fully comply with the applicable provisions of

1 this chapter, or which was obtained in violation of the
2 applicable provisions of this code, is invalid and may not be
3 verified by a supervisor of elections and may not be counted
4 toward the number of valid signatures required for ballot
5 placement.

6 Section 5. Section 101.161, Florida Statutes, is
7 amended to read:

8 101.161 Referenda; ballots.--

9 (1) Whenever a constitutional amendment or other
10 public measure is submitted to the vote of the people, the
11 substance of such amendment or other public measure shall be
12 printed in clear and unambiguous language on the ballot after
13 the list of candidates, followed by the word "yes" and also by
14 the word "no," and shall be styled in such a manner that a
15 "yes" vote will indicate approval of the proposal and a "no"
16 vote will indicate rejection. The wording of the substance of
17 the amendment or other public measure and the ballot title to
18 appear on the ballot shall be embodied in the joint
19 resolution, constitutional revision commission proposal,
20 constitutional convention proposal, taxation and budget reform
21 commission proposal, or enabling resolution or ordinance.
22 Except for amendments and ballot language proposed by joint
23 resolution, the substance of the amendment or other public
24 measure shall be an explanatory statement, not exceeding 75
25 words in length, of the chief purpose of the measure. In
26 addition, for every amendment proposed by initiative, the
27 ballot shall include, following the ballot summary, a separate
28 financial impact statement concerning the measure prepared by
29 the Financial Impact Estimating Conference in accordance with
30 s. 100.371(10) ~~s. 100.371(6)~~. The ballot title shall consist
31

1 of a caption, not exceeding 15 words in length, by which the
2 measure is commonly referred to or spoken of.

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

16 (3)(a) The ballot for the general election in the year
17 2000 must contain a statement allowing voters to determine
18 whether circuit or county court judges will be selected by
19 merit selection and retention as provided in s. 10, Art. V of
20 the State Constitution. The ballot in each circuit must
21 contain the statement in paragraph (c). The ballot in each
22 county must contain the statement in paragraph (e).

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

30 (c) In any circuit where the initiative is to change
31 the selection of circuit court judges to selection by merit

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

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

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

27 (f) In any county where the initiative is to change
28 the selection of county court judges to election by the
29 voters, the ballot shall state: "Shall the method of selecting
30 county court judges in ...(name of the county)... be changed
31 from selection by the judicial nominating commission and

1 | appointment by the Governor with subsequent terms determined
2 | by a retention vote of the people to election by a vote of the
3 | people?" This statement must be followed by the word "yes" and
4 | also by the word "no."

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

7 | 101.62 Request for absentee ballots.--

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

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

12 | Section 7. Section 104.012, Florida Statutes, is
13 | amended to read:

14 | 104.012 Consideration for registration; interference
15 | with registration; soliciting registrations for compensation;
16 | alteration of registration application; failing to submit
17 | registration application.--

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

26 | (2) A person who by bribery, menace, threat, or other
27 | corruption, directly or indirectly, influences, deceives, or
28 | deters or attempts to influence, deceive, or deter any person
29 | in the free exercise of that person's right to register to
30 | vote at any time, upon the first conviction, commits a felony
31 | of the third degree, punishable as provided in s. 775.082, s.

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

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

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

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

21 Section 8. Section 104.185, Florida Statutes, is
22 amended to read:

23 104.185 Violations involving petitions; ~~knowingly~~
24 ~~signing more than once; signing another person's name or a~~
25 ~~fictitious name.--~~

26 (1) A person who knowingly signs a petition or
27 petitions to secure ballot position for a candidate, a minor
28 political party, or an issue more than one time commits a
29 misdemeanor of the first degree, punishable as provided in s.
30 775.082 or s. 775.083 and, upon any subsequent conviction,
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1 commits a felony of the third degree, punishable as provided
2 in s. 775.082, s. 775.083, or s. 775.084.

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 misdemeanor of the first
7 degree, punishable as provided in s. 775.082 or s. 775.083
8 and, upon any subsequent conviction, commits a felony of the
9 third degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084.

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

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

25 (5) A person who directly or indirectly gives or
26 promises anything of value to any other person to induce that
27 other person to sign a petition or petition revocation form
28 commits a misdemeanor of the first degree, punishable as
29 provided in s. 775.082 or s. 775.083 and, upon any subsequent
30 conviction, commits a felony of the third degree, punishable
31 as provided in s. 775.082, s. 775.083, or s. 775.085.

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

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

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

26 (9) A person perpetrating, or attempting to perpetrate
27 or aid in the perpetration of, any fraud in connection with
28 obtaining the signature of electors on petition or petition
29 revocation forms commits a misdemeanor of the first degree,
30 punishable as provided in s. 775.082 or s. 775.083 and, upon
31 any subsequent conviction, commits a felony of the third

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

3 (10) In addition to any other penalty provided for by
4 law, if a paid petition circulator, as defined in s.
5 100.372(1), violates any provision of this section, the
6 commission may, pursuant to s. 106.265, impose a civil penalty
7 in the form of a fine not to exceed \$1,000 per violation on
8 such paid petition circulator.

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

11 104.42 Unlawful registrations, petitions, Fraudulent
12 registration and illegal voting; investigation.--

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

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

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

27 Section 10. Any signature gathered on an authorized
28 form for an initiative petition which has been submitted for
29 verification prior to the effective date of this act may be
30 verified and counted, if otherwise valid. However, any
31 petition form that is submitted for verification on or after

1 the effective date of this act shall be verified and counted
2 only if it complies with this act. Any initiative petition
3 form approved by the Secretary of State prior to the effective
4 date of this act is invalidated, and a new petition form must
5 be resubmitted to the Secretary of State for approval in
6 accordance with the requirements of this act prior to
7 obtaining elector signatures.

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

14 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 CS/Senate Bill 1996

4 The committee substitute makes the following changes to the
5 underlying committee substitute:

6 -- Removes proposed language that would have authorized the
7 Division of Elections to require additional personal
8 information, apart from what is enumerated in statute, on
9 a petition form;

10 -- Deletes requirement that the elector must record on the
11 petition form whether the elector was presented with the
12 form by a petition circulator;

13 -- Removes provision for a disclosure statement on paid
14 petition circulators which would have been required on
15 all petition forms, regardless of whether the petition
16 circulator is paid, to provide s. 100.372(5)(d), F.S., as
17 the sole instruction on this disclosure;

18 -- Requires that the ballot must include a statement to the
19 effect that the financial impact statement is required by
20 law and should not be construed as an endorsement by the
21 state of the proposed constitutional revision;

22 -- Revises eligibility requirements for petition circulators
23 to allow for nonresident-circulators while retaining
24 restrictions for convicted felons and the minimum age of
25 18;

26 -- Replaces the word "affidavit" with "declaration under
27 penalty of perjury" under the requirement that a
28 statement accompany petition forms submitted by a
29 circulator;

30 -- Limits proposed language that would allow access to
31 circulators' photo-IDs by "any person," to limit access
to the Division of Elections, a supervisor of elections,
or any law enforcement agency, only;

-- Revises provision that would allow the person or
organization on whose behalf a circulator was acting to
be fined for a violation involving petitions, to make the
fine apply to the circulator, only;

-- Makes technical and conforming changes throughout.