

By Senator Alexander

17-234C-06

1                                   A bill to be entitled  
2           An act relating to the petition process;  
3           amending s. 99.097, F.S.; revising requirements  
4           for verification of signatures on petitions;  
5           prescribing limits on use of paid petition  
6           circulators; providing procedures to contest  
7           alleged improper signature verification;  
8           repealing s. 28, ch. 2005-278, Laws of Florida,  
9           relating to procedures for placement of  
10          initiatives on the ballot; amending s. 100.371,  
11          F.S.; revising procedures for placing an  
12          initiative on the ballot; providing  
13          requirements for information to be contained on  
14          petitions; providing procedure for revocation  
15          of a petition signature; requiring a statement  
16          on the ballot regarding the financial impact  
17          statement; creating s. 100.372, F.S.; providing  
18          regulation for initiative petition circulators  
19          and their activities; repealing s. 33, ch.  
20          2005-278, Laws of Florida, relating to  
21          referenda and ballots; amending s. 101.161,  
22          F.S.; conforming a cross-reference; amending s.  
23          104.012, F.S.; providing criminal penalties for  
24          specified offenses involving voter registration  
25          applications; amending s. 104.185, F.S.;  
26          proscribing specified actions involving  
27          petitions and providing or increasing criminal  
28          penalties therefor; amending s. 104.42, F.S.;  
29          prescribing duties of supervisors of elections  
30          with respect to unlawful registrations,  
31          petitions, and voting; providing for verifying

1 and counting signatures submitted for  
2 verification before the effective date of the  
3 act; requiring resubmission and reapproval of  
4 petition forms; providing severability;  
5 providing effective dates.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

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

11 Section 2. Subsections (1), (3), and (4) of section  
12 99.097, Florida Statutes, are amended, and subsection (6) is  
13 added to that section, to read:

14 99.097 Verification of signatures on petitions.--

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

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

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

1 the petitions do not meet such criteria, then the use of the  
2 verification method described in this paragraph shall not be  
3 available to supervisors.

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

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

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

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

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

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

1 paragraph provides compensation to a paid petition circulator  
2 before the date the person or organization pays all  
3 supervisors for each signature checked or reimburses the  
4 General Revenue Fund for such costs, a signature on a petition  
5 circulated by the petition circulator before that date may not  
6 be counted toward the number of valid signatures required for  
7 ballot placement.

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

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

31

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

4           Section 3. Section 100.371, Florida Statutes, is  
5 amended to read:

6           100.371 Initiatives; procedure for placement on  
7 ballot.--

8           (1) Constitutional amendments proposed by initiative  
9 shall be placed on the ballot for the general election if an  
10 initiative petition is filed with the Secretary of State by  
11 February 1 of the year in which the general election is to be  
12 ~~held occurring in excess of 90 days from the certification of~~  
13 ~~ballot position by the Secretary of State.~~

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

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

1 filing with the Secretary of State, the text of the proposed  
2 amendment and all forms filed in connection with this section  
3 must, upon request, be made available in alternative formats.  
4 The contents of a petition form are limited to those items  
5 required by statute or rule. A petition form is a political  
6 advertisement as defined in s. 106.011 and, as such, must  
7 comply with all relevant requirements of chapter 106.

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

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

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

17 (c) The form must accurately set forth the purported  
18 elector's name, street address, county, and voter registration  
19 number or date of birth;

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

24 (e) The date the elector signed the form, as recorded  
25 by the elector, must be no more than 30 days before the date  
26 the form is received by the supervisor of elections;

27 (f) The elector must accurately record on the form  
28 whether the elector was presented with the form by a petition  
29 circulator as defined in s. 100.372;

30  
31

1       (g) The elector must accurately record on the form  
2 whether the elector signed the form and returned it to a  
3 petition circulator as defined in s. 100.372; and

4       (h) The form must comply with the relevant  
5 requirements of s. 100.372.

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

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

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

20  
21       NATURE OF AMENDMENT.--The merits of the  
22 proposed change to the Florida Constitution  
23 appearing below have not been officially  
24 reviewed by any court or agency of state  
25 government.

26  
27       (7) An elector's signature on a petition form may be  
28 revoked by submitting to the appropriate supervisor of  
29 elections a signed petition-revocation form adopted by rule  
30 for this purpose by the division. The petition-revocation form  
31 is subject to the same relevant requirements as the



1 corresponding petition form under this code and must be  
2 approved by the Secretary of State before any signature is  
3 obtained. The petition-revocation form shall be filed with the  
4 supervisor of elections no later than the February 1 preceding  
5 the next general election or, if the initiative amendment is  
6 not certified for ballot position in that election, no later  
7 than the February 1 preceding the next successive general  
8 election. The supervisor of elections shall promptly verify  
9 the signature on the petition-revocation form and process such  
10 revocation upon payment, in advance, of a fee of 10 cents or  
11 the actual cost of checking such signature, whichever is less.

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

30 ~~(9)(5)~~ The Secretary of State shall determine from the  
31 verification certificates received from supervisors of

1 | elections the total number of verified valid signatures and  
2 | the distribution of such signatures by congressional  
3 | districts. Upon a determination that the requisite number and  
4 | distribution of valid signatures have been obtained, the  
5 | secretary shall issue a certificate of ballot position for  
6 | that proposed amendment and shall assign a designating number  
7 | pursuant to s. 101.161. A petition shall be deemed to be filed  
8 | with the Secretary of State upon the date of the receipt by  
9 | the secretary of a certificate or certificates from  
10 | supervisors of elections indicating that valid and verified  
11 | ~~the~~ petition forms have ~~has~~ been signed by the  
12 | constitutionally required number and distribution of electors  
13 | pursuant to this code, subject to the right of revocation  
14 | established in this section.

15 |       ~~(10)(6)~~(a) Within 45 days after receipt of a proposed  
16 | revision or amendment to the State Constitution by initiative  
17 | petition from the Secretary of State ~~or, within 30 days after~~  
18 | ~~such receipt if receipt occurs 120 days or less before the~~  
19 | ~~election at which the question of ratifying the amendment will~~  
20 | ~~be presented~~, the Financial Impact Estimating Conference shall  
21 | complete an analysis and financial impact statement to be  
22 | placed on the ballot of the estimated increase or decrease in  
23 | any revenues or costs to state or local governments resulting  
24 | from the proposed initiative. The ballot must include a  
25 | statement, as prescribed by rule of the Department of State,  
26 | to the effect that the financial impact statement is required  
27 | under the State Constitution and the Florida Statutes and  
28 | should not be construed as an endorsement by the state of the  
29 | proposed revision or amendment to the State Constitution. The  
30 | Financial Impact Estimating Conference shall submit the  
31 |

1 financial impact statement to the Attorney General and  
2 Secretary of State.

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

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

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

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

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

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

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

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

1 Financial Impact Estimating Conference for an initiative  
2 amendment that otherwise meets the legal requirements for  
3 ballot placement, the financial impact statement shall be  
4 deemed approved for placement on the ballot.

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

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

29           5. The Secretary of State and the Office of Economic  
30 and Demographic Research shall make available on the Internet  
31 each initiative financial information statement in its

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

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

11 Section 4. Section 28 of chapter 2005-278, Laws of  
12 Florida, is repealed.

13 Section 5. Effective January 1, 2007, section 100.371,  
14 Florida Statutes, as amended by this act, is amended to read:

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

17 (1) Constitutional amendments proposed by initiative  
18 shall be placed on the ballot for the general election if an  
19 initiative petition is filed with the Secretary of State by  
20 February 1 of the year in which the general election is to be  
21 held. A petition shall be deemed to be filed with the  
22 Secretary of State upon the date that the secretary determines  
23 that valid and verified petitions have been signed by the  
24 constitutionally required number and distribution of electors  
25 pursuant to this code, subject to the right of revocation  
26 established in this section.

27 ~~(2) Certification of ballot position shall be issued~~  
28 ~~when the Secretary of State has received verification~~  
29 ~~certificates from the supervisors of elections indicating that~~  
30 ~~the requisite number and distribution of valid petitions~~  
31 ~~bearing the signatures of electors have been submitted to and~~

1 ~~verified by the supervisors. Every signature shall be dated by~~  
2 ~~the elector when made. Signatures are valid for a period of 4~~  
3 ~~years following such date, provided all other requirements of~~  
4 ~~law are satisfied.~~

5       ~~(2)(3)~~ The sponsor of an initiative amendment shall,  
6 prior to obtaining any signatures, register as a political  
7 committee pursuant to s. 106.03 and submit the text of the  
8 proposed amendment to the Secretary of State, with the form on  
9 which the signatures will be affixed, and shall obtain the  
10 approval of the Secretary of State of such form. The division  
11 shall adopt rules pursuant to s. 120.54 prescribing the style  
12 and requirements of such form. Upon filing with the Secretary  
13 of State, the text of the proposed amendment and all forms  
14 filed in connection with this section must, upon request, be  
15 made available in alternative formats. The contents of a  
16 petition form are limited to those items required by statute  
17 or rule. A petition form is a political advertisement as  
18 defined in s. 106.011 and, as such, must comply with all  
19 relevant requirements of chapter 106.

20       ~~(3)(4)~~ The supervisor of elections shall record the  
21 date each petition form is received by the supervisor and the  
22 date the signature on the form is verified as valid. The  
23 supervisor shall also promptly record these dates in the  
24 statewide voter registration system in the manner prescribed  
25 by the Secretary of State. The supervisor shall verify that  
26 the signature on a petition form is valid only if the form  
27 complies with all of the following:

28           (a) The form must contain the original signature of  
29 the purported elector;

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

1 (c) The form must accurately set forth the purported  
2 elector's name, street address, county, and voter registration  
3 number or date of birth;

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

8 (e) The date the elector signed the form, as recorded  
9 by the elector, must be no more than 30 days before the date  
10 the form is received by the supervisor of elections;

11 (f) The elector must accurately record on the form  
12 whether the elector was presented with the form by a petition  
13 circulator as defined in s. 100.372;

14 (g) The elector must accurately record on the form  
15 whether the elector signed the form and returned it to a  
16 petition circulator as defined in s. 100.372; and

17 (h) The form must comply with the relevant  
18 requirements of s. 100.372.

19 ~~(4)(5)~~ An elector may submit his or her signed form to  
20 the sponsor of the initiative amendment, by mail or otherwise,  
21 at an address listed on the form for this purpose.

22 ~~(5)(6)~~ Each form must contain the following notices at  
23 the top of the form in bold type and in a 16-point or larger  
24 font, immediately following the title "Constitutional  
25 Amendment Petition Form":

26  
27 RIGHT TO MAIL IN.--You have the right to take  
28 this petition home and study the issue before  
29 signing. If you choose to sign the petition,  
30 you may return it to the sponsors of the  
31



1 amendment at the following  
2 address:\_\_\_\_\_.

3  
4 NATURE OF AMENDMENT.--The merits of the  
5 proposed change to the Florida Constitution  
6 appearing below have not been officially  
7 reviewed by any court or agency of state  
8 government.

9  
10 ~~(6)(7)~~ An elector's signature on a petition form may  
11 be revoked by submitting to the appropriate supervisor of  
12 elections a signed petition-revocation form adopted by rule  
13 for this purpose by the division. The petition-revocation form  
14 is subject to the same relevant requirements as the  
15 corresponding petition form under this code and must be  
16 approved by the Secretary of State before any signature is  
17 obtained. The petition-revocation form shall be filed with the  
18 supervisor of elections no later than the February 1 preceding  
19 the next general election or, if the initiative amendment is  
20 not certified for ballot position in that election, no later  
21 than the February 1 preceding the next successive general  
22 election. The supervisor of elections shall promptly verify  
23 the signature on the petition-revocation form and process such  
24 revocation upon payment, in advance, of a fee of 10 cents or  
25 the actual cost of checking such signature, whichever is less.

26 ~~(7)(8)~~ Each signature shall be dated by the elector  
27 when made and shall be valid for a period of 4 years following  
28 such date, if all other requirements of law are met. The  
29 sponsor shall submit signed and dated forms to the appropriate  
30 supervisor of elections for verification as to the number of  
31 registered electors whose valid signatures appear thereon. The

1 supervisor shall promptly verify the signatures upon payment  
2 of the fee required by s. 99.097. The supervisor shall  
3 promptly record each petition verified as valid in the  
4 statewide voter registration system in the manner prescribed  
5 by the Secretary of State. ~~Upon completion of verification,~~  
6 ~~the supervisor shall execute a certificate indicating the~~  
7 ~~total number of signatures checked, the number of signatures~~  
8 ~~verified as valid and as being of registered electors, the~~  
9 ~~number of signatures validly revoked pursuant to subsection~~  
10 ~~(7), and the distribution of such signatures by congressional~~  
11 ~~district. This certificate shall be immediately transmitted to~~  
12 ~~the Secretary of State.~~ The supervisor shall retain the signed  
13 petition forms and petition-revocation forms for at least 1  
14 year following the election in which the issue appeared on the  
15 ballot or until the Division of Elections notifies the  
16 supervisors of elections that the committee which circulated  
17 the petition is no longer seeking to obtain ballot position.  
18       ~~(8)(9)~~ The Secretary of State shall determine from the  
19 signatures verified by the verification certificates received  
20 from supervisors of elections and recorded in the statewide  
21 voter registration system the total number of verified valid  
22 signatures and the distribution of such signatures by  
23 congressional districts. Upon a determination that the  
24 requisite number and distribution of valid signatures have  
25 been obtained, the secretary shall issue a certificate of  
26 ballot position for that proposed amendment and shall assign a  
27 designating number pursuant to s. 101.161. ~~A petition shall be~~  
28 ~~deemed to be filed with the Secretary of State upon the date~~  
29 ~~of the receipt by the secretary of a certificate or~~  
30 ~~certificates from supervisors of elections indicating that~~  
31 ~~valid and verified petition forms have been signed by the~~

1 ~~constitutionally required number and distribution of electors~~  
2 ~~pursuant to this code, subject to the right of revocation~~  
3 ~~established in this section.~~

4       (9)~~(10)~~(a) Within 45 days after receipt of a proposed  
5 revision or amendment to the State Constitution by initiative  
6 petition from the Secretary of State, the Financial Impact  
7 Estimating Conference shall complete an analysis and financial  
8 impact statement to be placed on the ballot of the estimated  
9 increase or decrease in any revenues or costs to state or  
10 local governments resulting from the proposed initiative. The  
11 ballot must include a statement, as prescribed by rule of the  
12 Department of State, to the effect that the financial impact  
13 statement is required under the State Constitution and the  
14 Florida Statutes and should not be construed as an endorsement  
15 by the state of the proposed revision or amendment to the  
16 State Constitution. The Financial Impact Estimating Conference  
17 shall submit the financial impact statement to the Attorney  
18 General and Secretary of State.

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

26       2. The Financial Impact Estimating Conference is  
27 established to review, analyze, and estimate the financial  
28 impact of amendments to or revisions of the State Constitution  
29 proposed by initiative. The Financial Impact Estimating  
30 Conference shall consist of four principals: one person from  
31 the Executive Office of the Governor; the coordinator of the

1 Office of Economic and Demographic Research, or his or her  
2 designee; one person from the professional staff of the  
3 Senate; and one person from the professional staff of the  
4 House of Representatives. Each principal shall have  
5 appropriate fiscal expertise in the subject matter of the  
6 initiative. A Financial Impact Estimating Conference may be  
7 appointed for each initiative.

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

20           4. If the members of the Financial Impact Estimating  
21 Conference are unable to agree on the statement required by  
22 this subsection, or if the Supreme Court has rejected the  
23 initial submission by the Financial Impact Estimating  
24 Conference and no redraft has been approved by the Supreme  
25 Court by April 1 of the year in which the general election is  
26 to be held, the following statement shall appear on the ballot  
27 pursuant to s. 101.161(1): "The financial impact of this  
28 measure, if any, cannot be reasonably determined at this  
29 time."  
30  
31

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

4           (d)1. Any financial impact statement that the Supreme  
5 Court finds not to be in accordance with this subsection shall  
6 be remanded solely to the Financial Impact Estimating  
7 Conference for redrafting, provided the court's advisory  
8 opinion is rendered by April 1 of the year in which the  
9 general election is to be held. The Financial Impact  
10 Estimating Conference shall prepare and adopt a revised  
11 financial impact statement no later than 5 p.m. on the 15th  
12 day after the date of the court's opinion.

13           2. If, by 5 p.m. on April 1 of the year in which the  
14 general election is to be held, the Supreme Court has not  
15 issued an advisory opinion on the initial financial impact  
16 statement prepared by the Financial Impact Estimating  
17 Conference for an initiative amendment that otherwise meets  
18 the legal requirements for ballot placement, the financial  
19 impact statement shall be deemed approved for placement on the  
20 ballot.

21           3. In addition to the financial impact statement  
22 required by this subsection, the Financial Impact Estimating  
23 Conference shall draft an initiative financial information  
24 statement. The initiative financial information statement  
25 should describe in greater detail than the financial impact  
26 statement any projected increase or decrease in revenues or  
27 costs that the state or local governments would likely  
28 experience if the ballot measure were approved. If  
29 appropriate, the initiative financial information statement  
30 may include both estimated dollar amounts and a description  
31 placing the estimated dollar amounts into context. The

1 initiative financial information statement must include both a  
2 summary of not more than 500 words and additional detailed  
3 information that includes the assumptions that were made to  
4 develop the financial impacts, workpapers, and any other  
5 information deemed relevant by the Financial Impact Estimating  
6 Conference.

7 4. The Department of State shall have printed, and  
8 shall furnish to each supervisor of elections, a copy of the  
9 summary from the initiative financial information statements.  
10 The supervisors shall have the summary from the initiative  
11 financial information statements available at each polling  
12 place and at the main office of the supervisor of elections  
13 upon request.

14 5. The Secretary of State and the Office of Economic  
15 and Demographic Research shall make available on the Internet  
16 each initiative financial information statement in its  
17 entirety. In addition, each supervisor of elections whose  
18 office has a website shall post the summary from each  
19 initiative financial information statement on the website.  
20 Each supervisor shall include the Internet addresses for the  
21 information statements on the Secretary of State's and the  
22 Office of Economic and Demographic Research's websites in the  
23 publication or mailing required by s. 101.20.

24 ~~(10)(11)~~ The Department of State may adopt rules in  
25 accordance with s. 120.54 to carry out this section.

26 Section 6. Section 100.372, Florida Statutes, is  
27 created to read:

28 100.372 Regulation of initiative petition  
29 circulators.--

30 (1) As used in this section, the term:  
31

1       (a) "Petition circulator" means any person who, in the  
2 context of a direct face-to-face conversation, presents to  
3 another person for his or her possible signature a petition  
4 form or petition-revocation form regarding ballot placement  
5 for an initiative.

6       (b) "Paid petition circulator" means a petition  
7 circulator who receives any compensation as a direct or  
8 indirect consequence of the activities described in paragraph  
9 (a).

10       (2) At the time a petition circulator presents to any  
11 person for his or her possible signature a petition form or  
12 petition-revocation form regarding ballot placement for an  
13 initiative, the petition circulator must:

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

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

17           (c) Not be a convicted felon who is ineligible to  
18 register or vote under s. 97.041(2)(b).

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

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

27           (a) Prohibit persons from engaging in activity on the  
28 property which supports or opposes initiatives;

29           (b) Permit or prohibit persons from engaging in  
30 activity on the property in support of or opposition to a  
31 particular initiative; or

1       (c) Permit persons to engage in activity on the  
2 property which supports or opposes initiatives, subject to  
3 restrictions with respect to time, place, and manner which are  
4 reasonable and uniformly applied.

5       (5) Before being presented to a possible elector for  
6 signature, a petition form or petition-revocation form  
7 regarding ballot placement for an initiative must set forth  
8 the following information in a format and manner prescribed by  
9 rule by the division:

10       (a) The name of any organization or entity with which  
11 the petition circulator is affiliated and on behalf of which  
12 the petition circulator is presenting forms to electors for  
13 possible signature;

14       (b) The name of the sponsor of the initiative if  
15 different from the entity with which the petition circulator  
16 is affiliated;

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

20       (d) A statement disclosing whether the petition  
21 circulator is a paid petition circulator, and, if so, the  
22 amount or rate of compensation and the name and address of the  
23 person or entity paying the compensation to the paid petition  
24 circulator.

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



1 paid petition circulator and the declaration shall refer to  
2 the forms by number.

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

11 (c) The declaration shall attest that the paid  
12 petition circulator has read and understands the laws  
13 governing the circulation of petition and petition-revocation  
14 forms regarding ballot placement for an initiative; that he or  
15 she satisfied the requirements of s. 100.372(2) at the time  
16 the attached form or forms were circulated and signed by the  
17 listed electors; that he or she circulated the attached form  
18 or forms; that each signature thereon is the signature of the  
19 person whose name it purports to be; that to the best of the  
20 circulator's knowledge and belief each of the persons signing  
21 the form or forms was, at the time of signing, a registered  
22 elector; that the circulator has not provided or received, and  
23 will not in the future provide or receive, compensation that  
24 is based, directly or indirectly, upon the number of  
25 signatures obtained on petition or petition-revocation forms;  
26 and that he or she has not paid and will not in the future  
27 pay, and that he or she believes that no other person has paid  
28 and will pay, directly or indirectly, any money or other thing  
29 of value to any signer for the purpose of inducing or causing  
30 such signer to affix his or her signature to the form.

31

1           (d) A signature on a petition form or  
2 petition-revocation form regarding ballot placement for an  
3 initiative to which a declaration required by this subsection  
4 is not attached is invalid, may not be verified by the  
5 supervisor of elections, and may not be counted toward the  
6 number of valid signatures required for ballot placement.

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

23           (8) A signature on a petition form or  
24 petition-revocation form regarding ballot placement for an  
25 initiative which does not fully comply with the applicable  
26 provisions of this code, or which was obtained in violation of  
27 the applicable provisions of this code, is invalid, may not be  
28 verified by a supervisor of elections, and may not be counted  
29 toward the number of valid signatures required for ballot  
30 placement.

31

1           Section 7. Subsection (1) of section 101.161, Florida  
2 Statutes, is amended to read:

3           101.161 Referenda; ballots.--

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

28           Section 8. Section 33 of chapter 2005-278, Laws of  
29 Florida, is repealed.

1           Section 9. Effective January 1, 2007, subsection (1)  
2 of section 101.161, Florida Statutes, as amended by this act,  
3 is amended to read:

4           101.161 Referenda; ballots.--

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

29           Section 10. Section 104.012, Florida Statutes, is  
30 amended to read:

1           104.012 Consideration for registration; interference  
2 with registration; soliciting registrations for compensation;  
3 alteration of registration application; failing to submit  
4 registration application.--

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

13           (2) A person who by bribery, menace, threat, or other  
14 corruption, directly or indirectly, influences, deceives, or  
15 deters or attempts to influence, deceive, or deter any person  
16 in the free exercise of that person's right to register to  
17 vote at any time, upon the first conviction, commits a felony  
18 of the third degree, punishable as provided in s. 775.082, s.  
19 775.083, or s. 775.084, and, upon any subsequent conviction,  
20 commits a felony of the second degree, punishable as provided  
21 in s. 775.082, s. 775.083, or s. 775.084.

22           (3) A person may not solicit or pay another person to  
23 solicit voter registrations for compensation that is based  
24 upon the number of registrations obtained. A person who  
25 violates the provisions of this subsection commits a felony of  
26 the third degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084.

28           (4) A person who alters the voter registration  
29 application of any other person, without the other person's  
30 knowledge and consent, commits a felony of the third degree,  
31

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

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

9 Section 11. Section 104.185, Florida Statutes, is  
10 amended to read:

11 104.185 Violations involving petitions; ~~knowingly~~  
12 ~~signing more than once; signing another person's name or a~~  
13 ~~fictitious name.--~~

14 (1) A person who knowingly signs a petition or  
15 petitions to secure ballot position for a candidate, a minor  
16 political party, or an issue more than one time commits a  
17 misdemeanor of the first degree, punishable as provided in s.  
18 775.082 or s. 775.083, and, upon any subsequent conviction,  
19 commits a felony of the third degree, punishable as provided  
20 in s. 775.082, s. 775.083, or s. 775.084.

21 (2) A person who signs another person's name or a  
22 fictitious name to any petition to secure ballot position for  
23 a candidate, a minor political party, or an issue, or to a  
24 petition revocation form, commits a misdemeanor of the first  
25 degree, punishable as provided in s. 775.082 or s. 775.083,  
26 and, upon any subsequent conviction, commits a felony of the  
27 third degree, punishable as provided in s. 775.082, s.  
28 775.083, or s. 775.084.

29 (3) A person who willfully swears or affirms falsely  
30 to any oath or affirmation, willfully procures another person  
31 to swear or affirm falsely to an oath or affirmation, or

1 willfully files a false declaration under s. 120.372(6) or  
2 willfully procures another person to do so, in connection with  
3 or arising out of the petitioning process, commits a  
4 misdemeanor of the first degree, punishable as provided in s.  
5 775.082 or s. 775.083, and, upon any subsequent conviction,  
6 commits a felony of the third degree, punishable as provided  
7 in s. 775.082, s. 775.083, or s. 775.084.

8       (4) A person who willfully submits any false  
9 information on a petition or petition-revocation form commits  
10 a misdemeanor of the first degree, punishable as provided in  
11 s. 775.082 or s. 775.083, and, upon any subsequent conviction,  
12 commits a felony of the third degree, punishable as provided  
13 in s. 775.082, s. 775.083, or s. 775.084.

14       (5) A person who directly or indirectly gives or  
15 promises anything of value to any other person to induce that  
16 other person to sign a petition or petition-revocation form  
17 commits a misdemeanor of the first degree, punishable as  
18 provided in s. 775.082 or s. 775.083, and, upon any subsequent  
19 conviction, commits a felony of the third degree, punishable  
20 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

31

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

9       (8) A person who alters the petition or  
10 petition-revocation form signed by any other person without  
11 the other person's knowledge and consent commits a misdemeanor  
12 of the first degree, punishable as provided in s. 775.082 or  
13 s. 775.083, and, upon any subsequent conviction, commits a  
14 felony of the third degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084.

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

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

30       Section 12. Section 104.42, Florida Statutes, is  
31 amended to read:



1           104.42 Unlawful registrations, petitions, Fraudulent  
2 ~~registration~~ and ~~illegal~~ voting; investigation.--

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

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

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

18           Section 13. Any signature gathered on a previously  
19 approved initiative petition form that has been submitted for  
20 verification before August 1, 2006, may be verified and  
21 counted, if otherwise valid. However, any initiative petition  
22 form that is submitted for verification on or after that date  
23 may be verified and counted only if it complies with this act  
24 and has been approved by the Secretary of State before  
25 obtaining elector signatures.

26           Section 14. If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 invalidity does not affect other provisions or applications of  
29 the act which can be given effect without the invalid  
30 provision or application, and to this end the provisions of  
31 this act are severable.

