

1 A bill to be entitled

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

HB 773

2006

29 the act; requiring resubmission and reapproval of petition
 30 forms; providing severability; providing effective dates.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

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

36 Section 2. Subsections (1), (3), and (4) of section
 37 99.097, Florida Statutes, are amended, and subsection (6) is
 38 added to that section, to read:

39 99.097 Verification of signatures on petitions.--

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

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

47 (b) A check of a random sample, as provided by the
 48 Department of State, of names and signatures on the petitions.
 49 The sample must be such that a determination can be made as to
 50 whether or not the required number of valid signatures ~~has~~ have
 51 been obtained with a reliability of at least 99.5 percent. Rules
 52 and guidelines for this method of petition verification shall be
 53 promulgated by the Department of State, which may include a
 54 requirement that petitions bear an additional number of names
 55 and signatures, not to exceed 15 percent of the names and
 56 signatures otherwise required. If the petitions do not meet such

HB 773

2006

57 criteria, then the use of the verification method described in
58 this paragraph shall not be available to supervisors.

59

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

64 (3) (a) A signature ~~name~~ on a petition, in a name that
65 ~~which name~~ is not in substantially the same form as a name on
66 the voter registration books, shall be counted as a valid
67 signature if, after comparing the signature on the petition with
68 the signature of the alleged signer as shown on the registration
69 books, the supervisor determines that the person signing the
70 petition and the person who registered to vote are one and the
71 same. In any situation in which this code requires the form of
72 the petition to be prescribed by the division, no signature
73 shall be counted toward the number of signatures required unless
74 it is on a petition form prescribed by the division. A signature
75 on a petition may not be counted toward the number of valid
76 signatures required for ballot placement unless all relevant
77 provisions of this code have been satisfied.

78 (b) If a voter signs a petition and lists an address other
79 than the legal residence where the voter is registered, the
80 supervisor shall treat the signature as if the voter had listed
81 the address where the voter is registered.

82 (4) (a) The supervisor shall be paid in advance the sum of
83 10 cents for each signature checked or the actual cost of
84 checking such signature, whichever is less, by the candidate or,

HB 773

2006

85 in the case of a petition to have an issue placed on the ballot,
86 by the person or organization submitting the petition. However,
87 if a candidate, person, or organization seeking to have an issue
88 placed upon the ballot cannot pay such charges without imposing
89 an undue burden on personal resources or upon the resources
90 otherwise available to such candidate, person, or organization,
91 such candidate, person, or organization shall, upon written
92 certification of such inability given under oath to the
93 supervisor, be entitled to have the signatures verified at no
94 charge. In the event a candidate, person, or organization
95 submitting a petition to have an issue placed upon the ballot is
96 entitled to have the signatures verified at no charge, the
97 supervisor of elections of each county in which the signatures
98 are verified at no charge shall submit the total number of such
99 signatures checked in the county to the Chief Financial Officer
100 no later than December 1 of the general election year, and the
101 Chief Financial Officer shall cause such supervisor of elections
102 to be reimbursed from the General Revenue Fund in an amount
103 equal to 10 cents for each signature ~~name~~ checked or the actual
104 cost of checking such signatures, whichever is less. In no event
105 shall such reimbursement of costs be deemed or applied as extra
106 compensation for the supervisor. Petitions shall be retained by
107 the supervisors for a period of 1 year following the election
108 for which the petitions were circulated.

109 (b) A person or organization submitting a petition to
110 secure ballot placement for an issue which has filed a
111 certification of undue burden may not provide compensation to
112 any paid petition circulator, as defined in s. 100.372, unless

HB 773

2006

113 the person or organization first pays all supervisors for each
114 signature checked or reimburses the General Revenue Fund for
115 such costs. If a person or organization subject to this
116 paragraph provides compensation to a paid petition circulator
117 before the date the person or organization pays all supervisors
118 for each signature checked or reimburses the General Revenue
119 Fund for such costs, a signature on a petition circulated by the
120 petition circulator before that date may not be counted toward
121 the number of valid signatures required for ballot placement.

122 (6) (a) The alleged improper verification of a signature on
123 a petition to secure ballot placement for an issue pursuant to
124 this code may be contested in the circuit court by a political
125 committee or by an elector. The contestant shall file a
126 complaint setting forth the basis of the contest, together with
127 the fees prescribed in chapter 28, with the clerk of the circuit
128 court in the county in which the petition is certified or in
129 Leon County if the complaint is directed to petitions certified
130 in more than one county.

131 (b) If the contestant demonstrates by a preponderance of
132 the evidence that one or more petitions were improperly
133 verified, the signatures appearing on such petitions may not be
134 counted toward the number of valid signatures required for
135 ballot placement. If an action brought under this subsection is
136 resolved after the Secretary of State has issued a certificate
137 of ballot position for the issue, but the contestant
138 demonstrates that the person or organization submitting the
139 petition had obtained verification of an insufficient number of
140 valid and verified signatures to qualify for ballot placement,

HB 773

2006

141 the issue shall be removed from the ballot or, if such action is
 142 impractical, any votes cast for or against the issue may not be
 143 counted and shall be invalidated.

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

147 Section 3. Section 100.371, Florida Statutes, is amended
 148 to read:

149 100.371 Initiatives; procedure for placement on ballot.--

150 (1) Constitutional amendments proposed by initiative shall
 151 be placed on the ballot for the general election if an
 152 initiative petition is filed with the Secretary of State by
 153 February 1 of the year in which the general election is to be
 154 held ~~occurring in excess of 90 days from the certification of~~
 155 ~~ballot position by the Secretary of State.~~

156 (2) Certification of ballot position ~~Such certification~~
 157 shall be issued when the Secretary of State has received
 158 verification certificates from the supervisors of elections
 159 indicating that the requisite number and distribution of valid
 160 petitions bearing the signatures of electors have been submitted
 161 to and verified by the supervisors. Every signature shall be
 162 dated by the elector when made. Signatures are ~~and shall be~~
 163 valid for a period of 4 years following such date, provided all
 164 other requirements of law are satisfied ~~complied with.~~

165 (3) The sponsor of an initiative amendment shall, prior to
 166 obtaining any signatures, register as a political committee
 167 pursuant to s. 106.03 and submit the text of the proposed
 168 amendment to the Secretary of State, with the form on which the

HB 773

2006

169 signatures will be affixed, and shall obtain the approval of the
170 Secretary of State of such form. The division ~~Secretary of State~~
171 shall adopt rules pursuant to s. 120.54 prescribing the style
172 and requirements of such form. Upon filing with the Secretary of
173 State, the text of the proposed amendment and all forms filed in
174 connection with this section must, upon request, be made
175 available in alternative formats. The contents of a petition
176 form are limited to those items required by statute or rule. A
177 petition form is a political advertisement as defined in s.
178 106.011 and, as such, must comply with all relevant requirements
179 of chapter 106.

180 (4) The supervisor of elections shall record the date each
181 petition form is received by the supervisor and the date the
182 signature on the form is verified as valid. The supervisor shall
183 verify that the signature on a petition form is valid only if
184 the form complies with all of the following:

185 (a) The form must contain the original signature of the
186 purported elector;

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

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

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

196 (e) The date the elector signed the form, as recorded by

HB 773

2006

197 the elector, must be no more than 30 days before the date the
 198 form is received by the supervisor of elections;

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

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

205 (h) The form must comply with the relevant requirements of
 206 s. 100.372.

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

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

214 RIGHT TO MAIL IN.--You have the right to take this petition home
 215 and study the issue before signing. If you choose to sign the
 216 petition, you may return it to the sponsors of the amendment at
 217 the following address:_____.

218 NATURE OF AMENDMENT.--The merits of the proposed change to the
 219 Florida Constitution appearing below have not been officially
 220 reviewed by any court or agency of state government.

221 (7) An elector's signature on a petition form may be
 222 revoked by submitting to the appropriate supervisor of elections
 223 a signed petition-revocation form adopted by rule for this
 224 purpose by the division. The petition-revocation form is subject

HB 773

2006

225 to the same relevant requirements as the corresponding petition
226 form under this code and must be approved by the Secretary of
227 State before any signature is obtained. The petition-revocation
228 form shall be filed with the supervisor of elections no later
229 than the February 1 preceding the next general election or, if
230 the initiative amendment is not certified for ballot position in
231 that election, no later than the February 1 preceding the next
232 successive general election. The supervisor of elections shall
233 promptly verify the signature on the petition-revocation form
234 and process such revocation upon payment, in advance, of a fee
235 of 10 cents or the actual cost of checking such signature,
236 whichever is less.

237 (8)~~(4)~~ The sponsor shall submit signed and dated forms to
238 the appropriate supervisor of elections for verification as to
239 the number of registered electors whose valid signatures appear
240 thereon. The supervisor shall promptly verify the signatures
241 upon payment of the fee required by s. 99.097. Upon completion
242 of verification, the supervisor shall execute a certificate
243 indicating the total number of signatures checked, the number of
244 signatures verified as valid and as being of registered
245 electors, the number of signatures validly revoked pursuant to
246 subsection (7), and the distribution of such signatures by
247 congressional district. This certificate shall be immediately
248 transmitted to the Secretary of State. The supervisor shall
249 retain the signed petition ~~signature~~ forms and petition-
250 revocation forms for at least 1 year following the election in
251 which the issue appeared on the ballot or until the Division of
252 Elections notifies the supervisors of elections that the

HB 773

2006

253 committee which circulated the petition is no longer seeking to
254 obtain ballot position.

255 (9)~~(5)~~ The Secretary of State shall determine from the
256 verification certificates received from supervisors of elections
257 the total number of verified valid signatures and the
258 distribution of such signatures by congressional districts. Upon
259 a determination that the requisite number and distribution of
260 valid signatures have been obtained, the secretary shall issue a
261 certificate of ballot position for that proposed amendment and
262 shall assign a designating number pursuant to s. 101.161. A
263 petition shall be deemed to be filed with the Secretary of State
264 upon the date of the receipt by the secretary of a certificate
265 or certificates from supervisors of elections indicating that
266 valid and verified the petition forms have ~~has~~ been signed by
267 the constitutionally required number and distribution of
268 electors pursuant to this code, subject to the right of
269 revocation established in this section.

270 (10)~~(6)~~(a) Within 45 days after receipt of a proposed
271 revision or amendment to the State Constitution by initiative
272 petition from the Secretary of State ~~or, within 30 days after~~
273 ~~such receipt if receipt occurs 120 days or less before the~~
274 ~~election at which the question of ratifying the amendment will~~
275 ~~be presented~~, the Financial Impact Estimating Conference shall
276 complete an analysis and financial impact statement to be placed
277 on the ballot of the estimated increase or decrease in any
278 revenues or costs to state or local governments resulting from
279 the proposed initiative. The ballot must include a statement, as
280 prescribed by rule of the Department of State, to the effect

HB 773

2006

281 that the financial impact statement is required under the State
282 Constitution and the Florida Statutes and should not be
283 construed as an endorsement by the state of the proposed
284 revision or amendment to the State Constitution. The Financial
285 Impact Estimating Conference shall submit the financial impact
286 statement to the Attorney General and Secretary of State.

287 (b)1. The Financial Impact Estimating Conference shall
288 provide an opportunity for any proponents or opponents of the
289 initiative to submit information and may solicit information or
290 analysis from any other entities or agencies, including the
291 Office of Economic and Demographic Research. All meetings of the
292 Financial Impact Estimating Conference shall be open to the
293 public as provided in chapter 286.

294 2. The Financial Impact Estimating Conference is
295 established to review, analyze, and estimate the financial
296 impact of amendments to or revisions of the State Constitution
297 proposed by initiative. The Financial Impact Estimating
298 Conference shall consist of four principals: one person from the
299 Executive Office of the Governor; the coordinator of the Office
300 of Economic and Demographic Research, or his or her designee;
301 one person from the professional staff of the Senate; and one
302 person from the professional staff of the House of
303 Representatives. Each principal shall have appropriate fiscal
304 expertise in the subject matter of the initiative. A Financial
305 Impact Estimating Conference may be appointed for each
306 initiative.

307 3. Principals of the Financial Impact Estimating
308 Conference shall reach a consensus or majority concurrence on a

HB 773

2006

309 clear and unambiguous financial impact statement, no more than
310 75 words in length, and immediately submit the statement to the
311 Attorney General. Nothing in this subsection prohibits the
312 Financial Impact Estimating Conference from setting forth a
313 range of potential impacts in the financial impact statement.
314 Any financial impact statement that a court finds not to be in
315 accordance with this section shall be remanded solely to the
316 Financial Impact Estimating Conference for redrafting. The
317 Financial Impact Estimating Conference shall redraft the
318 financial impact statement within 15 days.

319 4. If the members of the Financial Impact Estimating
320 Conference are unable to agree on the statement required by this
321 subsection, or if the Supreme Court has rejected the initial
322 submission by the Financial Impact Estimating Conference and no
323 redraft has been approved by the Supreme Court by April 1 of the
324 year in which the general election is to be held ~~5 p.m. on the~~
325 ~~75th day before the election~~, the following statement shall
326 appear on the ballot pursuant to s. 101.161(1): "The financial
327 impact of this measure, if any, cannot be reasonably determined
328 at this time."

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

332 (d)1. Any financial impact statement that the Supreme
333 Court finds not to be in accordance with this subsection shall
334 be remanded solely to the Financial Impact Estimating Conference
335 for redrafting, provided the court's advisory opinion is
336 rendered by April 1 of the year in which the general election is

HB 773

2006

337 ~~to be held at least 75 days before the election at which the~~
338 ~~question of ratifying the amendment will be presented.~~ The
339 Financial Impact Estimating Conference shall prepare and adopt a
340 revised financial impact statement no later than 5 p.m. on the
341 15th day after the date of the court's opinion.

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

350 3. In addition to the financial impact statement required
351 by this subsection, the Financial Impact Estimating Conference
352 shall draft an initiative financial information statement. The
353 initiative financial information statement should describe in
354 greater detail than the financial impact statement any projected
355 increase or decrease in revenues or costs that the state or
356 local governments would likely experience if the ballot measure
357 were approved. If appropriate, the initiative financial
358 information statement may include both estimated dollar amounts
359 and a description placing the estimated dollar amounts into
360 context. The initiative financial information statement must
361 include both a summary of not more than 500 words and additional
362 detailed information that includes the assumptions that were
363 made to develop the financial impacts, workpapers, and any other
364 information deemed relevant by the Financial Impact Estimating

365 Conference.

366 4. The Department of State shall have printed, and shall
 367 furnish to each supervisor of elections, a copy of the summary
 368 from the initiative financial information statements. The
 369 supervisors shall have the summary from the initiative financial
 370 information statements available at each polling place and at
 371 the main office of the supervisor of elections upon request.

372 5. The Secretary of State and the Office of Economic and
 373 Demographic Research shall make available on the Internet each
 374 initiative financial information statement in its entirety. In
 375 addition, each supervisor of elections whose office has a
 376 website shall post the summary from each initiative financial
 377 information statement on the website. Each supervisor shall
 378 include the Internet addresses for the information statements on
 379 the Secretary of State's and the Office of Economic and
 380 Demographic Research's websites in the publication or mailing
 381 required by s. 101.20.

382 ~~(11)(7)~~ The Department of State may adopt rules in
 383 accordance with s. 120.54 to carry out this section ~~the~~
 384 ~~provisions of subsections (1) (6)~~.

385 Section 4. Section 28 of chapter 2005-278, Laws of
 386 Florida, is repealed.

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

389 100.371 Initiatives; procedure for placement on ballot.--

390 (1) Constitutional amendments proposed by initiative shall
 391 be placed on the ballot for the general election if an
 392 initiative petition is filed with the Secretary of State by

HB 773

2006

393 February 1 of the year in which the general election is to be
 394 held. A petition shall be deemed to be filed with the Secretary
 395 of State upon the date that the secretary determines that valid
 396 and verified petitions have been signed by the constitutionally
 397 required number and distribution of electors pursuant to this
 398 code, subject to the right of revocation established in this
 399 section.

400 ~~(2) Certification of ballot position shall be issued when~~
 401 ~~the Secretary of State has received verification certificates~~
 402 ~~from the supervisors of elections indicating that the requisite~~
 403 ~~number and distribution of valid petitions bearing the~~
 404 ~~signatures of electors have been submitted to and verified by~~
 405 ~~the supervisors. Every signature shall be dated by the elector~~
 406 ~~when made. Signatures are valid for a period of 4 years~~
 407 ~~following such date, provided all other requirements of law are~~
 408 ~~satisfied.~~

409 (2)~~(3)~~ The sponsor of an initiative amendment shall, prior
 410 to obtaining any signatures, register as a political committee
 411 pursuant to s. 106.03 and submit the text of the proposed
 412 amendment to the Secretary of State, with the form on which the
 413 signatures will be affixed, and shall obtain the approval of the
 414 Secretary of State of such form. The division shall adopt rules
 415 pursuant to s. 120.54 prescribing the style and requirements of
 416 such form. Upon filing with the Secretary of State, the text of
 417 the proposed amendment and all forms filed in connection with
 418 this section must, upon request, be made available in
 419 alternative formats. The contents of a petition form are limited
 420 to those items required by statute or rule. A petition form is a

HB 773

2006

421 political advertisement as defined in s. 106.011 and, as such,
422 must comply with all relevant requirements of chapter 106.

423 (3)~~(4)~~ The supervisor of elections shall record the date
424 each petition form is received by the supervisor and the date
425 the signature on the form is verified as valid. The supervisor
426 shall also promptly record these dates in the statewide voter
427 registration system in the manner prescribed by the Secretary of
428 State. The supervisor shall verify that the signature on a
429 petition form is valid only if the form complies with all of the
430 following:

431 (a) The form must contain the original signature of the
432 purported elector;

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

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

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

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

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

448 (g) The elector must accurately record on the form whether

HB 773

2006

449 the elector signed the form and returned it to a petition
 450 circulator as defined in s. 100.372; and

451 (h) The form must comply with the relevant requirements of
 452 s. 100.372.

453 (4)~~(5)~~ An elector may submit his or her signed form to the
 454 sponsor of the initiative amendment, by mail or otherwise, at an
 455 address listed on the form for this purpose.

456 (5)~~(6)~~ Each form must contain the following notices at the
 457 top of the form in bold type and in a 16-point or larger font,
 458 immediately following the title "Constitutional Amendment
 459 Petition Form":

460 RIGHT TO MAIL IN.--You have the right to take this petition home
 461 and study the issue before signing. If you choose to sign the
 462 petition, you may return it to the sponsors of the amendment at
 463 the following address:_____.

464 NATURE OF AMENDMENT.--The merits of the proposed change to the
 465 Florida Constitution appearing below have not been officially
 466 reviewed by any court or agency of state government.

467 (6)~~(7)~~ An elector's signature on a petition form may be
 468 revoked by submitting to the appropriate supervisor of elections
 469 a signed petition-revocation form adopted by rule for this
 470 purpose by the division. The petition-revocation form is subject
 471 to the same relevant requirements as the corresponding petition
 472 form under this code and must be approved by the Secretary of
 473 State before any signature is obtained. The petition-revocation
 474 form shall be filed with the supervisor of elections no later
 475 than the February 1 preceding the next general election or, if
 476 the initiative amendment is not certified for ballot position in

HB 773

2006

477 that election, no later than the February 1 preceding the next
478 successive general election. The supervisor of elections shall
479 promptly verify the signature on the petition-revocation form
480 and process such revocation upon payment, in advance, of a fee
481 of 10 cents or the actual cost of checking such signature,
482 whichever is less.

483 (7)-(8) Each signature shall be dated by the elector when
484 made and shall be valid for a period of 4 years following such
485 date, if all other requirements of law are met. The sponsor
486 shall submit signed and dated forms to the appropriate
487 supervisor of elections for verification as to the number of
488 registered electors whose valid signatures appear thereon. The
489 supervisor shall promptly verify the signatures upon payment of
490 the fee required by s. 99.097. The supervisor shall promptly
491 record each petition verified as valid in the statewide voter
492 registration system in the manner prescribed by the Secretary of
493 State. Upon completion of verification, the supervisor shall
494 execute a certificate indicating the total number of signatures
495 checked, the number of signatures verified as valid and as being
496 of registered electors, the number of signatures validly revoked
497 pursuant to subsection (7), and the distribution of such
498 signatures by congressional district. This certificate shall be
499 immediately transmitted to the Secretary of State. The
500 supervisor shall retain the signed petition forms and petition-
501 revocation forms for at least 1 year following the election in
502 which the issue appeared on the ballot or until the Division of
503 Elections notifies the supervisors of elections that the
504 committee which circulated the petition is no longer seeking to

HB 773

2006

505 obtain ballot position.

506 ~~(8)-(9)~~ The Secretary of State shall determine from the
507 signatures verified by the ~~verification certificates received~~
508 ~~from~~ supervisors of elections and recorded in the statewide
509 voter registration system the total number of verified valid
510 signatures and the distribution of such signatures by
511 congressional districts. Upon a determination that the requisite
512 number and distribution of valid signatures have been obtained,
513 the secretary shall issue a certificate of ballot position for
514 that proposed amendment and shall assign a designating number
515 pursuant to s. 101.161. ~~A petition shall be deemed to be filed~~
516 ~~with the Secretary of State upon the date of the receipt by the~~
517 ~~secretary of a certificate or certificates from supervisors of~~
518 ~~elections indicating that valid and verified petition forms have~~
519 ~~been signed by the constitutionally required number and~~
520 ~~distribution of electors pursuant to this code, subject to the~~
521 ~~right of revocation established in this section.~~

522 ~~(9)-(10)~~(a) Within 45 days after receipt of a proposed
523 revision or amendment to the State Constitution by initiative
524 petition from the Secretary of State, the Financial Impact
525 Estimating Conference shall complete an analysis and financial
526 impact statement to be placed on the ballot of the estimated
527 increase or decrease in any revenues or costs to state or local
528 governments resulting from the proposed initiative. The ballot
529 must include a statement, as prescribed by rule of the
530 Department of State, to the effect that the financial impact
531 statement is required under the State Constitution and the
532 Florida Statutes and should not be construed as an endorsement

HB 773

2006

533 by the state of the proposed revision or amendment to the State
534 Constitution. The Financial Impact Estimating Conference shall
535 submit the financial impact statement to the Attorney General
536 and Secretary of State.

537 (b)1. The Financial Impact Estimating Conference shall
538 provide an opportunity for any proponents or opponents of the
539 initiative to submit information and may solicit information or
540 analysis from any other entities or agencies, including the
541 Office of Economic and Demographic Research. All meetings of the
542 Financial Impact Estimating Conference shall be open to the
543 public as provided in chapter 286.

544 2. The Financial Impact Estimating Conference is
545 established to review, analyze, and estimate the financial
546 impact of amendments to or revisions of the State Constitution
547 proposed by initiative. The Financial Impact Estimating
548 Conference shall consist of four principals: one person from the
549 Executive Office of the Governor; the coordinator of the Office
550 of Economic and Demographic Research, or his or her designee;
551 one person from the professional staff of the Senate; and one
552 person from the professional staff of the House of
553 Representatives. Each principal shall have appropriate fiscal
554 expertise in the subject matter of the initiative. A Financial
555 Impact Estimating Conference may be appointed for each
556 initiative.

557 3. Principals of the Financial Impact Estimating
558 Conference shall reach a consensus or majority concurrence on a
559 clear and unambiguous financial impact statement, no more than
560 75 words in length, and immediately submit the statement to the

HB 773

2006

561 Attorney General. Nothing in this subsection prohibits the
562 Financial Impact Estimating Conference from setting forth a
563 range of potential impacts in the financial impact statement.
564 Any financial impact statement that a court finds not to be in
565 accordance with this section shall be remanded solely to the
566 Financial Impact Estimating Conference for redrafting. The
567 Financial Impact Estimating Conference shall redraft the
568 financial impact statement within 15 days.

569 4. If the members of the Financial Impact Estimating
570 Conference are unable to agree on the statement required by this
571 subsection, or if the Supreme Court has rejected the initial
572 submission by the Financial Impact Estimating Conference and no
573 redraft has been approved by the Supreme Court by April 1 of the
574 year in which the general election is to be held, the following
575 statement shall appear on the ballot pursuant to s. 101.161(1):
576 "The financial impact of this measure, if any, cannot be
577 reasonably determined at this time."

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

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

HB 773

2006

589 opinion.

590 2. If, by 5 p.m. on April 1 of the year in which the
591 general election is to be held, the Supreme Court has not issued
592 an advisory opinion on the initial financial impact statement
593 prepared by the Financial Impact Estimating Conference for an
594 initiative amendment that otherwise meets the legal requirements
595 for ballot placement, the financial impact statement shall be
596 deemed approved for placement on the ballot.

597 3. In addition to the financial impact statement required
598 by this subsection, the Financial Impact Estimating Conference
599 shall draft an initiative financial information statement. The
600 initiative financial information statement should describe in
601 greater detail than the financial impact statement any projected
602 increase or decrease in revenues or costs that the state or
603 local governments would likely experience if the ballot measure
604 were approved. If appropriate, the initiative financial
605 information statement may include both estimated dollar amounts
606 and a description placing the estimated dollar amounts into
607 context. The initiative financial information statement must
608 include both a summary of not more than 500 words and additional
609 detailed information that includes the assumptions that were
610 made to develop the financial impacts, workpapers, and any other
611 information deemed relevant by the Financial Impact Estimating
612 Conference.

613 4. The Department of State shall have printed, and shall
614 furnish to each supervisor of elections, a copy of the summary
615 from the initiative financial information statements. The
616 supervisors shall have the summary from the initiative financial

HB 773

2006

617 information statements available at each polling place and at
618 the main office of the supervisor of elections upon request.

619 5. The Secretary of State and the Office of Economic and
620 Demographic Research shall make available on the Internet each
621 initiative financial information statement in its entirety. In
622 addition, each supervisor of elections whose office has a
623 website shall post the summary from each initiative financial
624 information statement on the website. Each supervisor shall
625 include the Internet addresses for the information statements on
626 the Secretary of State's and the Office of Economic and
627 Demographic Research's websites in the publication or mailing
628 required by s. 101.20.

629 ~~(10)(11)~~ The Department of State may adopt rules in
630 accordance with s. 120.54 to carry out this section.

631 Section 6. Section 100.372, Florida Statutes, is created
632 to read:

633 100.372 Regulation of initiative petition circulators.--

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

635 (a) "Petition circulator" means any person who, in the
636 context of a direct face-to-face conversation, presents to
637 another person for his or her possible signature a petition form
638 or petition-revocation form regarding ballot placement for an
639 initiative.

640 (b) "Paid petition circulator" means a petition circulator
641 who receives any compensation as a direct or indirect
642 consequence of the activities described in paragraph (a).

643 (2) At the time a petition circulator presents to any
644 person for his or her possible signature a petition form or

HB 773

2006

645 petition-revocation form regarding ballot placement for an
646 initiative, the petition circulator must:

647 (a) Be at least 18 years of age;
648 (b) Be eligible to register to vote in this or any other
649 state or territory of the United States; and
650 (c) Not be a convicted felon who is ineligible to register
651 or vote under s. 97.041(2)(b).

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

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

659 (a) Prohibit persons from engaging in activity on the
660 property which supports or opposes initiatives;
661 (b) Permit or prohibit persons from engaging in activity
662 on the property in support of or opposition to a particular
663 initiative; or
664 (c) Permit persons to engage in activity on the property
665 which supports or opposes initiatives, subject to restrictions
666 with respect to time, place, and manner which are reasonable and
667 uniformly applied.

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

HB 773

2006

673 (a) The name of any organization or entity with which the
674 petition circulator is affiliated and on behalf of which the
675 petition circulator is presenting forms to electors for possible
676 signature;

677 (b) The name of the sponsor of the initiative if different
678 from the entity with which the petition circulator is
679 affiliated;

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

683 (d) A statement disclosing whether the petition circulator
684 is a paid petition circulator, and, if so, the amount or rate of
685 compensation and the name and address of the person or entity
686 paying the compensation to the paid petition circulator.

687 (6) (a) A paid petition circulator shall attach to each
688 signed petition form, petition-revocation form, or group of such
689 forms obtained by the paid petition circulator a signed and
690 dated declaration under penalty of perjury executed by the paid
691 petition circulator, in a form prescribed by rule by the
692 division. If the declaration pertains to a group of forms, the
693 forms shall be consecutively numbered on their face by the paid
694 petition circulator and the declaration shall refer to the forms
695 by number.

696 (b) The declaration must include the paid petition
697 circulator's printed name; the street address at which he or she
698 resides, including county; the petition circulator's date of
699 birth; the petition circulator's Florida voter registration
700 number and county of registration, if applicable, or an

HB 773

2006

701 identification number from a valid government-issued photo
702 identification card along with information identifying the
703 issuer; and the date he or she signed the declaration.

704 (c) The declaration shall attest that the paid petition
705 circulator has read and understands the laws governing the
706 circulation of petition and petition-revocation forms regarding
707 ballot placement for an initiative; that he or she satisfied the
708 requirements of subsection (2) at the time the attached form or
709 forms were circulated to the listed electors; that he or she
710 circulated the attached form or forms; that to the best of the
711 circulator's knowledge and belief each signature thereon is the
712 signature of the person whose name it purports to be; that to
713 the best of the circulator's knowledge and belief each of the
714 persons signing the form or forms was, at the time of signing, a
715 registered elector; that the circulator has not provided or
716 received, and will not in the future provide or receive,
717 compensation that is based, directly or indirectly, upon the
718 number of signatures obtained on petition or petition-revocation
719 forms; and that he or she has not paid and will not in the
720 future pay, and that he or she believes that no other person has
721 paid and will pay, directly or indirectly, any money or other
722 thing of value to any signer for the purpose of inducing or
723 causing such signer to affix his or her signature to the form.

724 (d) A signature on a petition form or petition-revocation
725 form regarding ballot placement for an initiative to which a
726 declaration required by this subsection is not attached is
727 invalid, may not be verified by the supervisor of elections, and
728 may not be counted toward the number of valid signatures

HB 773

2006

729 required for ballot placement.

730 (7) Each paid petition circulator shall provide to the
731 sponsor of the initiative amendment for which he or she is
732 circulating petitions a copy of a valid and current government-
733 issued photo identification card that accurately indicates the
734 address at which the paid petition circulator resides. The
735 sponsor of the initiative shall maintain the copies of these
736 identification cards in its files and shall make them available
737 for inspection by the division, a supervisor of elections, or
738 any law enforcement agency. If a sponsor fails to maintain such
739 a copy with respect to a particular paid petition circulator,
740 all petitions obtained by that paid petition circulator before
741 the date the sponsor produces the required copy of the
742 identification card are invalid, may not be verified by the
743 supervisor of elections, and may not be counted toward the
744 number of valid signatures required for ballot placement.

745 (8) A signature on a petition form or petition-revocation
746 form regarding ballot placement for an initiative which does not
747 fully comply with the applicable provisions of this code, or
748 which was obtained in violation of the applicable provisions of
749 this code, is invalid, may not be verified by a supervisor of
750 elections, and may not be counted toward the number of valid
751 signatures required for ballot placement.

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

754 101.161 Referenda; ballots.--

755 (1) Whenever a constitutional amendment or other public
756 measure is submitted to the vote of the people, the substance of

HB 773

2006

757 such amendment or other public measure shall be printed in clear
758 and unambiguous language on the ballot after the list of
759 candidates, followed by the word "yes" and also by the word
760 "no," and shall be styled in such a manner that a "yes" vote
761 will indicate approval of the proposal and a "no" vote will
762 indicate rejection. The wording of the substance of the
763 amendment or other public measure and the ballot title to appear
764 on the ballot shall be embodied in the joint resolution,
765 constitutional revision commission proposal, constitutional
766 convention proposal, taxation and budget reform commission
767 proposal, or enabling resolution or ordinance. Except for
768 amendments and ballot language proposed by joint resolution, the
769 substance of the amendment or other public measure shall be an
770 explanatory statement, not exceeding 75 words in length, of the
771 chief purpose of the measure. In addition, for every amendment
772 proposed by initiative, the ballot shall include, following the
773 ballot summary, a separate financial impact statement concerning
774 the measure prepared by the Financial Impact Estimating
775 Conference in accordance with s. 100.371(10) ~~s. 100.371(6)~~. The
776 ballot title shall consist of a caption, not exceeding 15 words
777 in length, by which the measure is commonly referred to or
778 spoken of.

779 Section 8. Section 33 of chapter 2005-278, Laws of
780 Florida, is repealed.

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

784 101.161 Referenda; ballots.--

HB 773

2006

785 (1) Whenever a constitutional amendment or other public
786 measure is submitted to the vote of the people, the substance of
787 such amendment or other public measure shall be printed in clear
788 and unambiguous language on the ballot after the list of
789 candidates, followed by the word "yes" and also by the word
790 "no," and shall be styled in such a manner that a "yes" vote
791 will indicate approval of the proposal and a "no" vote will
792 indicate rejection. The wording of the substance of the
793 amendment or other public measure and the ballot title to appear
794 on the ballot shall be embodied in the joint resolution,
795 constitutional revision commission proposal, constitutional
796 convention proposal, taxation and budget reform commission
797 proposal, or enabling resolution or ordinance. Except for
798 amendments and ballot language proposed by joint resolution, the
799 substance of the amendment or other public measure shall be an
800 explanatory statement, not exceeding 75 words in length, of the
801 chief purpose of the measure. In addition, for every amendment
802 proposed by initiative, the ballot shall include, following the
803 ballot summary, a separate financial impact statement concerning
804 the measure prepared by the Financial Impact Estimating
805 Conference in accordance with s. 100.371(9) ~~s. 100.371(10)~~. The
806 ballot title shall consist of a caption, not exceeding 15 words
807 in length, by which the measure is commonly referred to or
808 spoken of.

809 Section 10. Section 104.012, Florida Statutes, is amended
810 to read:

811 104.012 Consideration for registration; interference with
812 registration; soliciting registrations for compensation;

HB 773

2006

813 alteration of registration application; failing to submit
814 registration application.--

815 (1) Any person who gives anything of value that is
816 redeemable in cash to any person in consideration for his or her
817 becoming a registered voter commits a felony of the third
818 degree, punishable as provided in s. 775.082, s. 775.083, or s.
819 775.084. This section shall not be interpreted, however, to
820 exclude such services as transportation to the place of
821 registration or baby-sitting in connection with the absence of
822 an elector from home for registering.

823 (2) A person who by bribery, menace, threat, or other
824 corruption, directly or indirectly, influences, deceives, or
825 deters or attempts to influence, deceive, or deter any person in
826 the free exercise of that person's right to register to vote at
827 any time, upon the first conviction, commits a felony of the
828 third degree, punishable as provided in s. 775.082, s. 775.083,
829 or s. 775.084, and, upon any subsequent conviction, commits a
830 felony of the second degree, punishable as provided in s.
831 775.082, s. 775.083, or s. 775.084.

832 (3) A person may not solicit or pay another person to
833 solicit voter registrations for compensation that is based upon
834 the number of registrations obtained. A person who violates the
835 provisions of this subsection commits a felony of the third
836 degree, punishable as provided in s. 775.082, s. 775.083, or s.
837 775.084.

838 (4) A person who alters the voter registration application
839 of any other person, without the other person's knowledge and
840 consent, commits a felony of the third degree, punishable as

HB 773

2006

841 provided in s. 775.082, s. 775.083, or s. 775.084.

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

847 Section 11. Section 104.185, Florida Statutes, is amended
848 to read:

849 104.185 Violations involving petitions; ~~knowingly signing~~
850 ~~more than once; signing another person's name or a fictitious~~
851 ~~name.--~~

852 (1) A person who knowingly signs a petition or petitions
853 to secure ballot position for a candidate, a minor political
854 party, or an issue more than one time commits a misdemeanor of
855 the first degree, punishable as provided in s. 775.082 or s.
856 775.083, and, upon any subsequent conviction, commits a felony
857 of the third degree, punishable as provided in s. 775.082, s.
858 775.083, or s. 775.084.

859 (2) A person who signs another person's name or a
860 fictitious name to any petition, or to a petition revocation
861 form, to secure ballot position for a candidate, a minor
862 political party, or an issue commits a misdemeanor of the first
863 degree, punishable as provided in s. 775.082 or s. 775.083, and,
864 upon any subsequent conviction, commits a felony of the third
865 degree, punishable as provided in s. 775.082, s. 775.083, or s.
866 775.084.

867 (3) A person who willfully swears or affirms falsely to
868 any oath or affirmation, willfully procures another person to

HB 773

2006

869 swear or affirm falsely to an oath or affirmation, or willfully
870 files a false declaration under s. 120.372(6) or willfully
871 procures another person to do so, in connection with or arising
872 out of the petitioning process, commits a misdemeanor of the
873 first degree, punishable as provided in s. 775.082 or s.
874 775.083, and, upon any subsequent conviction, commits a felony
875 of the third degree, punishable as provided in s. 775.082, s.
876 775.083, or s. 775.084.

877 (4) A person who willfully submits any false information
878 on a petition or petition-revocation form commits a misdemeanor
879 of the first degree, punishable as provided in s. 775.082 or s.
880 775.083, and, upon any subsequent conviction, commits a felony
881 of the third degree, punishable as provided in s. 775.082, s.
882 775.083, or s. 775.084.

883 (5) A person who directly or indirectly gives or promises
884 anything of value to any other person to induce that other
885 person to sign a petition or petition-revocation form commits a
886 misdemeanor of the first degree, punishable as provided in s.
887 775.082 or s. 775.083, and, upon any subsequent conviction,
888 commits a felony of the third degree, punishable as provided in
889 s. 775.082, s. 775.083, or s. 775.084.

890 (6) A person who, by bribery, menace, threat, or other
891 corruption, directly or indirectly influences, deceives, or
892 deters, or attempts to influence, deceive, or deter, any person
893 in the free exercise of that person's right to sign a petition
894 or petition-revocation form, upon the first conviction commits a
895 misdemeanor of the first degree, punishable as provided in s.
896 775.082 or s. 775.083, and, upon any subsequent conviction,

HB 773

2006

897 commits a felony of the third degree, punishable as provided in
 898 s. 775.082, s. 775.083, or s. 775.084.

899 (7) A person may not provide or receive compensation that
 900 is based, directly or indirectly, upon the number of signatures
 901 obtained on petition or petition-revocation forms. A person who
 902 violates this subsection commits a misdemeanor of the first
 903 degree, punishable as provided in s. 775.082 or s. 775.083, and,
 904 upon any subsequent conviction, commits a felony of the third
 905 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 906 775.084.

907 (8) A person who alters the petition or petition-
 908 revocation form signed by any other person without the other
 909 person's knowledge and consent commits a misdemeanor of the
 910 first degree, punishable as provided in s. 775.082 or s.
 911 775.083, and, upon any subsequent conviction, commits a felony
 912 of the third degree, punishable as provided in s. 775.082, s.
 913 775.083, or s. 775.084.

914 (9) A person perpetrating, or attempting to perpetrate or
 915 aid in the perpetration of, any fraud in connection with
 916 obtaining the signature of electors on petition or petition-
 917 revocation forms commits a misdemeanor of the first degree,
 918 punishable as provided in s. 775.082 or s. 775.083, and, upon
 919 any subsequent conviction, commits a felony of the third degree,
 920 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

921 (10) In addition to any other penalty provided for by law,
 922 if a paid petition circulator, as defined in s. 100.372(1),
 923 violates any provision of this section, the commission may,
 924 pursuant to s. 106.265, impose a civil penalty in the form of a

HB 773

2006

925 fine not to exceed \$1,000 per violation on such paid petition
 926 circulator.

927 Section 12. Section 104.42, Florida Statutes, is amended
 928 to read:

929 104.42 Unlawful registrations, petitions, petition
 930 revocations, Fraudulent registration and illegal voting;
 931 investigation.--

932 (1) The supervisor of elections is authorized to
 933 investigate unlawful fraudulent registrations, petitions,
 934 petition revocations, and ~~illegal~~ voting and to report his or
 935 her findings to the local state attorney, the Department of Law
 936 Enforcement, and the Florida Elections Commission.

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

941 (3) The supervisor of elections shall document and report
 942 suspected unlawful registrations, petitions, petition
 943 revocations, and voting to the Florida Elections Commission
 944 within 10 days after acquiring reasonable suspicion concerning
 945 the lawfulness of the registrations, petitions, petition
 946 revocations, and voting.

947 Section 13. Any signature gathered on a previously
 948 approved initiative petition form that has been submitted for
 949 verification before August 1, 2006, may be verified and counted,
 950 if otherwise valid. However, any initiative petition form that
 951 is submitted for verification on or after that date may be
 952 verified and counted only if it complies with this act and has

HB 773

2006

953 been approved by the Secretary of State before obtaining elector
954 signatures.

955 Section 14. If any provision of this act or its
956 application to any person or circumstance is held invalid, the
957 invalidity does not affect other provisions or applications of
958 the act which can be given effect without the invalid provision
959 or application, and to this end the provisions of this act are
960 severable.

961 Section 15. Except as otherwise expressly provided in this
962 act, this act shall take effect August 1, 2006.