

Bill No. SB 900

Barcode 751982

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Fasano) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Effective August 1, 2007, subsections (1), (3), and (4) of section 99.097, Florida Statutes, are amended to read:

99.097 Verification of signatures on petitions.--

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

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

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions.

The sample must be such that a determination can be made as to

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1 whether or not the required number of valid signatures has
2 ~~have~~ been obtained with a reliability of at least 99.5
3 percent. Rules and guidelines for this method of petition
4 verification shall be promulgated by the Department of State,
5 which may include a requirement that petitions bear an
6 additional number of names and signatures, not to exceed 15
7 percent of the names and valid signatures otherwise required.
8 If the petitions do not meet such criteria, then the use of
9 the verification method described in this paragraph shall not
10 be available to supervisors.

11
12 Notwithstanding subsection (2) or any other provision of law,
13 petitions to secure ballot placement for an initiative and
14 petition revocations directed thereto pursuant to s. 100.371
15 must be verified by the method provided in paragraph (a).

16 (3)(a) A signature ~~name~~ on a petition of a, ~~which~~ name
17 that is not in substantially the same form as a name on the
18 voter registration books, shall be counted as a valid
19 signature if, after comparing the signature on the petition
20 with the signature of the alleged signer as shown on the
21 registration books, the supervisor determines that the person
22 signing the petition and the person who registered to vote are
23 one and the same. In any situation in which this code requires
24 the form of the petition to be prescribed by the division, no
25 signature shall be counted toward the number of signatures
26 required unless it is on a petition form prescribed by the
27 division.

28 (b) If a voter signs a petition and lists an address
29 other than the legal residence where the voter is registered,
30 the supervisor shall treat the signature as if the voter had
31 listed the address where the voter is registered.

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

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1 (b) An initiative sponsor that has filed a
2 certification of undue burden under paragraph (a) may not
3 provide compensation to any paid petition circulator, as
4 defined in s. 100.371, unless the initiative sponsor first
5 pays all supervisors for each signature verified or reimburses
6 the General Revenue Fund for such costs. If an initiative
7 sponsor subject to this paragraph provides compensation to a
8 paid petition circulator before the date the initiative
9 sponsor pays all supervisors for each signature verified or
10 reimburses the General Revenue Fund for such costs, a
11 signature on a petition circulated by the paid petition
12 circulator before that date may not be counted toward the
13 number of valid signatures required for ballot placement until
14 the initiative sponsor pays all supervisors for each signature
15 verified or reimburses the General Revenue Fund for such
16 costs.

17 Section 2. Effective August 1, 2007, section 100.371,
18 Florida Statutes, as amended by section 4 of chapter 2006-119,
19 Laws of Florida, is amended to read:

20 100.371 Initiatives; procedure for placement on
21 ballot; private property rights.--

22 (1) Constitutional amendments proposed by initiative
23 shall be placed on the ballot for the general election,
24 provided the initiative petition has been filed with the
25 Secretary of State no later than February 1 of the year the
26 general election is held. A petition shall be deemed to be
27 filed with the Secretary of State upon the date the secretary
28 determines that valid and verified ~~the~~ petition forms have ~~has~~
29 been signed by the constitutionally required number and
30 distribution of electors under this code, subject to the right
31 of revocation established in this section.

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1 (2) The sponsor of an initiative amendment shall,
2 prior to obtaining any signatures, register as a political
3 committee pursuant to s. 106.03 and submit the text of the
4 proposed amendment to the Secretary of State, with the form on
5 which the signatures will be affixed, and shall obtain the
6 approval of the Secretary of State of such form. The Secretary
7 of State shall adopt rules pursuant to s. 120.54 prescribing
8 the style and requirements of such form. Upon filing with the
9 Secretary of State, the text of the proposed amendment and all
10 forms filed in connection with this section must, upon
11 request, be made available in alternative formats.

12 (3)(a) Each signature shall be dated when made and
13 shall be valid for a period of 4 years after ~~following~~ such
14 date, provided all other requirements of law are met. The
15 sponsor shall submit signed and dated forms to the appropriate
16 supervisor of elections for verification as to the number of
17 registered electors whose valid signatures appear thereon. The
18 supervisor shall promptly verify the signatures within 30 days
19 after receipt of the petition forms and ~~upon~~ payment of the
20 fee required by s. 99.097. The supervisor shall promptly
21 record ~~each valid signature~~ in the statewide voter
22 registration system, in the manner prescribed by the Secretary
23 of State, the date each form is received by the supervisor and
24 the date the signature on the form is verified as valid. The
25 supervisor shall verify that the signature on a form is valid
26 only if the form complies with the following:

27 1. The form shall contain the original signature of
28 the purported elector.

29 2. The purported elector shall accurately record on
30 the form the date on which he or she signed the form.

31 3. The date the purported elector signed the form, as

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1 recorded by the purported elector, shall be no more than 45
2 days before the date the form is received by the supervisor of
3 elections.

4 4. The form shall accurately set forth the purported
5 elector's name, legal residence address, county, and voter
6 registration number or date of birth.

7 5. The purported elector shall be, at the time he or
8 she signs the form, a duly qualified and registered elector
9 authorized to vote in the county in which his or her signature
10 is submitted.

11 (b) The supervisor shall retain the signature forms
12 for at least 1 year after ~~following~~ the election in which the
13 issue appeared on the ballot or until the Division of
14 Elections notifies the supervisors of elections that the
15 committee which circulated the petition is no longer seeking
16 to obtain ballot position.

17 (4) The Secretary of State shall determine from the
18 signatures verified by the supervisors of elections and
19 recorded in the statewide voter registration system the total
20 number of verified valid signatures and the distribution of
21 such signatures by congressional districts. Upon a
22 determination that the requisite number and distribution of
23 valid signatures have been obtained, the secretary shall issue
24 a certificate of ballot position for that proposed amendment
25 and shall assign a designating number pursuant to s. 101.161.

26 (5)(a) Within 45 days after receipt of a proposed
27 revision or amendment to the State Constitution by initiative
28 petition from the Secretary of State, the Financial Impact
29 Estimating Conference shall complete an analysis and financial
30 impact statement to be placed on the ballot of the estimated
31 increase or decrease in any revenues or costs to state or

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1 local governments resulting from the proposed initiative. The
 2 Financial Impact Estimating Conference shall submit the
 3 financial impact statement to the Attorney General and
 4 Secretary of State.

5 (b) The Financial Impact Estimating Conference shall
 6 provide an opportunity for any proponents or opponents of the
 7 initiative to submit information and may solicit information
 8 or analysis from any other entities or agencies, including the
 9 Office of Economic and Demographic Research.

10 (c) All meetings of the Financial Impact Estimating
 11 Conference shall be open to the public. The President of the
 12 Senate and the Speaker of the House of Representatives,
 13 jointly, shall be the sole judge for the interpretation,
 14 implementation, and enforcement of this subsection.

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

28 2. Principals of the Financial Impact Estimating
 29 Conference shall reach a consensus or majority concurrence on
 30 a clear and unambiguous financial impact statement, no more
 31 than 75 words in length, and immediately submit the statement

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1 to the Attorney General. Nothing in this subsection prohibits
 2 the Financial Impact Estimating Conference from setting forth
 3 a range of potential impacts in the financial impact
 4 statement. Any financial impact statement that a court finds
 5 not to be in accordance with this section shall be remanded
 6 solely to the Financial Impact Estimating Conference for
 7 redrafting. The Financial Impact Estimating Conference shall
 8 redraft the financial impact statement within 15 days.

9 3. If the members of the Financial Impact Estimating
 10 Conference are unable to agree on the statement required by
 11 this subsection, or if the Supreme Court has rejected the
 12 initial submission by the Financial Impact Estimating
 13 Conference and no redraft has been approved by the Supreme
 14 Court by 5 p.m. on the 75th day before the election, the
 15 following statement shall appear on the ballot pursuant to s.
 16 101.161(1): "The financial impact of this measure, if any,
 17 cannot be reasonably determined at this time."

18 (d) The financial impact statement must be separately
 19 contained and be set forth after the ballot summary as
 20 required in s. 101.161(1).

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

31 2. If, by 5 p.m. on the 75th day before the election,

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1 the Supreme Court has not issued an advisory opinion on the
 2 initial financial impact statement prepared by the Financial
 3 Impact Estimating Conference for an initiative amendment that
 4 otherwise meets the legal requirements for ballot placement,
 5 the financial impact statement shall be deemed approved for
 6 placement on the ballot.

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

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

31 5. The Secretary of State and the Office of Economic

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

10 (6)(a) 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.

14 (b) The petition-revocation form and the manner in
 15 which signatures are obtained, submitted, and verified shall
 16 be subject to the same relevant requirements and timeframes as
 17 the corresponding petition form and processes under this code
 18 and shall be approved by the Secretary of State before any
 19 signature on a petition-revocation form is obtained.

20 (c) Supervisors of elections shall provide
 21 petition-revocation forms to the public at all main and branch
 22 offices.

23 (d) The petition-revocation form shall be filed with
 24 the supervisor of elections by February 1 preceding the next
 25 general election or, if the initiative amendment is not
 26 certified for ballot position in that election, by February 1
 27 preceding the next successive general election. The supervisor
 28 of elections shall promptly verify the signature on the
 29 petition-revocation form and process such revocation upon
 30 payment, in advance, of a fee of 10 cents or the actual cost
 31 of verifying such signature, whichever is less. The supervisor

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1 shall promptly record each valid and verified
2 petition-revocation form in the statewide voter registration
3 system in the manner prescribed by the Secretary of State.

4 (7)(a) If a person is presented with a petition form
5 or petition-revocation form for his or her possible signature
6 by a petition circulator, the person shall record this fact on
7 the form and the name and address of the petition circulator
8 shall legibly appear on the form before the signature on the
9 form may be verified by the supervisor. For purposes of this
10 subsection, the term "petition circulator" means any person
11 who, in the context of a direct face-to-face conversation,
12 presents to another person for his or her possible signature a
13 petition form or petition-revocation form regarding ballot
14 placement for an initiative.

15 (b) A paid petition circulator shall, when engaged in
16 the activities of a petition circulator described in paragraph
17 (a), wear a prominent badge, in a form and manner prescribed
18 by rule by the division, identifying him or her as a paid
19 petition circulator. For purposes of this subsection, the term
20 "paid petition circulator" means a petition circulator who
21 receives any compensation as a direct or indirect consequence
22 of the activities of a petition circulator described in
23 paragraph (a).

24 (c) A petition circulator may not receive, and a
25 person may not provide to a petition circulator, compensation
26 that is based, directly or indirectly, upon the number of
27 signatures obtained on petition or petition-revocation forms.

28 (8) A signed petition form or petition-revocation form
29 regarding ballot placement for an initiative that does not
30 fully comply with the applicable provisions of this code or
31 the rules adopted under this code, or that was obtained in

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1 violation of the applicable provisions of this code or the
 2 rules adopted under this code, may be verified by the
 3 supervisor of elections and counted toward the number of valid
 4 signatures required for ballot placement only if those
 5 deficiencies or violations are corrected before the date
 6 specified in subsection (1).

7 (9) No provision of this code shall be deemed to
 8 prohibit a private person exercising lawful control over
 9 privately owned property, including property held open to the
 10 public for the purposes of a commercial enterprise, from
 11 excluding from such property persons seeking to engage in
 12 activity supporting or opposing initiative amendments.

13 ~~(10)(6)~~ The Department of State may adopt rules in
 14 accordance with s. 120.54 to carry out the provisions of
 15 subsections~~(1)-(9)~~ ~~(1)-(5)~~.

16 Section 3. Any signature gathered on a previously
 17 approved initiative petition form that has been submitted for
 18 verification before August 1, 2007, may be verified and
 19 counted, if otherwise valid. However, any initiative petition
 20 form that is submitted for verification on or after that date
 21 may be verified and counted only if it complies with this act
 22 and has been approved by the Secretary of State before
 23 obtaining elector signatures.

24 Section 4. If any provision of this act or its
 25 application to any person or circumstance is held invalid, the
 26 invalidity does not affect other provisions or applications of
 27 the act which can be given effect without the invalid
 28 provision or application, and to this end the provisions of
 29 this act are severable.

30 Section 5. Except as otherwise expressly provided in
 31 this act, this act shall take effect upon becoming a law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to petition procedures and

8 standards; amending s. 99.097; revising

9 terminology relating to verification of

10 signatures on petitions; requiring

11 name-by-name, signature-by-signature

12 verification of initiative petitions and

13 related petition revocations; providing

14 requirements for initiative sponsors filing a

15 certificate of undue burden; amending s.

16 100.371, F.S.; revising procedures for placing

17 an initiative on the ballot; providing

18 requirements for information to be contained in

19 petition forms; providing procedure for

20 revocation of a petition signature; providing

21 regulation of initiative petition circulators;

22 providing private property rights relating to

23 activity on the property that supports or

24 opposes ballot initiatives; providing for

25 verification of signatures gathered before the

26 effective date of the changes made by this act

27 to ss. 99.097 and 100.371, F.S.; providing for

28 severability; providing an effective date.

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