

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Dorworth offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 973 and 974, insert:

5 Section 17. Section 100.372, Florida Statutes, is created
6 to read:

7 100.372 Registration of paid petition circulators.--

8 (1) For purposes of this code:

9 (a) "Compensation" means a payment, distribution, loan,
10 advance, reimbursement, deposit, salary, fee, retainer, or
11 anything of value provided or owed to a petition circulator,
12 directly or indirectly, by a person or entity for the activities
13 described in paragraph (b).

14 (b) "Petition circulator" means any person who, in the
15 context of a direct face-to-face interaction, presents to
16 another person for his or her possible signature a petition form

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17 or petition-revocation form regarding ballot placement for an
18 initiative.

19 (c) "Paid petition circulator" means a petition circulator
20 who receives any compensation as a direct or indirect
21 consequence of the activities described in paragraph (b), other
22 than for the reimbursement of legitimate out-of-pocket expenses
23 incurred by the petition circulator in the ordinary course of
24 these activities, as specified by department rule.

25 (d) "Registrant" means a person who is registered with the
26 department as a paid petition circulator.

27 (2) A person may not engage in any activities as a paid
28 petition circulator in this state without first registering with
29 the department. A person or entity may not provide compensation
30 as a direct or indirect consequence of the activities described
31 in paragraph (1)(b) to a petition circulator who is not
32 registered with the department as a paid petition circulator.

33 (3) To register with the department as a paid petition
34 circulator, a person shall complete a declaration signed under
35 penalty of perjury by the paid petition circulator that sets
36 forth his or her full legal name and date of birth, the street
37 address at which he or she legally resides, and any other
38 information required by department rule and shall identify the
39 petitions or petition-revocation forms that he or she will be
40 circulating. Registration shall also include a statement
41 containing the original signature of a principal officer of the
42 sponsoring political committee that the registrant is authorized
43 to circulate petitions or petition-revocation forms on behalf of
44 the sponsor. Upon completion of the registration process, the

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45 department shall issue to the registrant a unique registration
46 number.

47 (4) Every petition form or petition-revocation form
48 presented by a paid petition circulator to a person for his or
49 her possible signature must contain that paid petition
50 circulator's registration number as issued by the department.

51 (5) When a registrant ceases to circulate a particular
52 petition form or petition-revocation form, he or she shall
53 promptly send a written statement to the department indicating
54 that he or she is no longer circulating that petition or
55 petition-revocation form. Notwithstanding this requirement, the
56 department may remove the name of a registrant from the list of
57 registered petition circulators if the sponsor of a petition or
58 petition-revocation notifies the department that a person is no
59 longer authorized to circulate petitions on behalf of that
60 sponsor.

61 (6) (a) Except as provided in subsection (7), a person
62 engaged in any activities as a paid petition circulator who
63 fails to comply with this section or the rules adopted under
64 this section shall be subject to a fine of \$1,000 per day for
65 each violation.

66 (b) A person or entity providing compensation as a direct
67 or indirect consequence of the activities described in paragraph
68 (1) (b) to a petition circulator who is not properly registered
69 with the department shall be subject to a fine that may not
70 exceed \$50,000 for each petition circulator who is provided
71 compensation in violation of this section.

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72 (c) The fines provided for in this section shall be
73 assessed by the department and deposited in the Grants and
74 Donations Trust Fund of the Department of State.

75 (7) Each registrant shall file a compensation report with
76 the department for each calendar quarter during any portion of
77 which the registrant was registered to circulate any petition or
78 petition-revocation form. The report shall include:

79 (a) The full name, business address, and telephone number
80 of the sponsor of each petition or petition-revocation for which
81 the registrant was provided compensation.

82 (b) Total compensation provided or owed to the registrant
83 as a direct or indirect consequence of the activities described
84 in paragraph (1)(b), reported in one of the following
85 categories: \$0; \$1 to \$5,999; \$6,000 to \$11,999; \$12,000 to
86 \$17,999; \$18,000 to \$23,999; \$24,000 to \$29,999; \$30,000 to
87 \$35,999; and \$36,000 or more.

88 (8) The compensation reports shall be filed no later than
89 45 days after the end of each reporting period. The four
90 reporting periods are from January 1 through March 31, April 1
91 through June 30, July 1 through September 30, and October 1
92 through December 31, respectively. The reports shall be open to
93 public inspection. In the event a report is late, the person
94 designated to review the timeliness of reports shall immediately
95 notify the registrant as to the failure to timely file the
96 report and that a fine is being assessed for each late day. The
97 fine shall be \$50 per day per report for each late day, not to
98 exceed \$5,000 per report. Upon receipt of the report, the person
99 designated to review the timeliness of reports shall determine

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100 the amount of the fine due based upon when a report is actually
101 received by the department. Such fine shall be paid within 30
102 days after the notice of payment due is transmitted by the
103 department unless appeal is made to the department. The moneys
104 shall be deposited into the Grants and Donations Trust Fund of
105 the Department of State.

106 (9) The department shall adopt rules in accordance with
107 ss. 120.536(1) and 120.54 to implement the registration and
108 reporting requirements of this section. The rule may provide for
109 the payment of a fee by registrants that may not exceed the
110 amount necessary to cover the department's cost of implementing
111 this section. Funds collected from registrants shall be
112 deposited in the Grants and Donations Trust Fund of the
113 Department of State.

114 (10) Any signature gathered on a previously approved
115 initiative petition form or petition-revocation form that has
116 been submitted for verification before August 1, 2008, may be
117 verified and counted if otherwise valid. However, any initiative
118 petition form or petition-revocation form that is submitted for
119 verification on or after August 1, 2008, may be verified and
120 counted only if it complies with this section.

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124 **T I T L E A M E N D M E N T**

125 Remove line 59 and insert:
126 forms by rule: creating s. 100.372, F.S.; providing definitions;
127 requiring paid petition circulators to register with the
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128 Department of State; prohibiting compensation to petition
129 circulators not registered with the department as paid petition
130 circulators; providing registration requirements; requiring a
131 paid petition circulator's registration number on petition
132 forms; requiring a registrant to submit a written statement to
133 department of cancellation upon termination of registration;
134 permitting the department to remove names of registrants from
135 the list of paid petition circulators under certain
136 circumstances; providing penalties; requiring the filing of a
137 quarterly compensation report; providing criteria for the
138 report; permitting public inspection of such reports; providing
139 penalties for failure to file timely reports; providing that
140 registration fees and fines shall be deposited into the Grants
141 and Donations Trust Fund; requiring the department to adopt
142 rules; providing circumstances under which signatures on
143 petition and petition-revocation forms submitted before a
144 specified date are deemed valid; amending s. 101.041, F.S.;
145 deleting a