

By Senator Posey

24-03410A-08

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1 A bill to be entitled

2 An act relating to the registration of paid petition  
3 circulators; creating s. 100.372, F.S.; providing  
4 definitions; requiring paid petition circulators to  
5 register with the Department of State; prohibiting  
6 compensation to petition circulators not registered with  
7 the department as paid petition circulators; providing  
8 registration qualifications and criteria; requiring a paid  
9 petition circulator's registration number on petition  
10 forms; providing for invalidity of certain petition  
11 signatures; providing for validity of forms submitted  
12 before a certain date; authorizing the department to adopt  
13 rules; providing for severability; providing an effective  
14 date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 100.372, Florida Statutes, is created to  
19 read:

20 100.372 Registration of paid petition circulators.--

21 (1) For purposes of this code:

22 (a) "Petition circulator" means any person who, in the  
23 context of a direct face-to-face interaction, presents to another  
24 person for his or her possible signature a petition form or  
25 petition-revocation form regarding ballot placement for an  
26 initiative.

27 (b) "Paid petition circulator" means a petition circulator  
28 who receives any compensation as a direct or indirect consequence  
29 of the activities described in paragraph (a), other than for the

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30 reimbursement of legitimate out-of-pocket expenses incurred by  
31 the petition circulator in the ordinary course of these  
32 activities, as specified by department rule.

33 (c) "Registrant" means a person who is registered with the  
34 department as a paid petition circulator.

35 (2) A person may not engage in any activities as a paid  
36 petition circulator in this state without first registering with  
37 the department. A person or entity may not provide compensation  
38 as a direct or indirect consequence of the activities described  
39 in paragraph (1) (a) to a petition circulator who is not  
40 registered with the department as a paid petition circulator.

41 (3) A person may not be registered as a paid petition  
42 circulator by the department unless the person is:

43 (a) A citizen of the United States for purposes of s.  
44 97.041(1)(a)2.;

45 (b) A legal resident of this state for purposes of s.  
46 97.041(1)(a)3.; and

47 (c) Not a convicted felon ineligible to register to vote or  
48 vote pursuant to s. 97.041(2)(b).

49 (4) If, at any time, a registrant no longer satisfies one  
50 or more of the requirements set forth in subsection (3), the  
51 registrant's registration shall be immediately rendered invalid  
52 by operation of law, the registrant shall immediately notify the  
53 department, and the registrant shall immediately halt all  
54 activities as a paid petition circulator.

55 (5) To register with the department as a paid petition  
56 circulator, a person shall provide his or her full legal name;  
57 the street address at which the person legally resides; the  
58 person's telephone number; the person's date of birth; a copy of

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59 a valid government-issued photo identification card; the name,  
60 street address, and telephone number of the person or entity from  
61 which the person will receive compensation as a direct or  
62 indirect consequence of the activities described in paragraph  
63 (1) (a); identification of the petition forms or petition-  
64 revocation forms that the person will be circulating; and any  
65 other information required by department rule. As a condition of  
66 registration, the registrant shall notify the department of any  
67 change in the information submitted pursuant to this subsection  
68 within 1 business day after such change.

69 (6) A registrant shall not circulate any petition forms or  
70 petition-revocation forms as a paid petition circulator until the  
71 registrant has registered those forms with the department.

72 (7) Every petition form or petition-revocation form  
73 presented by a paid petition circulator to a person for his or  
74 her possible signature must contain that paid petition  
75 circulator's registration number, as issued by the department.

76 (8) A signature on a petition form or petition-revocation  
77 form regarding ballot placement for an initiative is invalid, may  
78 not be verified by the supervisor of elections, and may not be  
79 counted toward the number of valid signatures required for ballot  
80 placement if such signature was not gathered in full compliance  
81 with this section.

82 (9) Any signature gathered on a previously approved  
83 initiative petition form or petition-revocation form that has  
84 been submitted for verification before August 1, 2008, may be  
85 verified and counted if otherwise valid. However, any initiative  
86 petition form or petition-revocation form that is submitted for  
87 verification on or after August 1, 2008, may be verified and

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88 counted only if it complies with this section.

89 (10) The Department of State may adopt rules in accordance  
90 with ss. 120.536(1) and 120.54 to carry out the provisions of  
91 this section, including the adoption of a registration fee not  
92 exceeding the amount necessary to cover the department's cost of  
93 registration and regulation.

94 Section 2. If any provision of this act or its application  
95 to any person or circumstance is held invalid, the invalidity  
96 does not affect other provisions or applications of the act which  
97 can be given effect without the invalid provision or application,  
98 and to this end the provisions of this act are severable.

99 Section 3. This act shall take effect August 1, 2008.