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CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/23/2008 11:45 AM

1 Senator Posey moved the following **amendment**:

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

4 Between lines 994 and 995,
5 insert:

6 Section 15. Section 100.372, Florida Statutes, is created
7 to read:

8 100.372 Registration of paid petition circulators.--

9 (1) For purposes of this section, the term:

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

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



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

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

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

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

34 (3) To register with the department as a paid petition
35 circulator, a person must complete a declaration signed under
36 penalty of perjury by the paid petition circulator which sets
37 forth the petition circulator's full legal name, street address
38 at which the petition circulator legally resides, date of birth,
39 any other information required by department rule. Such
40 declaration shall identify the petitions or petition-revocation
41 forms to be circulated by such person. Registration shall also
42 include a statement containing the original signature of a
43 principle officer of the sponsoring political committee that the
44 registrant is authorized to circulate petitions or petition-
45 revocation forms on behalf of the sponsor. Upon completion of the
46 registration process, the department shall issue to the
47 registrant a unique registration number.



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

52 (5) A registrant shall promptly send a written statement to
53 the department canceling the registration for a petition or
54 petition-revocation form upon termination of the registrant's
55 petition circulating for that petition or petition-revocation
56 form. Notwithstanding this requirement, the department may remove
57 the name of a registrant from the list of registered petition
58 circulators if the sponsor of a petition or petition-revocation
59 form notifies the department that a person is no longer
60 authorized to circulate petitions on behalf of that sponsor.

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

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

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

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



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

81 (b) Total compensation provided or owed to the registrant
82 as a direct or indirect consequence of the activities described
83 in paragraph (1)(b), reported in one of the following categories:

84 \$0; \$1 to \$5,999; \$6,000-\$11,999; \$12,000-\$17,999; \$18,000-
85 \$23,999; \$24,000-\$29,999; \$30,000-\$35,999; \$36,000 or more.

86 (8) The compensation reports shall be filed no later than
87 45 days after the end of each reporting period. The four
88 reporting periods are from January 1 through March 31, April 1
89 through June 30, July 1 through September 30, and October 1
90 through December 31, respectively. The reports shall be open to
91 public inspection. If a report is filed late, the person
92 designated to review the timeliness of reports shall immediately
93 notify the registrant as to the failure to timely file the report
94 and that a fine is being assessed for each late day. The fine
95 shall be \$50 per day per report for each late day, not to exceed
96 \$5,000 per report. Upon receipt of the report, the person
97 designated to review the timeliness of reports shall determine
98 the amount of the fine due based upon when the report is actually
99 received by the department. Such fine shall be paid within 30
100 days after the date on which the notice of payment due is
101 transmitted by the department, unless an appeal is made to the
102 department. Moneys collected from the payment of such fines shall
103 be deposited into the Grants and Donations Trust Fund of the
104 Department of State.

105 (9) The department shall adopt rules in accordance with ss.
106 120.536(1) and 120.54 to implement and administer the
107 registration and reporting requirements of this section. Such



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108 rules may provide for the payment of a fee by registrants not to
 109 exceed the amount necessary to cover the department's cost of
 110 administering this section. Funds collected from registrants
 111 shall be deposited in the Grants and Donations Trust Fund of the
 112 Department of State.

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

120
 121 ===== T I T L E A M E N D M E N T =====

122 And the title is amended as follows:

123 On line 50, after the semicolon,
 124 insert:
 125 creating s. 100.372, F.S.; providing definitions;
 126 prohibiting a person from engaging in an activities as
 127 a paid petition circulator without first registering
 128 with the Department of State; prohibiting a person or
 129 entity from providing compensation to a person
 130 performing certain activities if such person is not
 131 registered with the department; providing registration
 132 requirements; requiring that the department issue a
 133 unique registration number upon completion of the
 134 registration process; requiring that certain forms
 135 contain the registration number; requiring that a
 136 registrant send notice to the department upon
 137 termination of the registrant's circulation of a form;



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138 | authorizing the department to remove the name of a
139 | registrant from the list of registered petition
140 | circulators under certain circumstances; providing
141 | fines for failure to comply with certain provisions of
142 | state law or rules related to paid petition
143 | circulators; providing for fines against persons or
144 | entities providing compensation to a petition
145 | circulator who is not registered; requiring that the
146 | department assess such fines; requiring that moneys
147 | collected from such fines be deposited into the Grants
148 | and Donations Trust fund of the department; requiring
149 | that each registrant file a compensation report with
150 | the department for each calendar quarter during which
151 | he or she was registered; requiring that such report
152 | contain certain information; requiring that such
153 | reports be filed on or before a specified deadline;
154 | specifying four reporting periods; providing that such
155 | reports are open to public inspection; providing
156 | procedures and fines for untimely filed reports;
157 | requiring that such fines be paid on or before a
158 | specified deadline; requiring that moneys collected
159 | from such fines be deposited into the Grants and
160 | Donations Trust Fund of the department; requiring that
161 | the department adopt rules; providing for a
162 | registration fee; requiring that moneys collected from
163 | such fees be deposited into the Grants and Donations
164 | Trust Fund of the department; providing that any
165 | signature gathered on a previously approved initiative
166 | petition form or petition-revocation form submitted for
167 | verification before a specified date may be verified



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168 | and counted if otherwise valid; providing that any
169 | initiative petition form or petition-revocation form
170 | submitted for verification on or after such date may be
171 | verified and counted only if such form complies with
172 | certain requirements;