

1 A bill to be entitled
 2 An act relating to paid petition circulators; creating s.
 3 100.372, F.S.; providing legislative intent; providing
 4 definitions; requiring registration of paid petition
 5 circulators and prohibiting the payment of compensation to
 6 those not properly registered; establishing registration
 7 and training requirements for paid petition circulators;
 8 providing circumstances under which a registration becomes
 9 invalid; providing application requirements; providing for
 10 civil penalties; providing circumstances under which
 11 initiative petitions shall be rejected; requiring
 12 possession of evidence of registration; requiring
 13 registration numbers to appear on certain forms; requiring
 14 the Department of State to create a training program;
 15 providing rulemaking authority; providing for a
 16 registration fee; providing for disposition of funds;
 17 providing for counting and verification of signatures
 18 appearing on certain forms submitted before and after a
 19 specified date; providing severability; providing an
 20 effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Section 100.372, Florida Statutes, is created
 25 to read:

26 100.372 Paid petition circulators.--

27 (1) INTENT.--It is the intent of the Legislature to
 28 protect the personal information and identities of Florida

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29 residents signing initiative petitions in this state. As a
30 result of actions by various groups and individuals prior to the
31 2008 elections, the Legislature determines it is necessary to
32 take measures to ensure the integrity of the system of
33 collecting and verifying petitions. Therefore, in order to
34 ensure an open, fair, and accountable process for obtaining
35 signatures on initiative petitions, to protect the personal
36 information and identities of Florida residents, and to restore
37 public confidence in the process of participatory democracy, the
38 state shall impose reasonable and necessary regulations on the
39 actions of individuals and groups seeking to engage in
40 initiative petition gathering activities.

41 (2) DEFINITIONS.--For purposes of this section:

42 (a) "Initiative sponsor" means either the political
43 committee registered pursuant to s. 106.03 that has submitted
44 the text of a proposed amendment to the Secretary of State or
45 any person as defined in s. 106.011 who has contributed in
46 excess of \$10,000 to the registered political committee.

47 (b) "Paid petition circulator" means a petition circulator
48 who receives any compensation or other valuable consideration as
49 a direct or indirect consequence of the activities described in
50 paragraph (c), other than for the reimbursement of legitimate
51 out-of-pocket expenses incurred by the petition circulator in
52 the ordinary course of these activities, as specified by
53 department rule.

54 (c) "Petition circulator" means any person who, in a
55 direct face-to-face interaction, presents to another person for
56 his or her possible signature an initiative petition form.

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

59 (3) PROHIBITION AGAINST UNREGISTERED PAID PETITION
 60 CIRCULATING.--A person may not engage in any activities as a
 61 paid petition circulator in this state without first registering
 62 with the department. A person or entity may not provide
 63 compensation or other valuable consideration as a direct or
 64 indirect consequence of the activities described in paragraph
 65 (2)(c) to a petition circulator who is not registered with the
 66 department as a paid petition circulator.

67 (4) REGISTRATION OF PAID PETITION CIRCULATORS.--

68 (a) A person shall not engage in activities as a paid
 69 petition circulator unless the person:

70 1. Has registered with the department in the manner
 71 prescribed by this section and by rule of the department;

72 2. Certifies under penalty of perjury that he or she has
 73 not been convicted of a criminal offense in this state or any
 74 other state or under federal law involving fraud, deceit,
 75 forgery, perjury, or identity theft within the 5 years preceding
 76 the date of the application;

77 3. Completes the training program prescribed by rule of
 78 the department;

79 4. Is a legal resident of this state for purposes of s.
 80 97.041(1)(a)3.; and

81 5. Does not receive compensation based upon the number of
 82 initiative petition signatures obtained.

83 (b) If at any time a registrant no longer satisfies one or
 84 more of the requirements set forth in this section, the

85 registrant's registration shall be immediately rendered invalid
86 by operation of law, the registrant shall immediately notify the
87 department, and the registrant shall immediately halt all
88 activities as a paid petition circulator.

89 (c) A person may apply to the department for the
90 registration required under paragraph (a). The application shall
91 include:

92 1. The full name and any assumed name of the applicant.

93 2. The residential street address of the applicant.

94 3. An example of the signature of the applicant.

95 4. Identification of the initiative petitions that the
96 applicant will be circulating.

97 5. The name, street address, and telephone number of the
98 person or entity from which the applicant will receive
99 compensation as a direct or indirect consequence of the
100 activities described in paragraph (2) (c).

101 6. A statement signed by the applicant acknowledging that
102 the applicant has read and understands state and federal law
103 applicable to the gathering of signatures on initiative petition
104 forms, as the law is summarized in the training program
105 established by the department.

106 7. Evidence indicating that the applicant has completed
107 the training required by the department by rule.

108 8. Three 2-inch by 2-inch passport-style photographs of
109 the applicant.

110 9. A statement signed by an authorized representative of
111 an initiative sponsor of each petition for which the applicant
112 will gather signatures acknowledging that, pursuant to s.

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113 106.19(3), the sponsor will be liable for civil penalties under
114 s. 106.265 if the applicant violates this section or rules
115 adopted thereunder related to obtaining signed petitions.

116 10. Any other information required by the department by
117 rule.

118 (d) If an applicant meets the requirements of paragraph
119 (a), no later than 2 business days after receipt of the
120 completed application, the department shall register the
121 applicant and assign the registrant a registration number. As a
122 condition of registration, the registrant shall notify the
123 department of any change in the information submitted pursuant
124 to this subsection within 1 business day after such change.

125 (5) SUBMISSION OF FORMS; EVIDENCE OF REGISTRATION.--

126 (a) A person who submits to a supervisor of elections
127 initiative petition forms that have been circulated by a paid
128 petition circulator shall certify under penalty of perjury that
129 the signatures on such initiative petition forms were collected
130 or obtained in compliance with this section. A signature on an
131 initiative petition form is invalid, may not be verified by the
132 supervisor of elections, and may not be counted toward the
133 number of valid signatures required for ballot placement if such
134 signature was not gathered in full compliance with this section.

135 (b) A registrant shall carry evidence of registration with
136 the registrant while he or she is obtaining signatures for an
137 initiative petition and shall produce evidence of registration
138 upon request by any law enforcement officer. The evidence of
139 registration shall include the registrant's photograph and

140 registration number. The department, by rule, shall designate
141 the form of the evidence of registration.

142 (c) Every initiative petition form presented by a
143 registrant to a person for his or her possible signature must
144 contain the registrant's registration number as issued by the
145 department.

146 (6) TRAINING OF PAID PETITION CIRCULATORS.--The Department
147 of State shall create a training program to provide prospective
148 applicants with an overview and explanation of state and federal
149 law pertaining to initiative petition gathering. The department
150 shall ensure that prospective applicants who complete the
151 training program have been provided with an explanation of all
152 statutes, regulations, and court rulings that address initiative
153 petition gathering. The department may conduct training programs
154 through a secure Internet website and may contract with a third-
155 party vendor for the administration of the training program.

156 (7) RULEMAKING.--The Department of State shall adopt rules
157 pursuant to ss. 120.536(1) and 120.54 to administer this
158 section, including the adoption of a registration fee necessary
159 to cover the department's cost of registration, training, and
160 regulation. Funds collected from registrants shall be deposited
161 in the Grants and Donations Trust Fund of the Department of
162 State.

163 Section 2. Any signature gathered on a previously approved
164 initiative petition form that has been submitted for
165 verification before October 1, 2009, may be verified and counted
166 if otherwise valid. However, any signature gathered on an
167 initiative petition form that is submitted for verification on

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168 or after that date may be verified and counted only if such form
169 complies with this act.

170 Section 3. If any provision of this act or its application
171 to any person or circumstance is held invalid, the invalidity
172 does not affect other provisions or applications of the act
173 which can be given effect without the invalid provision or
174 application, and to this end the provisions of this act are
175 severable.

176 Section 4. This act shall take effect July 1, 2009.