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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/23/2019	.	
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The Committee on Rules (Simmons) recommended the following:

1 **Senate Amendment to Amendment (834194) (with title**
2 **amendment)**

3
4 Delete lines 1068 - 1069

5 and insert:

6 Section 25. Effective 60 days after the effective date of
7 this act, subsection (3) of section 100.371, Florida Statutes,
8 is amended to read:

9 100.371 Initiatives; procedure for placement on ballot.—

10 (3) An initiative petition form circulated for signature
11 may not be bundled with or attached to any other petition. Each



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12 signature shall be dated when made and shall be valid for a
13 period of 2 years following such date, provided all other
14 requirements of law are met. The sponsor shall submit signed and
15 dated forms to the supervisor of elections for the county of
16 residence listed by the person signing the form for verification
17 of the number of valid signatures obtained. If a signature on a
18 petition is from a registered voter in another county, the
19 supervisor shall notify the petition sponsor of the misfiled
20 petition. The petition sponsor must submit each signed petition
21 gathered by a paid or volunteer petition circulator to the
22 appropriate supervisor by the fifth day of the month following
23 the month in which the petition is signed. The supervisor shall
24 promptly verify the signatures within 30 days after receipt of
25 the petition forms and payment of the fee required by s. 99.097.
26 The supervisor shall promptly record, in the manner prescribed
27 by the Secretary of State, the date each form is received by the
28 supervisor, and the date the signature on the form is verified
29 as valid. The supervisor may verify that the signature on a form
30 is valid only if:

31 (a) The form contains the original signature of the
32 purported elector.

33 (b) The form contains the disclosures required by s.
34 100.372(3), which must be legible, if the form was collected by
35 a paid petition circulator.

36 (c) The purported elector has accurately recorded on the
37 form the date on which he or she signed the form and the form
38 was received by the supervisor by the fifth day of the month in
39 the month after the form was signed.

40 (d) ~~(e)~~ The form sets forth the purported elector's name,



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41 address, city, county, and voter registration number or date of
42 birth.

43 (e) ~~(d)~~ The purported elector is, at the time he or she
44 signs the form and at the time the form is verified, a duly
45 qualified and registered elector in the state.

46
47 The supervisor shall retain the signature forms for at least 1
48 year following the election in which the issue appeared on the
49 ballot or until the division of ~~Elections~~ notifies the
50 supervisors of elections that the committee that circulated the
51 petition is no longer seeking to obtain ballot position.

52 Section 26. Effective 60 days after the effective date of
53 this act, section 100.372, Florida Statutes, is created to read:
54 100.372 Regulation of, and disclosures by, paid petition
55 circulators.—

56 (1) A person may not collect signatures or initiative
57 petitions for compensation unless the person is registered as a
58 paid petition circulator with the Secretary of State.

59 (2) An application for registration must be submitted in
60 the format required by the Secretary of State and must include
61 the following:

62 (a) The information required to be contained on the
63 petition form under s. 101.161, including the ballot summary and
64 title as approved by the Secretary of State.

65 (b) The applicant's name, permanent address, and date of
66 birth.

67 (c) An address in this state at which the applicant will
68 accept service of process related to disputes concerning
69 circulation of that circulator's petitions, if the circulator is



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70 not a resident of this state.

71 (d) A statement that the applicant consents to the
72 jurisdiction of the courts of this state in resolving disputes
73 concerning the circulation of petitions by the applicant.

74 (e) Any information required by the Secretary of State to
75 verify the applicant's identity or address.

76 (3) All petitions circulated by a paid petition circulator
77 must contain, in a format required by the Secretary of State, a
78 completed Petition Circulator's Affidavit which includes:

79 (a) The circulator's name and address;

80 (b) The method by which the circulator is compensated such
81 as compensation on an hourly basis, per signature basis, or
82 other basis described by the circulator; and

83 (c) The following statement, which must be signed by the
84 circulator:

85
86 By my signature below, as petition circulator, I
87 verify that the petition was signed in my presence,
88 that the petition signer had sufficient time to read
89 the petition language, and that I believe the
90 signature on the petition to be the genuine signature
91 of the petition signer. Under penalties of perjury, I
92 declare that I have read the foregoing Petition
93 Circulator's Affidavit and the facts stated in it are
94 true.

95
96 Petition Circulator's Signature: ...Signature...

97
98 (4) If a registered petition circulator is properly served



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99 with a subpoena to provide evidence in an action regarding the
100 circulation of petitions and fails to appear or produce
101 documents as provided for in the subpoena, all signatures
102 collected by that circulator are deemed invalid. The party
103 -serving the subpoena may request an order from the court
104 directing the removal of any petitions collected by the
105 circulator.

106 (5) A paid petition circulator shall display a badge that
107 states PAID CIRCULATOR in a form and manner specified by rule of
108 the Secretary of State.

109 (6) A person who violates subsection (1) or subsection (5)
110 commits a misdemeanor of the second degree, punishable as
111 provided in s. 775.082 or s. 775.083.

112 Section 27. Effective 60 days after the effective date of
113 this act, section 97.026, Florida Statutes, is amended to read:

114 97.026 Forms to be available in alternative formats and via
115 the Internet.—It is the intent of the Legislature that all forms
116 required to be used in chapters 97-106 shall be made available
117 upon request, in alternative formats. Such forms shall include
118 vote-by-mail ballots as alternative formats for such ballots
119 become available and the Division of Elections is able to
120 certify systems that provide them. Whenever possible, such
121 forms, with the exception of vote-by-mail ballots, shall be made
122 available by the Department of State via the Internet. Sections
123 that contain such forms include, but are not limited to, ss.
124 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073,
125 97.1031, 98.075, 99.021, 100.361, 100.371, 100.372, 101.045,
126 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657,
127 105.031, 106.023, and 106.087.



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128 Section 28. Effective upon this act becoming a law, the
129 Secretary of State is authorized, and all conditions are deemed
130 to be met, to adopt emergency rules pursuant to s. 120.54(4),
131 Florida Statutes, for the purpose of administering the
132 provisions of this act. This section expires July 1, 2020.

133 Section 29. This act applies to all revisions or amendments
134 to the State Constitution which are proposed by initiative for
135 the 2020 general election. However, this act does not affect the
136 validity of any initiative petition that is gathered and
137 submitted to a supervisor of elections within 60 days after this
138 act becomes a law. This section shall take effect upon becoming
139 a law.

140 Section 30. Except as otherwise expressly provided in this
141 act and except for this section, which shall take effect upon
142 becoming a law, this act shall take effect July 1, 2019.

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

145 And the title is amended as follows:

146 Delete line 1158

147 and insert:

148 Code; amending s. 100.371, F.S.; requiring initiative
149 sponsors to submit signed petition forms to the
150 supervisor of elections within a specified timeframe;
151 modifying the conditions upon which the supervisor may
152 verify the signature on a petition form; creating s.
153 100.372, F.S.; prohibiting the collection of
154 signatures or initiative petitions for compensation
155 absent registration with the Secretary of State;
156 prescribing requirements for registration as a paid



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157 petition circulator; requiring circulated petitions to
158 contain certain disclosures; specifying conditions
159 under which petitions may be invalidated; requiring
160 paid petition circulators to display certain
161 identifying credentials; providing a penalty; amending
162 s. 97.026, F.S.; conforming a provision to changes
163 made by the act; authorizing emergency rulemaking for
164 a specified timeframe; providing for applicability;
165 providing effective dates.