

Bill No. SB 1996

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CHAMBER ACTION

Senate

House

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The Committee on Ethics and Elections (Posey) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Petition Fraud and Voter Protection Act."

Section 2. Subsections (1), (3), and (4) of section 99.097, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

99.097 Verification of signatures on petitions.--

(1) As determined by each supervisor, based upon local conditions, the verification of signatures ~~checking of names~~ on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of valid ~~authorized~~ signatures on the petitions; or

(b) A check of a random sample, as provided by the

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1 Department of State, of names and signatures on the petitions.
2 The sample must be such that a determination can be made as to
3 whether or not the required number of valid signatures has
4 ~~have~~ been obtained with a reliability of at least 99.5
5 percent. Rules and guidelines for this method of petition
6 verification shall be promulgated by the Department of State,
7 which may include a requirement that petitions bear an
8 additional number of names and signatures, not to exceed 15
9 percent of the names and signatures otherwise required. If
10 the petitions do not meet such criteria, then the use of the
11 verification method described in this paragraph shall not be
12 available to supervisors.

13

14 Notwithstanding any other provision of law, petitions to
15 secure ballot placement for an issue, and petition revocations
16 pursuant to s. 100.371(7), must be verified by the method
17 provided in paragraph (a).

18 (3)(a) A signature name on a petition, in a name that
19 ~~which name~~ is not in substantially the same form as a name on
20 the voter registration books, shall be counted as a valid
21 signature if, after comparing the signature on the petition
22 with the signature of the alleged signer as shown on the
23 registration books, the supervisor determines that the person
24 signing the petition and the person who registered to vote are
25 one and the same. In any situation in which this code
26 requires the form of the petition to be prescribed by the
27 division, no signature shall be counted toward the number of
28 signatures required unless it is on a petition form prescribed
29 by the division. A signature on a petition may not be counted
30 toward the number of valid signatures required for ballot
31 placement unless all relevant provisions of this code have

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1 been satisfied.

2 (b) If a voter signs a petition and lists an address
3 other than the legal residence where the voter is registered,
4 the supervisor shall treat the signature as if the voter had
5 listed the address where the voter is registered.

6 (4)(a) The supervisor shall be paid in advance the sum
7 of 10 cents for each signature checked or the actual cost of
8 checking such signature, whichever is less, by the candidate
9 or, in the case of a petition to have an issue placed on the
10 ballot, by the person or organization submitting the petition.
11 However, if a candidate, person, or organization seeking to
12 have an issue placed upon the ballot cannot pay such charges
13 without imposing an undue burden on personal resources or upon
14 the resources otherwise available to such candidate, person,
15 or organization, such candidate, person, or organization
16 shall, upon written certification of such inability given
17 under oath to the supervisor, be entitled to have the
18 signatures verified at no charge. In the event a candidate,
19 person, or organization submitting a petition to have an issue
20 placed upon the ballot is entitled to have the signatures
21 verified at no charge, the supervisor of elections of each
22 county in which the signatures are verified at no charge shall
23 submit the total number of such signatures checked in the
24 county to the Chief Financial Officer no later than December 1
25 of the general election year, and the Chief Financial Officer
26 shall cause such supervisor of elections to be reimbursed from
27 the General Revenue Fund in an amount equal to 10 cents for
28 each signature ~~name~~ checked or the actual cost of checking
29 such signatures, whichever is less. In no event shall such
30 reimbursement of costs be deemed or applied as extra
31 compensation for the supervisor. Petitions shall be retained

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1 by the supervisors for a period of 1 year following the
2 election for which the petitions were circulated.

3 (b) A person or organization submitting a petition to
4 secure ballot placement for an issue which has filed a
5 certification of undue burden may not provide compensation to
6 any paid petition circulator, as defined in s. 100.372, unless
7 the person or organization first pays all supervisors for each
8 signature checked or reimburses the General Revenue Fund for
9 such costs. If a person or organization subject to this
10 paragraph provides compensation to a paid petition circulator
11 before the date the person or organization pays all
12 supervisors for each signature checked or reimburses the
13 General Revenue Fund for such costs, no signature on a
14 petition circulated by the petition circulator before that
15 date may be counted toward the number of valid signatures
16 required for ballot placement.

17 (6)(a) The alleged improper verification of a
18 signature on a petition to secure ballot placement for an
19 issue pursuant to this code may be contested in the circuit
20 court by a political committee or by an elector. The
21 contestant shall file a complaint setting forth the basis of
22 the contest, together with the fees prescribed in chapter 28,
23 with the clerk of the circuit court in the county in which the
24 petition is certified or in Leon County if the complaint is
25 directed to petitions certified in more than one county.

26 (b) If the contestant demonstrates by a preponderance
27 of the evidence that one or more petitions were improperly
28 verified, the signatures appearing on such petitions may not
29 be counted toward the number of valid signatures required for
30 ballot placement. If an action brought under this subsection
31 is resolved after the Secretary of State has issued a

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1 certificate of ballot position for the issue, but the
 2 contestant demonstrates by a preponderance of the evidence
 3 that the person or organization submitting the petition had
 4 obtained verification of an insufficient number of valid and
 5 verified signatures to qualify for ballot placement, the issue
 6 shall be removed from the ballot or, if such action is
 7 impractical, any votes cast for or against the issue may not
 8 be counted and shall be invalidated.

9 (c) An action under this subsection must be commenced
 10 no later than one year after the Secretary of State issues a
 11 certificate of ballot position for the issue.

12 Section 3. Section 100.371, Florida Statutes, as
 13 amended by section 9 of chapter 2002-281, Laws of Florida, is
 14 amended to read:

15 100.371 Initiatives; procedure for placement on
 16 ballot.--

17 (1) Constitutional amendments proposed by initiative
 18 shall be placed on the ballot for the general election
 19 provided that an initiative petition is filed with the
 20 Secretary of State by February 1 of the year in which the
 21 general election is to be held ~~occurring in excess of 90 days~~
 22 from the certification of ballot position by the Secretary of
 23 State.

24 (2) Certification of ballot position ~~Such~~
 25 ~~certification~~ shall be issued when the Secretary of State has
 26 received verification certificates from the supervisors of
 27 elections indicating that the requisite number and
 28 distribution of valid petitions bearing the signatures of
 29 electors have been submitted to and verified by the
 30 supervisors. Every signature shall be dated by the elector
 31 when made. Signatures are ~~and shall be~~ valid for a period of 4

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1 years following such date, provided all other requirements of
2 law are satisfied ~~complied with~~.

3 (3) The sponsor of an initiative amendment shall,
4 prior to obtaining any signatures, register as a political
5 committee pursuant to s. 106.03 and submit the text of the
6 proposed amendment to the Secretary of State, with the form on
7 which the signatures will be affixed, and shall obtain the
8 approval of the Secretary of State of such form. The division
9 ~~Secretary of State~~ shall adopt rules pursuant to s. 120.54
10 prescribing the style and requirements of such form. Upon
11 filing with the Secretary of State, the text of the proposed
12 amendment and all forms filed in connection with this section
13 must, upon request, be made available in alternative formats.
14 The contents of a petition form shall be limited to those
15 items required by statute or rule. A petition form shall be
16 deemed a political advertisement as defined in s. 106.011 and,
17 as such, must comply with all relevant requirements of chapter
18 106.

19 (4) The supervisor of elections shall record the date
20 each petition form was received by the supervisor and the date
21 the signature on the form was verified as valid. The
22 supervisor shall verify that the signature on a petition form
23 is valid only if the form complies with all of the following:

24 (a) The form must contain the original signature of
25 the purported elector;

26 (b) The purported elector must accurately record on
27 the form the date on which he or she signed the form;

28 (c) The purported elector must accurately record on
29 the form his or her name, street address, county, voter
30 registration number or an identification number from a valid
31 government-issued photo identification card along with

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1 information identifying the issuer, and any other information
2 required by the division by rule;

3 (d) The purported elector must be, at the time he or
4 she signs the form, a duly qualified and registered elector
5 authorized to vote in the congressional district for which his
6 or her signature is submitted;

7 (e) The date the elector signed the form, as recorded
8 by the elector, must be no more than 10 days from the date the
9 form was received by the supervisor of elections;

10 (f) The elector must accurately record on the form
11 whether the elector was presented with the petition form for
12 his or her signature by a petition circulator, as defined in
13 s. 100.372(1); and

14 (g) If the elector was presented with the petition
15 form for his or her signature by a petition circulator, the
16 petition form must comply with the requirements of s. 100.372.

17 (5) An elector has the right to submit his or her
18 signed form to the sponsor of the initiative amendment, by
19 mail or otherwise, at an address listed on the form for this
20 purpose.

21 (6) Each form must contain the following three notices
22 at the top of the form in bold type and in a 16-point or
23 larger font, immediately following the title "Constitutional
24 Amendment Petition Form":

25
26 RIGHT TO MAIL IN.--You have the right to take
27 this petition home and study the issue before
28 signing. If you choose to sign the petition,
29 you may return it to the sponsors of the
30 amendment at the following
31 address: _____.

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PAID PETITIONER CIRCULATOR.--The person presenting this petition for your signature may be receiving compensation to do so. You have the right to ask for this information and the person's rate of compensation before you sign the petition.

NATURE OF AMENDMENT.--The merits of the proposed change to the Florida Constitution appearing below have not been officially reviewed by any court or agency of state government.

(7) An elector's signature on a petition form may be revoked by submitting to the supervisor a signed petition revocation form adopted by rule for this purpose by the division. The sponsor of an initiative amendment shall provide to any elector submitting his or her signature on a petition form a revocation form for that initiative. The revocation form must contain the address of the Secretary of State to permit the elector to submit the revocation form via United States mail. The petition revocation form shall be filed with the Secretary of State no later than January 1 preceding the next general election or, if the initiative amendment is not certified for ballot position in that election, no later than the January 1 preceding the next successive general election. The division shall promptly process the revocation form under procedures adopted by rule for this purpose by the division.

(8)~~(4)~~ The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures

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1 appear thereon. The supervisor shall promptly verify the
 2 signatures upon payment of the fee required by s. 99.097. Upon
 3 completion of verification, the supervisor shall execute a
 4 certificate indicating the total number of signatures checked,
 5 the number of signatures verified as valid and as being of
 6 registered electors, the number of signatures validly revoked
 7 pursuant to subsection (7), and the distribution of such
 8 signatures by congressional district. This certificate shall
 9 be immediately transmitted to the Secretary of State. The
 10 supervisor shall retain the signed signature forms and
 11 revocation forms for at least 1 year following the election in
 12 which the issue appeared on the ballot or until the Division
 13 of Elections notifies the supervisors of elections that the
 14 committee which circulated the petition is no longer seeking
 15 to obtain ballot position.

16 (9)(5) The Secretary of State shall determine from the
 17 verification certificates received from supervisors of
 18 elections the total number of verified valid signatures and
 19 the distribution of such signatures by congressional
 20 districts. Upon a determination that the requisite number and
 21 distribution of valid signatures have been obtained, the
 22 secretary shall issue a certificate of ballot position for
 23 that proposed amendment and shall assign a designating number
 24 pursuant to s. 101.161. A petition shall be deemed to be filed
 25 with the Secretary of State upon the date of the receipt by
 26 the secretary of a certificate or certificates from
 27 supervisors of elections indicating the petition has been
 28 signed by the constitutionally required number of electors.

29 (10)(6)(a) Within 45 days after receipt of a proposed
 30 revision or amendment to the State Constitution by initiative
 31 petition from the Secretary of State ~~or, within 30 days after~~

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1 ~~such receipt if receipt occurs 120 days or less before the~~
2 ~~election at which the question of ratifying the amendment will~~
3 ~~be presented~~, the Financial Impact Estimating Conference shall
4 complete an analysis and financial impact statement to be
5 placed on the ballot of the estimated increase or decrease in
6 any revenues or costs to state or local governments resulting
7 from the proposed initiative. The Financial Impact Estimating
8 Conference shall submit the financial impact statement to the
9 Attorney General and Secretary of State.

10 (b)1. The Financial Impact Estimating Conference shall
11 provide an opportunity for any proponents or opponents of the
12 initiative to submit information and may solicit information
13 or analysis from any other entities or agencies, including the
14 Office of Economic and Demographic Research. All meetings of
15 the Financial Impact Estimating Conference shall be open to
16 the public as provided in chapter 286.

17 2. The Financial Impact Estimating Conference is
18 established to review, analyze, and estimate the financial
19 impact of amendments to or revisions of the State Constitution
20 proposed by initiative. The Financial Impact Estimating
21 Conference shall consist of four principals: one person from
22 the Executive Office of the Governor; the coordinator of the
23 Office of Economic and Demographic Research, or his or her
24 designee; one person from the professional staff of the
25 Senate; and one person from the professional staff of the
26 House of Representatives. Each principal shall have
27 appropriate fiscal expertise in the subject matter of the
28 initiative. A Financial Impact Estimating Conference may be
29 appointed for each initiative.

30 3. Principals of the Financial Impact Estimating
31 Conference shall reach a consensus or majority concurrence on

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1 a clear and unambiguous financial impact statement, no more
 2 than 75 words in length, and immediately submit the statement
 3 to the Attorney General. Nothing in this subsection prohibits
 4 the Financial Impact Estimating Conference from setting forth
 5 a range of potential impacts in the financial impact
 6 statement. Any financial impact statement that a court finds
 7 not to be in accordance with this section shall be remanded
 8 solely to the Financial Impact Estimating Conference for
 9 redrafting. The Financial Impact Estimating Conference shall
 10 redraft the financial impact statement within 15 days.

11 4. If the members of the Financial Impact Estimating
 12 Conference are unable to agree on the statement required by
 13 this subsection, or if the Supreme Court has rejected the
 14 initial submission by the Financial Impact Estimating
 15 Conference and no redraft has been approved by the Supreme
 16 Court by April 1 of the year in which the general election is
 17 to be held ~~5 p.m. on the 75th day before the election~~, the
 18 following statement shall appear on the ballot pursuant to s.
 19 101.161(1): "The financial impact of this measure, if any,
 20 cannot be reasonably determined at this time."

21 (c) The financial impact statement must be separately
 22 contained and be set forth after the ballot summary as
 23 required in s. 101.161(1).

24 (d)1. Any financial impact statement that the Supreme
 25 Court finds not to be in accordance with this subsection shall
 26 be remanded solely to the Financial Impact Estimating
 27 Conference for redrafting, provided the court's advisory
 28 opinion is rendered by April 1 of the year in which the
 29 general election is to be held ~~at least 75 days before the~~
 30 ~~election at which the question of ratifying the amendment will~~
 31 ~~be presented~~. The Financial Impact Estimating Conference shall

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1 prepare and adopt a revised financial impact statement no
2 later than 5 p.m. on the 15th day after the date of the
3 court's opinion.

4 2. If, by 5 p.m. on April 1 of the year in which the
5 general election is to be held ~~the 75th day before the~~
6 ~~election~~, the Supreme Court has not issued an advisory opinion
7 on the initial financial impact statement prepared by the
8 Financial Impact Estimating Conference for an initiative
9 amendment that otherwise meets the legal requirements for
10 ballot placement, the financial impact statement shall be
11 deemed approved for placement on the ballot.

12 3. In addition to the financial impact statement
13 required by this subsection, the Financial Impact Estimating
14 Conference shall draft an initiative financial information
15 statement. The initiative financial information statement
16 should describe in greater detail than the financial impact
17 statement any projected increase or decrease in revenues or
18 costs that the state or local governments would likely
19 experience if the ballot measure were approved. If
20 appropriate, the initiative financial information statement
21 may include both estimated dollar amounts and a description
22 placing the estimated dollar amounts into context. The
23 initiative financial information statement must include both a
24 summary of not more than 500 words and additional detailed
25 information that includes the assumptions that were made to
26 develop the financial impacts, workpapers, and any other
27 information deemed relevant by the Financial Impact Estimating
28 Conference.

29 4. The Department of State shall have printed, and
30 shall furnish to each supervisor of elections, a copy of the
31 summary from the initiative financial information statements.

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1 The supervisors shall have the summary from the initiative
 2 financial information statements available at each polling
 3 place and at the main office of the supervisor of elections
 4 upon request.

5 5. The Secretary of State and the Office of Economic
 6 and Demographic Research shall make available on the Internet
 7 each initiative financial information statement in its
 8 entirety. In addition, each supervisor of elections whose
 9 office has a website shall post the summary from each
 10 initiative financial information statement on the website.
 11 Each supervisor shall include the Internet addresses for the
 12 information statements on the Secretary of State's and the
 13 Office of Economic and Demographic Research's websites in the
 14 publication or mailing required by s. 101.20.

15 ~~(11)(7)~~ The Department of State may adopt rules in
 16 accordance with s. 120.54 to carry out this section ~~the~~
 17 ~~provisions of subsections (1)-(6)~~.

18 Section 4. Section 100.372, Florida Statutes, is
 19 created to read:

20 100.372 Regulation of initiative petition
 21 circulators.--

22 (1) For purposes of this section, a:

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

28 (b) "Paid petition circulator" is a petition
 29 circulator who receives any compensation as either a direct or
 30 indirect consequence of the activities described in paragraph
 31 (a).

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1 (2) A petition circulator must be, at the time the
 2 petition circulator presents to any person for his or her
 3 possible signature a petition form or petition revocation form
 4 regarding ballot placement for an initiative, at least 18
 5 years of age and eligible to register to vote in this state
 6 pursuant to s. 97.041.

7 (3) A paid petitioner circulator shall, when engaged
 8 in the activities described in paragraph (1)(a), wear a
 9 prominent badge, in a form and manner prescribed by rule by
 10 the division, identifying him or her as a "PAID PETITION
 11 CIRCULATOR."

12 (4) In addition to any other practice or action
 13 permissible under law, an owner, lessee, or other person
 14 lawfully exercising control over private property may:

15 (a) Prohibit petition circulators from operating on
 16 the property and prohibit persons from engaging in other
 17 activities supporting or opposing an initiative; or

18 (b) Permit such conduct on the property subject to
 19 time, place, and manner restrictions that are reasonable and
 20 uniformly applied.

21 (5) Prior to being presented to a possible elector for
 22 signature, a petition form or petition revocation form
 23 regarding ballot placement for an initiative must set forth
 24 the following information in a format and manner prescribed by
 25 rule by the division:

26 (a) The name of any organization or entity with which
 27 the petition circulator is affiliated and on behalf of which
 28 the petition circulator is presenting forms to electors for
 29 possible signature.

30 (b) The name of the sponsor of the initiative if
 31 different from the entity with which the petition circulator

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1 is affiliated.

2 (c) A statement directing those seeking information
3 about initiative sponsors and their contributors to the
4 internet address of the appropriate division website; and

5 (d) A statement disclosing whether the petition
6 circulator is a paid petition circulator, and, if so, the
7 amount or rate of compensation and the name and address of the
8 person or entity paying the compensation to the paid petition
9 circulator.

10 (6)(a) A paid petition circulator shall attach to each
11 signed petition form, petition revocation form, or group of
12 such forms obtained by the paid petition circulator a signed,
13 notarized, and dated affidavit executed by the paid petition
14 circulator, in a form prescribed by rule by the division. If
15 the affidavit pertains to a group of forms, the forms shall be
16 consecutively numbered on their face by the paid petition
17 circulator and the affidavit shall refer to the forms by
18 number.

19 (b) The affidavit shall include the paid petition
20 circulator's printed name; the street address at which he or
21 she resides, including county; the petition circulator's date
22 of birth; the petition circulator's Florida voter registration
23 number and county of registration, if applicable, or an
24 identification number from a valid government-issued photo
25 identification card along with information identifying the
26 issuer; and the date he or she signed the affidavit.

27 (c) The affidavit shall attest that the paid petition
28 circulator has read and understands the laws governing the
29 circulation of petition and petition revocation forms
30 regarding ballot placement for an initiative; that he or she
31 was 18 years of age and eligible to register to vote at the

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1 time the attached form or forms were circulated and signed by
2 the listed electors; that he or she circulated the attached
3 form or forms; that each signature thereon was affixed in the
4 circulator's presence; that each signature thereon is the
5 signature of the person whose name it purports to be; that to
6 the best of the circulator's knowledge and belief each of the
7 persons signing the form or forms was, at the time of signing,
8 a registered elector; that the circulator has not provided or
9 received, and will not in the future provide or receive,
10 compensation that is based, directly or indirectly, upon the
11 number of signatures obtained on petitions or petition
12 revocation forms; and that he or she has not paid or will not
13 in the future pay, and that he or she believes that no other
14 person has paid or will pay, directly or indirectly, any money
15 or other thing of value to any signer for the purpose of
16 inducing or causing such signer to affix his or her signature
17 to the form.

18 (d) A signature on a petition form or petition
19 revocation form regarding ballot placement for an initiative
20 to which an affidavit required by this subsection is not
21 attached is invalid, and may not be verified by the supervisor
22 of elections, and may not be counted toward the number of
23 valid signatures required for ballot placement.

24 (7) Each paid petition circulator shall provide to the
25 sponsor of the initiative amendment for which he or she is
26 circulating petitions a copy of a valid and current
27 government-issued photo identification card that accurately
28 indicates the address at which the paid petition circulator
29 resides. The sponsor of the initiative shall maintain the
30 copies of these identification cards in its files and shall
31 make them available for inspection by any person. If a sponsor

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1 fails to maintain such a copy with respect to a particular
 2 paid petition circulator, all petitions obtained by that paid
 3 petition circulator prior to the date the sponsor produces the
 4 required copy of the identification card are invalid, and may
 5 not be verified by the supervisor of elections, and may not be
 6 counted toward the number of valid signatures required for
 7 ballot placement.

8 (9) A signature on a petition form or petition
 9 revocation form regarding ballot placement for an initiative
 10 which does not fully comply with the applicable provisions of
 11 this chapter, or which was obtained in violation of the
 12 applicable provisions of this code, is invalid, and may not be
 13 verified by the supervisor of elections, and may not be
 14 counted toward the number of valid signatures required for
 15 ballot placement.

16 Section 5. Section 101.161, Florida Statutes, is
 17 amended to read:

18 101.161 Referenda; ballots.--

19 (1) Whenever a constitutional amendment or other
 20 public measure is submitted to the vote of the people, the
 21 substance of such amendment or other public measure shall be
 22 printed in clear and unambiguous language on the ballot after
 23 the list of candidates, followed by the word "yes" and also by
 24 the word "no," and shall be styled in such a manner that a
 25 "yes" vote will indicate approval of the proposal and a "no"
 26 vote will indicate rejection. The wording of the substance of
 27 the amendment or other public measure and the ballot title to
 28 appear on the ballot shall be embodied in the joint
 29 resolution, constitutional revision commission proposal,
 30 constitutional convention proposal, taxation and budget reform
 31 commission proposal, or enabling resolution or ordinance.

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1 Except for amendments and ballot language proposed by joint
 2 resolution, the substance of the amendment or other public
 3 measure shall be an explanatory statement, not exceeding 75
 4 words in length, of the chief purpose of the measure. In
 5 addition, for every amendment proposed by initiative, the
 6 ballot shall include, following the ballot summary, a separate
 7 financial impact statement concerning the measure prepared by
 8 the Financial Impact Estimating Conference in accordance with
 9 s. 100.371(10) ~~s. 100.371(6)~~. The ballot title shall consist
 10 of a caption, not exceeding 15 words in length, by which the
 11 measure is commonly referred to or spoken of.

12 (2) The substance and ballot title of a constitutional
 13 amendment proposed by initiative shall be prepared by the
 14 sponsor and approved by the Secretary of State in accordance
 15 with rules adopted pursuant to s. 120.54. The Department of
 16 State shall give each proposed constitutional amendment a
 17 designating number for convenient reference. This number
 18 designation shall appear on the ballot. Designating numbers
 19 shall be assigned in the order of filing or certification and
 20 in accordance with rules adopted by the Department of State.
 21 The Department of State shall furnish the designating number,
 22 the ballot title, and the substance of each amendment to the
 23 supervisor of elections of each county in which such amendment
 24 is to be voted on.

25 (3)(a) The ballot for the general election in the year
 26 2000 must contain a statement allowing voters to determine
 27 whether circuit or county court judges will be selected by
 28 merit selection and retention as provided in s. 10, Art. V of
 29 the State Constitution. The ballot in each circuit must
 30 contain the statement in paragraph (c). The ballot in each
 31 county must contain the statement in paragraph (e).

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1 (b) For any general election in which the Secretary of
 2 State, for any circuit, or the supervisor of elections, for
 3 any county, has certified the ballot position for an
 4 initiative to change the method of selection of judges, the
 5 ballot for any circuit must contain the statement in paragraph
 6 (c) or paragraph (d) and the ballot for any county must
 7 contain the statement in paragraph (e) or paragraph (f).

8 (c) In any circuit where the initiative is to change
 9 the selection of circuit court judges to selection by merit
 10 selection and retention, the ballot shall state: "Shall the
 11 method of selecting circuit court judges in the ...(number of
 12 the circuit)... judicial circuit be changed from election by a
 13 vote of the people to selection by the judicial nominating
 14 commission and appointment by the Governor with subsequent
 15 terms determined by a retention vote of the people?" This
 16 statement must be followed by the word "yes" and also by the
 17 word "no."

18 (d) In any circuit where the initiative is to change
 19 the selection of circuit court judges to election by the
 20 voters, the ballot shall state: "Shall the method of selecting
 21 circuit court judges in the ...(number of the circuit)...
 22 judicial circuit be changed from selection by the judicial
 23 nominating commission and appointment by the Governor with
 24 subsequent terms determined by a retention vote of the people
 25 to election by a vote of the people?" This statement must be
 26 followed by the word "yes" and also by the word "no."

27 (e) In any county where the initiative is to change
 28 the selection of county court judges to merit selection and
 29 retention, the ballot shall state: "Shall the method of
 30 selecting county court judges in ...(name of county)... be
 31 changed from election by a vote of the people to selection by

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1 the judicial nominating commission and appointment by the
 2 Governor with subsequent terms determined by a retention vote
 3 of the people?" This statement must be followed by the word
 4 "yes" and also by the word "no."

5 (f) In any county where the initiative is to change
 6 the selection of county court judges to election by the
 7 voters, the ballot shall state: "Shall the method of selecting
 8 county court judges in ...(name of the county)... be changed
 9 from selection by the judicial nominating commission and
 10 appointment by the Governor with subsequent terms determined
 11 by a retention vote of the people to election by a vote of the
 12 people?" This statement must be followed by the word "yes" and
 13 also by the word "no."

14 Section 6. Paragraph (a) of subsection (4) of section
 15 101.62, Florida Statutes, is amended to read:

16 101.62 Request for absentee ballots.--

17 (4)(a) To each absent qualified elector overseas who
 18 has requested an absentee ballot, the supervisor of elections
 19 shall, not fewer than 35 days before the first primary
 20 election, mail an absentee ballot. Not fewer than 45 days
 21 before the second primary and general election, the supervisor
 22 of elections shall mail an advance absentee ballot to those
 23 persons requesting ballots for such elections. The advance
 24 absentee ballot for the second primary shall be the same as
 25 the first primary absentee ballot as to the names of
 26 candidates, except that for any offices where there are only
 27 two candidates, those offices and all political party
 28 executive committee offices shall be omitted. Except as
 29 provided in ss. 99.063(4) and 100.371(10) ~~100.371(6)~~, the
 30 advance absentee ballot for the general election shall be as
 31 specified in s. 101.151, except that in the case of candidates

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1 of political parties where nominations were not made in the
2 first primary, the names of the candidates placing first and
3 second in the first primary election shall be printed on the
4 advance absentee ballot. The advance absentee ballot or
5 advance absentee ballot information booklet shall be of a
6 different color for each election and also a different color
7 from the absentee ballots for the first primary, second
8 primary, and general election. The supervisor shall mail an
9 advance absentee ballot for the second primary and general
10 election to each qualified absent elector for whom a request
11 is received until the absentee ballots are printed. The
12 supervisor shall enclose with the advance second primary
13 absentee ballot and advance general election absentee ballot
14 an explanation stating that the absentee ballot for the
15 election will be mailed as soon as it is printed; and, if both
16 the advance absentee ballot and the absentee ballot for the
17 election are returned in time to be counted, only the absentee
18 ballot will be counted. The Department of State may prescribe
19 by rule the requirements for preparing and mailing absentee
20 ballots to absent qualified electors overseas.

21 Section 7. Section 104.012, Florida Statutes, is
22 amended to read:

23 104.012 Consideration for registration; interference
24 with registration; soliciting registrations for compensation;
25 alteration of registration application; failing to submit
26 registration application.--

27 (1) Any person who gives anything of value that is
28 redeemable in cash to any person in consideration for his or
29 her becoming a registered voter commits a felony of the third
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084. This section shall not be interpreted, however, to

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1 | exclude such services as transportation to the place of
2 | registration or baby-sitting in connection with the absence of
3 | an elector from home for registering.

4 | (2) A person who by bribery, menace, threat, or other
5 | corruption, directly or indirectly, influences, deceives, or
6 | deters or attempts to influence, deceive, or deter any person
7 | in the free exercise of that person's right to register to
8 | vote at any time, upon the first conviction, commits a felony
9 | of the third degree, punishable as provided in s. 775.082, s.
10 | 775.083, or s. 775.084, and, upon any subsequent conviction,
11 | commits a felony of the second degree, punishable as provided
12 | in s. 775.082, s. 775.083, or s. 775.084.

13 | (3) A person may not solicit or pay another person to
14 | solicit voter registrations for compensation that is based
15 | upon the number of registrations obtained. A person who
16 | violates the provisions of this subsection commits a felony of
17 | the third degree, punishable as provided in s. 775.082, s.
18 | 775.083, or s. 775.084.

19 | (4) A person who alters the voter registration
20 | application of any other person, without the other person's
21 | knowledge and consent, commits a felony of the third degree,
22 | punishable as provided in s. 775.082, s. 775.083, or s.
23 | 775.084.

24 | (5) Any person who obtains an executed voter
25 | registration application from another person and who willfully
26 | fails to submit this application to the appropriate supervisor
27 | of elections within 10 days commits a felony of the third
28 | degree, punishable as provided in s. 775.082, s. 775.083, or
29 | s. 775.084.

30 | Section 8. Section 104.185, Florida Statutes, is
31 | amended to read:

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1 104.185 Violations involving petitions; ~~knowingly~~
2 ~~signing more than once; signing another person's name or a~~
3 ~~fictitious name.--~~

4 (1) A person who knowingly signs a petition or
5 petitions to secure ballot position for a candidate, a minor
6 political party, or an issue more than one time commits a
7 misdemeanor of the first degree, punishable as provided in s.
8 775.082 or s. 775.083.

9 (2) A person who signs another person's name or a
10 fictitious name to any petition to secure ballot position for
11 a candidate, a minor political party, or an issue, or to a
12 petition revocation form, commits a felony misdemeanor of the
13 third first degree, punishable as provided in s. 775.082, ~~or~~
14 s. 775.083, or s. 775.084.

15 (3) A person who willfully swears or affirms falsely
16 to any oath or affirmation, or willfully procures another
17 person to swear or affirm falsely to an oath or affirmation,
18 in connection with or arising out of the petitioning process
19 commits a felony of the third degree, punishable as provided
20 in s. 775.082, s. 775.083, or s. 775.084.

21 (4) A person who willfully submits any false
22 information on a petition or petition revocation form commits
23 a felony of the third degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 (5) A person who directly or indirectly gives or
26 promises anything of value to any other person to induce that
27 other person to sign a petition or petition revocation form
28 commits a felony of the third degree, punishable as provided
29 in s. 775.082, s. 775.083, or s. 775.084.

30 (6) A person who, by bribery, menace, threat, or other
31 corruption, directly or indirectly influences, deceives, or

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1 deters, or attempts to influence, deceive, or deter, any
 2 person in the free exercise of that person's right to sign a
 3 petition or petition revocation form, upon the first
 4 conviction commits a felony of the third degree, punishable as
 5 provided in s. 775.082, s. 775.083, or s. 775.084, and, upon
 6 any subsequent conviction, commits a felony of the second
 7 degree, punishable as provided in s. 775.082, s. 775.083, or
 8 s. 775.084.

9 (7) A person may not provide or receive compensation
 10 that is based, directly or indirectly, upon the number of
 11 signatures obtained on petitions or petition revocation forms.
 12 A person who violates this subsection commits a felony of the
 13 second degree punishable as provided in s. 775.082, s.
 14 775.083, or s. 775.084.

15 (8) A person who alters the petition or petition
 16 revocation form signed by any other person without the other
 17 person's knowledge and consent commits a felony of the third
 18 degree, punishable as provided in s. 775.082, s. 775.083, or
 19 s. 775.084.

20 (9) A person perpetrating, or attempting to perpetrate
 21 or aid in the perpetration of, any fraud in connection with
 22 obtaining the signature of electors on petition or petition
 23 revocation forms commits a felony of the third degree,
 24 punishable as provided in s. 775.082, s. 775.083, or s.
 25 775.084.

26 (10) In addition to any other penalty provided for by
 27 law, if a paid petition circulator, as defined in s.
 28 100.372(1), violates any provision of this section, the
 29 commission may, pursuant to s. 106.265, impose a civil penalty
 30 in the form of a fine not to exceed \$1,000 per violation on
 31 any person or entity on behalf of which the petition

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1 circulator was acting at the time of the violation.

2 Section 9. Section 104.42, Florida Statutes, is
3 amended to read:

4 104.42 Unlawful registrations, petitions, Fraudulent
5 registration and illegal voting; investigation.--

6 (1) The supervisor of elections is authorized to
7 investigate unlawful fraudulent registrations, petitions, and
8 illegal voting and to report his or her findings to the local
9 state attorney, the Florida Department of Law Enforcement, and
10 the Florida Elections Commission.

11 (2) The board of county commissioners in any county
12 may appropriate funds to the supervisor of elections for the
13 purpose of investigating unlawful fraudulent registrations,
14 petitions, and illegal voting.

15 (3) The supervisor of elections shall document and
16 report suspected unlawful registrations, petitions, and voting
17 to the Florida Elections Commission within 10 days of
18 acquiring reasonable suspicion about the lawfulness of the
19 registrations, petitions, and voting.

20 Section 10. Any signature gathered on an authorized
21 form for an initiative petition which has been submitted for
22 verification prior to the effective date of this act may be
23 verified and counted, if otherwise valid. However, any
24 petition form that is submitted for verification on or after
25 the effective date of this act shall be verified and counted
26 only if it complies with this act. Any initiative petition
27 form approved by the Secretary of State prior to the effective
28 date of this act is invalidated, and a new petition form must
29 be resubmitted to the Secretary of State for approval in
30 accordance with the requirements of this act prior to
31 obtaining elector signatures.

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1 Section 11. If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 invalidity does not affect other provisions or applications of
4 the act which can be given effect without the invalid
5 provision or application, and to this end the provisions of
6 this act are declared severable.

7 Section 12. This act shall take effect August 1, 2005.
8
9

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause
13

14 and insert:

15 A bill to be entitled
16 An act relating to the petition process;
17 providing a short title; amending s. 99.097,
18 F.S.; revising requirements for verification of
19 signatures on petitions; prescribing limits on
20 use of paid petition circulators; providing
21 procedures to contest alleged improper
22 signature verification; amending s. 100.371,
23 F.S.; revising procedures for placing an
24 initiative on the ballot; providing
25 requirements for information to be contained on
26 petitions; providing procedure for revocation
27 of a petition signature; creating s. 100.372,
28 F.S.; providing regulation for initiative
29 petition circulators and their activities;
30 amending s. 101.161, F.S.; conforming a
31 cross-reference; amending s. 101.62, F.S.;

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1 conforming a cross-reference; amending s.
2 104.012, F.S.; providing criminal penalties for
3 specified offenses involving voter registration
4 applications; amending s. 104.185, F.S.;
5 proscribing specified actions involving
6 petitions and providing or increasing criminal
7 penalties therefor; amending s. 104.42, F.S.;
8 prescribing duties of supervisors of elections
9 with respect to unlawful registrations,
10 petitions, and voting; providing for verifying
11 and counting signatures submitted for
12 verification before the effective date of the
13 act; requiring resubmission and reapproval of
14 petition forms; providing severability;
15 providing an effective date.

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