

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Pickens offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Effective August 1, 2007, subsections (1), (3),
6 and (4) of section 99.097, Florida Statutes, are amended to
7 read:

8 99.097 Verification of signatures on petitions.--

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

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

Amendment No.

16 (b) A check of a random sample, as provided by the
17 Department of State, of names and signatures on the petitions.
18 The sample must be such that a determination can be made as to
19 whether or not the required number of valid signatures ~~has~~ have
20 been obtained with a reliability of at least 99.5 percent. Rules
21 and guidelines for this method of petition verification shall be
22 promulgated by the Department of State, which may include a
23 requirement that petitions bear an additional number of names
24 and signatures, not to exceed 15 percent of the names and valid
25 signatures otherwise required. If the petitions do not meet such
26 criteria, then the use of the verification method described in
27 this paragraph shall not be available to supervisors.

28
29 Notwithstanding subsection (2) or any other provision of law,
30 petitions to secure ballot placement for an initiative and
31 petition revocations directed thereto pursuant to s. 100.371
32 must be verified by the method provided in paragraph (a).

33 (3) (a) A signature ~~name~~ on a petition of a, ~~which~~ name
34 that is not in substantially the same form as a name on the
35 voter registration books, shall be counted as a valid signature
36 if, after comparing the signature on the petition with the
37 signature of the alleged signer as shown on the registration
38 books, the supervisor determines that the person signing the
39 petition and the person who registered to vote are one and the
40 same. In any situation in which this code requires the form of
41 the petition to be prescribed by the division, no signature
42 shall be counted toward the number of signatures required unless
43 it is on a petition form prescribed by the division.

501657

4/30/2007 9:41:28 PM

Amendment No.

44 (b) If a voter signs a petition and lists an address other
45 than the legal residence where the voter is registered, the
46 supervisor shall treat the signature as if the voter had listed
47 the address where the voter is registered.

48 (4) (a) The supervisor shall be paid in advance the sum of
49 10 cents for each signature verified ~~checked~~ or the actual cost
50 of verifying ~~checking~~ such signature, whichever is less, by the
51 candidate or, in the case of a petition to have an issue placed
52 on the ballot by initiative, by the initiative sponsor ~~person or~~
53 ~~organization submitting the petition~~. However, if a candidate or
54 initiative sponsor, ~~person, or organization seeking to have an~~
55 ~~issue placed upon the ballot~~ cannot pay such charges without
56 imposing an undue burden on personal resources or upon the
57 resources otherwise available to such candidate or initiative
58 sponsor, ~~person, or organization~~, such candidate or initiative
59 sponsor, ~~person, or organization~~ shall, upon written
60 certification of such inability given under oath to the
61 supervisor, be entitled to have the signatures verified at no
62 charge. In the event a candidate or initiative sponsor, ~~person,~~
63 ~~or organization submitting a petition to have an issue placed~~
64 ~~upon the ballot~~ is entitled to have the signatures verified at
65 no charge, the supervisor of elections of each county in which
66 the signatures are verified at no charge shall submit the total
67 number of such signatures checked in the county to the Chief
68 Financial Officer no later than December 1 of the general
69 election year, and the Chief Financial Officer shall cause such
70 supervisor of elections to be reimbursed from the General
71 Revenue Fund in an amount equal to 10 cents for each signature

501657

4/30/2007 9:41:28 PM

Amendment No.

72 verified name checked or the actual cost of verifying checking
73 such signatures, whichever is less. In no event shall such
74 reimbursement of costs be deemed or applied as extra
75 compensation for the supervisor. Petitions shall be retained by
76 the supervisors for a period of 1 year following the election
77 for which the petitions were circulated.

78 (b) An initiative sponsor that has filed a certification
79 of undue burden under paragraph (a) may not provide compensation
80 to any paid petition circulator, as defined in s. 100.371,
81 unless the initiative sponsor first pays all supervisors for
82 each signature verified or reimburses the General Revenue Fund
83 for such costs. If an initiative sponsor subject to this
84 paragraph provides compensation to a paid petition circulator
85 before the date the initiative sponsor pays all supervisors for
86 each signature verified or reimburses the General Revenue Fund
87 for such costs, no signature on a petition circulated by the
88 paid petition circulator before that date may be counted toward
89 the number of valid signatures required for ballot placement
90 until the initiative sponsor pays all supervisors for each
91 signature verified or reimburses the General Revenue Fund for
92 such costs.

93 Section 2. Effective August 1, 2007, subsections (1) and
94 (3) of section 100.371, Florida Statutes, are amended,
95 subsection (6) is renumbered as subsection (10) and amended, and
96 new subsections (6) through (9) are added to that section, to
97 read:

98 100.371 Initiatives; procedure for placement on ballot;
99 private property rights.--

501657

4/30/2007 9:41:28 PM

Amendment No.

100 (1) Constitutional amendments proposed by initiative shall
101 be placed on the ballot for the general election, provided the
102 initiative petition has been filed with the Secretary of State
103 no later than February 1 of the year the general election is
104 held. A petition shall be deemed to be filed with the Secretary
105 of State upon the date the secretary determines that valid and
106 verified ~~the~~ petition forms have ~~has~~ been signed by the
107 constitutionally required number and distribution of electors
108 pursuant to this code, subject to the right of revocation
109 established in this section.

110 (3) (a) Each signature shall be dated when made and shall
111 be valid for a period of 4 years after ~~following~~ such date,
112 provided all other requirements of law are met. The sponsor
113 shall submit signed and dated forms to the appropriate
114 supervisor of elections for verification as to the number of
115 registered electors whose valid signatures appear thereon. The
116 supervisor shall promptly verify the signatures within 30 days
117 after receipt of the petition forms and ~~upon~~ payment of the fee
118 required by s. 99.097. The supervisor shall promptly record ~~each~~
119 ~~valid signature~~ in the statewide voter registration system, in
120 the manner prescribed by the Secretary of State, the date each
121 form is received by the supervisor and the date the signature on
122 the form is verified as valid. The supervisor shall verify that
123 the signature on a form is valid only if the form complies with
124 the following:

125 1. The form shall contain the original signature of the
126 purported elector.

501657

4/30/2007 9:41:28 PM

Amendment No.

127 2. The purported elector shall accurately record on the
128 form the date on which he or she signed the form.

129 3. The date the purported elector signed the form, as
130 recorded by the purported elector, shall be no more than 30 days
131 before the date the form is received by the supervisor of
132 elections.

133 4. The form shall accurately set forth the purported
134 elector's name, legal residence address, county, and voter
135 registration number or date of birth.

136 5. The purported elector shall be, at the time he or she
137 signs the form, a duly qualified and registered elector
138 authorized to vote in the county in which his or her signature
139 is submitted.

140 (b) The supervisor shall retain the signature forms for at
141 least 1 year after ~~following~~ the election in which the issue
142 appeared on the ballot or until the Division of Elections
143 notifies the supervisors of elections that the committee which
144 circulated the petition is no longer seeking to obtain ballot
145 position.

146 (6) (a) An elector's signature on a petition form may be
147 revoked by submitting to the appropriate supervisor of elections
148 a signed petition-revocation form adopted by rule for this
149 purpose by the division.

150 (b) The petition-revocation form and the manner in which
151 signatures are obtained, submitted, and verified shall be
152 subject to the same relevant requirements and timeframes as the
153 corresponding petition form and processes under this code and

501657

4/30/2007 9:41:28 PM

Amendment No.

154 shall be approved by the Secretary of State before any signature
155 on a petition-revocation form is obtained.

156 (c) Supervisors of elections shall provide petition-
157 revocation forms to the public at all main and branch offices.

158 (d) The petition-revocation form shall be filed with the
159 supervisor of elections by February 1 preceding the next general
160 election or, if the initiative amendment is not certified for
161 ballot position in that election, by February 1 preceding the
162 next successive general election. The supervisor of elections
163 shall promptly verify the signature on the petition-revocation
164 form and process such revocation upon payment, in advance, of a
165 fee of 10 cents or the actual cost of verifying such signature,
166 whichever is less. The supervisor shall promptly record each
167 valid and verified petition-revocation form in the statewide
168 voter registration system in the manner prescribed by the
169 Secretary of State.

170 (7) (a) If a person is presented with a petition form or
171 petition-revocation form for his or her possible signature by a
172 petition circulator, the person shall record this fact on the
173 form and the name and address of the petition circulator shall
174 legibly appear on the form before the signature on the form may
175 be verified by the supervisor. For purposes of this subsection,
176 the term "petition circulator" means any person who, in the
177 context of a direct face-to-face conversation, presents to
178 another person for his or her possible signature a petition form
179 or petition-revocation form regarding ballot placement for an
180 initiative.

501657

4/30/2007 9:41:28 PM

Amendment No.

181 (b) A paid petition circulator shall, when engaged in the
182 activities of a petition circulator described in paragraph (a),
183 wear a prominent badge, in a form and manner prescribed by rule
184 by the division, identifying him or her as a paid petition
185 circulator. For purposes of this subsection, the term "paid
186 petition circulator" means a petition circulator who receives
187 any compensation as a direct or indirect consequence of the
188 activities of a petition circulator described in paragraph (a).

189 (c) No petition circulator may receive, and no person may
190 provide to a petition circulator, compensation that is based,
191 directly or indirectly, upon the number of signatures obtained
192 on petition or petition-revocation forms.

193 (8) A signed petition form or petition-revocation form
194 regarding ballot placement for an initiative that does not fully
195 comply with the applicable provisions of this code or the rules
196 adopted under this code, or that was obtained in violation of
197 the applicable provisions of this code or the rules adopted
198 under this code, may be verified by the supervisor of elections
199 and counted toward the number of valid signatures required for
200 ballot placement only if those deficiencies or violations are
201 corrected prior to the date specified in subsection (1).

202 (9) No provision of this code shall be deemed to prohibit
203 a private person exercising lawful control over privately owned
204 property, including property held open to the public for the
205 purposes of a commercial enterprise, from excluding from such
206 property persons seeking to engage in activity supporting or
207 opposing initiative amendments.

501657

4/30/2007 9:41:28 PM

Amendment No.

208 ~~(10)(6)~~ The Department of State may adopt rules in
209 accordance with s. 120.54 to carry out the provisions of
210 subsections (1)-(9) ~~(1)-(5)~~.

211 Section 3. Any signature gathered on a previously approved
212 initiative petition form that has been submitted for
213 verification before August 1, 2007, may be verified and counted,
214 if otherwise valid. However, any initiative petition form that
215 is submitted for verification on or after that date may be
216 verified and counted only if it complies with this act and has
217 been approved by the Secretary of State before obtaining elector
218 signatures.

219 Section 4. If any provision of this act or its application
220 to any person or circumstance is held invalid, the invalidity
221 does not affect other provisions or applications of the act that
222 can be given effect without the invalid provision or
223 application, and to this end the provisions of this act are
224 severable.

225 Section 5. Except as otherwise expressly provided in this
226 act, this act shall take effect upon becoming a law.

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228

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

230 Remove the entire title and insert:

231 A bill to be entitled

232 An act relating to petition procedures and standards;
233 amending s. 99.097; revising terminology relating to
234 verification of signatures on petitions; requiring name-
235 by-name, signature-by-signature verification of initiative

501657

4/30/2007 9:41:28 PM

Amendment No.

236 petitions and related petition revocations; providing
237 requirements for initiative sponsors filing a certificate
238 of undue burden; amending s. 100.371, F.S.; revising
239 procedures for placing an initiative on the ballot;
240 providing requirements for information to be contained in
241 petition forms; providing procedure for revocation of a
242 petition signature; providing regulation of initiative
243 petition circulators; providing private property rights
244 relating to activity on the property that supports or
245 opposes ballot initiatives; providing for verification of
246 signatures gathered before the effective date of the
247 changes made by this act to ss. 99.097 and 100.371, F.S.;

248 providing for severability; providing an effective date.