

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 1205](#)

TITLE: Initiative Petitions for Constitutional Amendments

SPONSOR(S): Persons-Mulicka

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Government Operations](#)

14 Y, 4 N



[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill revises the requirements for initiative petitions, petition sponsors, and petition circulators. The bill requires initiative petitions to elicit additional identification information from voters signing the petition. Petition sponsors are required to submit a bond as well as certain affirmations relating to citizenship and felony convictions to the Department of State. The bill requires that all petition circulators must be residents of the state and revises the registration requirements for paid petition circulators to require more stringent identification disclosures. The bill also revises the timeline in which petition forms must be delivered to a supervisor of elections (supervisor) from 30 to 10 days and increases the associated fines. Supervisors must send a notice to voters when their signatures have been verified and the bill creates a signature revocation process for fraudulent petition signatures. The bill clarifies that a supervisor's verification costs include certain operational and personnel costs. The bill increases certain fines and creates criminal penalties for violations of the initiative petition process and includes violations of the Florida Election Code relating to irregularities or fraud involving issue petition activities under the Florida Racketeer Influenced and Corrupt Organizations act.

Fiscal or Economic Impact:

The bill will likely result in a fiscal impact to state and local governments and the private sector.

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ANALYSIS

EFFECT OF THE BILL:

Petition Sponsors

The bill prohibits the political committee that serves as the [petition sponsor](#) of a constitutional amendment proposed by citizen initiative or initiative petition from sponsoring more than one amendment. Additionally, each political committee sponsoring an initiative petition must register with the Department of State (DOS) for a specific general election cycle and may only collect petitions for that cycle. The petition sponsor's registration expires at the end of the general election cycle for which they are registered. (Section [1](#))

Under the bill, the petition sponsor must comply with the following additional requirements before obtaining petition signatures:

- Post a \$1 million bond payable to the Division of Elections (division) within the DOS. Such bond must be conditioned upon the payment of all fines that are adjudged against the sponsor of such initiative petition. In lieu of the bond, the bill allows the petition sponsor to submit a cashier's check, bank check, or money order in the amount of the bond.
- Submit an affirmation that each person collecting or handling initiative petitions has not been convicted of:
 - A felony offense relating to the Florida Election Code;
 - Exploitation of an elderly person or disabled adult;¹

¹ S. [825.103, F.S.](#)

STORAGE NAME: h1205a.GOS

DATE: 3/6/2025

- Sexual offense or murder;²
- Fraudulent practices;³
- Forgery;⁴
- Counterfeiting;⁵ or
- Perjury.⁶
- Submit an affirmation that each person collecting or handling initiative petitions is a United States citizen. (Section [1](#))

If a person who is collecting or handling initiative petitions is found to not be a U.S. citizen or is convicted of one of the prohibited felonies, the petition sponsor is liable for a \$50,000 fine for each such person. (Section [1](#))

The bill revises the deadline by which petition forms must be delivered by the petition sponsor to a supervisor of elections (supervisor) from 30 days to 10 days and increases the associated fines as follows:

- Forms received by a supervisor after the deadline: The bill increases the fine from a \$50 flat fee for each late petition form to \$50 for each day late, for a total fine of up to \$2,500 per late petition form. If the sponsor or petition circulator acted willfully the bill increases the penalty from \$250 for each petition form to \$2,500.
- For each form that is never submitted to the supervisor: The bill increases the fine for a sponsor who acted willfully from \$1,000 to \$5,000. (Section [1](#))

The bill also creates a new fine for forms collected before the February 1 deadline but submitted after February 1. Each form received by a supervisor after the February 1 deadline results in a \$100 fine for each day late, up to \$5,000, and if the sponsor or petition circulator acted willfully, \$5,000 for each late form. (Section [1](#))

Petition Circulators

The bill requires all [petition circulators](#)—volunteer as well as those paid by the petition sponsor—to be residents of the state. Paid petition circulators are currently [required to register](#) with the Secretary of State before collecting initiative petitions. The bill adds new requirements as part of that registration process. The bill provides that before a paid petition circulator may be registered, he or she must submit a criminal background check to the division. If the division determines that the criminal background check indicates a conviction for any of the specified felony offenses,⁷ the applicant may not be registered and must be notified of the reason for the denial. (Section [1](#))

Paid Petition Circulator Training

The bill requires each paid petition circulator to undergo petition circulator training before being able to register. The training must be developed by the division and may be in an electronic format. The training must include:

- An overview of the petition gathering process.
- An overview of the petition circulator registration requirements.
- An explanation that the petition sponsor serves as a fiduciary to each voter who signs a petition.
- An explanation that the collection of petition forms on a per-signature basis is prohibited.
- The specific criminal penalties to which a petition circulator may be subject for violating the Florida Election Code. (Section [1](#))

² S. [98.0751\(2\)\(b\) and \(c\), F.S.](#)

³ See ch. [817, F.S.](#)

⁴ See ch. [831, F.S.](#)

⁵ *Id.*

⁶ See ch. [837, F.S.](#)

⁷ This provision applies to felony offenses relating to the Florida Election Code, exploitation of an elderly person or disabled adult, sexual offense or murder, fraudulent practices, forgery, counterfeiting, or perjury.

Registering as a Paid Petition Circulator

The bill revises the application for registering as a paid petition circulator to include:

- The applicant's current and valid Florida driver license number, current and valid Florida identification card number, or the last four digits of his or her social security number.
- An attestation that the applicant has not been convicted of felony offenses relating to the Florida Election Code, exploitation of an elderly person or disabled adult, sexual offense or murder, fraudulent practices, forgery, counterfeiting, or perjury.
- An attestation that the applicant is a U.S. citizen and a resident of this state. (Section [1](#))

The bill removes existing provisions of the registration process that contemplated paid petition circulators that were not residents of the state. (Section [1](#))

Petition Circulator's Affidavit

Each petition form circulated by a paid petition circulator must contain a [petition circulator's affidavit](#), which the circulator must sign after the voter has filled out the petition form. The bill revises the affidavit to include:

- The circulator's legal residence, instead of his or her permanent address.
- A signed statement that the petition circulator was not paid to [collect the petition on a per-signature basis](#). (Section [1](#))

Petition Forms

The bill requires each [petition form](#) to elicit from the voter, in addition to the current petition form requirements, his or her current and valid Florida driver license number, current and valid Florida identification card number, or the last four numbers of his or her social security number. A supervisor may only verify signatures on petition forms if the form includes the newly required identification information. (Section [1](#))

Signature Verification Cost

To offset the [cost of signature verification](#), petition sponsors are currently required to reimburse the supervisor for the actual cost incurred during the verification process. The bill allows the supervisor to update the actual cost for verification annually on March 1, instead of on February 2 of each even-numbered year. The actual cost of verification under the bill includes operating and personnel costs associated with comparing signatures, printing or sending notices to voters that their signature has been verified, and scanning and sending petition forms to the division. (Section [1](#))

Notice

Once a supervisor has verified and validated a petition form, he or she must send a notice to the voter that a petition with the voter's information has been validated. The notice must be sent by mail or e-mail and must include:

- The petition number.
- The ballot title and summary.
- The date on which the voter signed the petition.
- The date on which the petition was received by the supervisor.
- The date on which the signature was verified.
- A statement notifying the voter that if he or she did not sign the referenced petition form, the voter may file a [complaint](#) alleging that his or her signature has been misrepresented or forged. (Section [1](#))

If the notice is sent on or before January 1 of an even-numbered year, the notice must also include a statement notifying the voter that if such voter did not sign the referenced petition form, he or she may revoke his or her signature by completing a Petition Signature Revocation Form. (Section [1](#))

Revocation

The bill creates a signature revocation process that allows a voter to revoke his or her signature from a petition form if the voter attests that he or she never signed the original petition form. The bill provides that a signature cannot be revoked on or after January 2 of the year in which the applicable general election is held. The bill affirms the right of a voter who has revoked his or her signature to sign a petition after a revocation. (Section [1](#))

A voter can revoke his or her signature by completing a Petition Signature Revocation Form. The bill requires the division to create the form by rule, which must elicit the following information:

- Name.
- Address.
- City.
- County.
- Voter registration number or date of birth.
- Current and valid Florida driver license number, current and valid Florida identification card number, or the last four digits of his or her social security number.
- Date on which the form is signed. (Section [1](#))

The form must also contain an attestation to which a voter must affix his or her signature. The attestation must state that the voter is revoking his or her signature because he or she never signed the referenced petition form. (Section [1](#))

The Petition Signature Revocation Form must be available on each supervisor's website as well as the division's website. The form must be submitted to the supervisor of the county in which the voter resides. When a supervisor receives a Petition Signature Revocation Form, he or she must verify the signature and information contained in the form, just as he or she would for a petition form. The supervisor must verify each Petition Signature Revocation form within 30 days of receipt; however, for revocation forms submitted less than 60 days before February 1 of an even-numbered year, the form must be verified within 15 days of receipt. The supervisor must promptly record the date each revocation form is received and the date the signature on the form is verified as valid. (Section [1](#))

The supervisor may verify that the signature on a form is valid only if the signature and required elements are validated, including an accurate date on which the voter signed the form. If the signature and information are verified, the supervisor must revoke the petition, adjust the petition totals accordingly, and immediately notify the division. The supervisor must also post on his or her website the total number of signatures revoked. The cost of verifying the signature on the Petition Signature Revocation Form must be borne by the supervisor. (Section [1](#))

Transmission and Retention

The bill requires supervisors to transmit high-quality digital scans of the petition forms to the division on a rolling schedule: the forms must be sent on the last day of each month until December 1 immediately preceding the February 1 submission deadline, at which time the forms must be submitted weekly. The digital forms must be separated by those that have been verified as valid and those that have been deemed invalid. (Section [1](#))

The supervisor must [retain the physical petition forms](#) until all petition forms have been processed following the February 1 deadline and, thereafter, the bill requires those forms be delivered to the division as soon as practicable but no later than March 15. The division then becomes the custodian of those records and must retain all petition forms for one year following the election for which the petition was circulated. (Section [1](#))

Crimes

Petition Circulator's Collection of Private Personal Information

The bill provides that a person collecting or handling a petition on behalf of the sponsor of an initiative petition who copies a completed petition or retains a voter's personal information, including the voter's Florida driver license number, Florida identification card number, social security number, or signature, for any reason other than to provide such petition or information to the sponsor, commits a felony of the third degree. (Section [1](#))

Florida Racketeer Influenced and Corrupt Organizations (RICO) Act

The bill provides that a violation of the Florida Election Code relating to irregularities or fraud involving initiative petition activities can be prosecuted as racketeering activity under the [Florida RICO act](#). (Section [3](#))

Applicability

The bill does not affect the validity of any petition form gathered, or any contract entered into, before the effective date of this bill. Petition forms gathered before the effective date of this bill are governed by the laws existing at the time the form was initially gathered. (Section [2](#))

The bill provides that the registrations of all registered petition circulators are canceled on the 14th day after the emergency rules implementing the provisions of this bill become effective. Following the emergency rules becoming effective, the DOS must make every effort to immediately notify all registered petition circulators that their registrations will be canceled and that they must reregister under the requirements of this bill. (Section [2](#))

Effective Date

The bill provides an effective date upon becoming a law. (Section [8](#))

RULEMAKING:

The Florida Election Code grants the Secretary of State general rulemaking authority over the portions of the code amended by this bill.⁸ Additionally, current law grants the DOS discretionary rulemaking authority to carry out the provisions concerning the initiative petition process.⁹ The bill explicitly requires the division to create the Petition Signature Revocation Form by rule. The bill also authorizes the DOS to adopt emergency rules for the purpose of implementing the provisions relating to petition forms, petition circulator registration requirements, and the Petition Signature Revocation Form.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill will likely have an indeterminate fiscal impact on the DOS as it requires the DOS to:

- Revise the required information for petition sponsors.
- Provide for the collection and holding of the required bonds.
- Revise the paid petition circulator registration process, including the application and affidavit.
- Create the required petition circulator training.
- Create the Petition Revocation Form.

LOCAL GOVERNMENT:

The bill will most likely have an indeterminate fiscal impact on the supervisors as it requires supervisors to:

- Send notice to voters that their signatures have been verified.
- Bear the costs of verifying signatures and information on the Petition Revocation Form.
- Scan and send petition forms to the DOS.
- Review additional information on petition forms.
- Post total number of signatures revoked on their website.

Current law requires petition sponsors to reimburse the supervisor for the actual costs of signature verification. The bill clarifies that such fee can be updated annually and can include operating and personnel costs associated with comparing signatures, sending notices to voters, and scanning and sending petition forms to the DOS. As such, some of the costs to the supervisors could be offset by inclusion of the new categories of information that can be considered actual costs.

⁸ S. [97.012\(1\), F.S.](#)

⁹ S. [100.371\(14\), F.S.](#)

PRIVATE SECTOR:

The bill requires a petition sponsor to post a \$1 million bond payable to the DOS. Such bond must be conditioned upon the payment of all fines that are adjudged against the sponsor of such initiative amendment. To the extent that a sponsor or petition circulator violates certain requirements in the bill, such as citizenship requirements or petition delivery requirements, fines may be assessed. Additionally, to the extent that supervisors raise their signature verification fee, sponsors may have to pay greater fees to participate in the initiative process.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Constitutional Amendments Proposed by Initiative

The 1968 revision to the State Constitution created a new method of amending the constitution, amendment by initiative,¹⁰ whereby an amendment is put forth by a person or a group of people. If the proposal garners enough popular support it is placed on the ballot for consideration by the electorate. Amendments proposed by initiative—also known as citizen initiatives or initiative petitions—are limited to one subject (unless it is limiting the power of government to raise revenue). The State Constitution requires the sponsor of the initiative to collect enough petitions to equal 8 percent of the votes cast in the most recent presidential election in both:

- One half of the congressional districts of the state (i.e. 14 of Florida’s 27 congressional districts).
- The state as a whole.¹¹

The requisite number of petitions must be submitted by February 1 of the year in which the general election is held.¹² A financial impact statement must also be created and provided to the public for each initiative before the election in which it will be considered.¹³ The State Constitution requires the Attorney General, as provided by law, to request the opinion of the justices of the Florida Supreme Court as to the validity of any initiative petition.¹⁴ The Legislature has created additional procedures and requirements concerning the initiative process in statute.¹⁵

Petition Sponsor

A petition sponsor is the entity seeking to place an amendment on the ballot through the initiative petition process. Current law provides that before a sponsor of an initiative petition may obtain signatures, the sponsor must:

- Register as a political committee.¹⁶
- Provide the ballot title, ballot summary, and the text of the amendment to the Division of Elections (division) within the Department of State (DOS).¹⁷

The proposed language submitted by the sponsoring political committee must consist of the following:

- The ballot title, which must not exceed 15 words.
- The ballot summary, which must not exceed 75 words.
- The article and section being created or amended in the State Constitution.

¹⁰ [Art. XI, s. 3, FLA. CONST.](#) An “initiative” is “a procedure or device which enables a specified number of voters by petition to propose a law and secure its submission to the electorate for approval.” Webster’s Third New International Dictionary of the English Language, Unabridged (1966).

¹¹ In the previous election cycle, the required number of petitions required statewide was 891,523. DOS, [Initiative Petition Handbook](#) (2024 Election Cycle) (last visited March 1, 2025).

¹² [Art. XI, s. 5\(b\), FLA. CONST.](#)

¹³ [Art. XI, s. 5\(c\), FLA. CONST.](#)

¹⁴ [Art. IV, s. 10, FLA. CONST.](#); *see also* [art. V, s. 3\(b\)\(10\), FLA. CONST.](#): The Florida Supreme Court must, “when requested by the attorney general pursuant to provisions of Section 10 of Article IV, render an advisory opinion of the justices, addressing issues as provided by general law.”

¹⁵ *See* ss. [100.371](#) and [101.161, F.S.](#)

¹⁶ Each political committee that receives contributions or makes expenditures during a calendar year that seeks signatures of registered electors in support of an initiative must file a statement of organization within 10 days after its organization. If a political committee is organized within 10 days of any election, it must immediately file the statement of organization. The statement of organization must be filed with the Division of Elections within the Department of State. *See* Ss. [100.371\(2\)](#), [106.03\(3\)\(a\)](#), and [106.03\(1\)\(a\), F.S.](#)

¹⁷ S. [100.371\(2\), F.S.](#)

- The full text of the amendment being proposed.¹⁸

Upon approval of the format of an initiative petition, the Secretary of State must assign a serial number to the petition.¹⁹ The division must also make available the forms for volunteer petition circulators to the sponsoring committee and on the DOS website. Paid petitioners obtain their forms directly online.²⁰

Petition Circulators

Petition sponsors may use both volunteer and paid circulators for gathering signatures; these individuals are known as petition circulators. Volunteer petition circulators are uncompensated individuals who collect signatures for the purpose of qualifying an initiative petition for ballot placement and are not required to register with the division.²¹ Paid petition circulators are individuals who collect signatures for compensation for the purpose of qualifying an initiative petition for ballot placement.²² A paid petition circulator must be registered online with the Secretary of State in order to collect signatures or initiative petitions.²³

Requirement to Register as a Paid Petition Circulator

A paid petition circulator can register online through the division’s [petition circulator portal](#). It is the circulator’s responsibility to make arrangements or to determine if he or she will be paid to gather petitions on behalf of the sponsoring political committee before registering with the DOS.²⁴

The application for a paid petition circulator must include the following information:

- The information required to be on the petition form under s. [101.161](#), F.S., including the ballot summary and title as approved by the Secretary of State.
- The applicant’s name, permanent address, temporary address, if applicable, and date of birth.
- An address in this state at which the applicant will accept service of process related to disputes concerning the petition process, if the applicant is not a resident of this state.
- A statement that the applicant consents to the jurisdiction of the courts of this state in resolving disputes concerning the petition process.
- Any information required by the Secretary of State to verify the applicant’s identity or address.²⁵

Petition Circulator’s Affidavit

All petitions collected by a paid petition circulator must contain, in a format required by the Secretary of State, a completed Petition Circulator’s Affidavit that includes:

- The circulator’s name and permanent address.
- A statement that requires a petition circulator to attest under penalty of perjury that the petition was signed by the voter in his or her presence.²⁶

Collecting Petition Forms on a Per-signature Basis

Current law provides it is a third-degree felony for any person to compensate a petition circulator based on the number of petition forms gathered.²⁷ Any other type of employment relationship between an entity and a petition circulator is not prohibited.

¹⁸ *Id.*
¹⁹ *Id.*
²⁰ *Id.*
²¹ *Id.*
²² *Id.*
²³ S. [100.371\(3\)\(a\), F.S.](#)
²⁴ Florida Division of Elections, [Online User Guide for Paid and Volunteer Petition Circulators for Constitutional Initiatives](#) (last visited Feb. 24, 2025).
²⁵ S. [100.371\(4\), F.S.](#)
²⁶ S. [100.371\(5\), F.S.](#); It is a third-degree felony for a person to sign another person’s name on an initiative petition. S. [104.185\(2\), F.S.](#)
²⁷ S. [104.186, F.S.](#)

[Petition Forms](#)

Petition forms are the forms that a voter signs in support of putting an initiative petition on the ballot. A petition form can only be signed by a registered voter and must contain, in addition to the voter's signature, the date the voter signed the form, voter's name, voter's address, city, and county, and voter's registration number or date of birth.²⁸

[Delivery of Petition Forms to the Supervisor of Elections](#)

A sponsor that collects petition forms or uses petition circulators serves as a fiduciary to the elector signing the petition form. As such, the petition sponsor must ensure that the petition form is promptly delivered to the supervisor of elections (supervisor) within 30 days after the elector signs the form. If the form is not delivered within that timeframe, fines are applied.²⁹ Such fines include the following, depending on whether the form was received late or never submitted:

- Form received more than 30 days after the elector signed the form: \$50 for each late form. If the sponsor or petition circulator acted willfully: \$250 for each late form.
- Form not submitted: \$500 for each form. If the sponsor or petition circulator acted willfully: \$1,000 for any form not submitted.³⁰

The fines described above may be waived upon a showing that the failure to deliver the petition form promptly is based upon force majeure³¹ or impossibility of performance. A showing by the sponsor that the failure to deliver the petition form within the required timeframe is based upon force majeure or impossibility of performance is an affirmative defense.³²

[Retention of Petition Forms](#)

Supervisors must retain all petition forms for at least one year following the general election for which the petition was circulated.³³ The forms must be organized so that the forms that are verified as valid are separated from those that are invalid.

[Signature Verification on Petition Forms](#)

[Timeline for the Verification of Signatures](#)

The supervisor for the county in which the signee is a registered voter must verify the signatures on each initiative petition form within 60 days, except for a petition form submitted less than 60 days before February 1 of an even-numbered year, which must be verified within 30 days, after receipt of the form to ensure that the petition signer:

- Is, at the time of signing and verification of the petition, a registered voter in the state.
- Signed the petition form within the requisite timeframe (during the two years before the February 1 deadline).
- Has not previously signed a petition form containing the identical initiative that had been verified as valid.³⁴

[Verification Requirements](#)

The supervisor may verify that a signature on a form is valid only if:

- The form contains the original signature of the purported elector.
- The purported elector has accurately recorded on the form the date on which he or she signed the form.
- The form sets forth the purported elector's name, address, city, county, and voter registration number or date of birth.

²⁸ S. [100.371\(11\)\(a\), F.S.](#)

²⁹ S. [100.371\(7\)\(a\), F.S.](#)

³⁰ *Id.*

³¹ The term "force majeure" means any event or occurrence of societal significance beyond the reasonable control and without the fault of the third-party voter registration organization which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the third-party voter registration organization, including, but not limited to, civil disturbances or acts of war; extraordinarily severe weather, such as hurricanes, floods, or tornadoes; or shortages of food, electric power, or fuel. Rule 1S-2.042(2)(c), F.A.C.

³² S. [100.371\(7\)\(b\), F.S.](#)

³³ S. [100.371\(11\)\(a\), F.S.](#)

³⁴ R. 1S-2.0091, F.A.C.

- The purported elector is at the time the form is verified a duly qualified and registered elector in Florida.
- The signature was obtained legally, including that if a paid circulator was used that such circulator is validly registered with the division.³⁵

[Complaints](#)

Any person claiming to have had his or her signature on an initiative petition form misrepresented, forged, or not delivered to a supervisor may file a complaint with the division.³⁶ Once filed, the Florida Election Code authorizes the Office of Election Crimes and Security, a unit within the DOS, to “review complaints and conduct preliminary investigations into alleged violations of the Florida Election Code.”³⁷

[Cost Signature Verification](#)

The petition sponsor must pay the supervisor the actual cost of verifying the signatures on petition forms.³⁸ Each supervisor must post the actual cost of signature verification on his or her website and may increase such cost, as necessary, on February 2 of each even-numbered year. The division must also publish each county’s current cost on its website. The division and each supervisor must biennially review available technology aimed at reducing verification costs.³⁹

[Supervisor Website Requirements](#)

On the last day of each month, or on the last day of each week from December 1 of an odd-numbered year through February 1 of the following year, each supervisor must post on his or her website:

- The total number of signatures submitted.
- The total number of invalid signatures.
- The total number of signatures processed.
- The aggregate number of verified valid signatures and the distribution of such signatures by congressional district for each initiative petition, along with the following information specific to the reporting period: the total number of signed petition forms received, the total number of signatures verified, the distribution of verified valid signatures by congressional district, and the total number of verified petition forms forwarded to the Secretary of State.⁴⁰

Judicial Review and Fiscal Impact Review

Once a petition sponsor obtains 25 percent of the number of signatures required for ballot placement, which is 8 percent of the votes cast in the last presidential election, statewide and in one half of the congressional districts in the state,⁴¹ the petition is sent from the Secretary of State to:

- The Attorney General.⁴² The Attorney General does not approve the contents of the petition, but checks to make sure the title is not misleading and issues a non-binding opinion.⁴³ The Attorney General has 30 days to file a petition with the Florida Supreme Court to seek an advisory opinion.⁴⁴ The ruling determines whether the initiative petition is facially invalid under the U.S. Constitution, and that its title and substance is compliant with Florida law.⁴⁵
- The Financial Impact Estimating Conference. The Financial Impact Estimating Conference must complete an analysis and financial impact statement to be placed on the ballot. The analysis and financial impact statement must contain the estimated increase or decrease in any revenues or costs to state or local governments and overall impact to the state budget resulting from the initiative petition. The financial impact statement and summary must be completed within 75 days after receipt of the initiative petition

³⁵ S. [100.371\(11\)\(a\), F.S.](#)

³⁶ S. [100.371\(9\), F.S.](#) and r. 1S-2.0091, F.A.C.; DOS, [Form for Complaint Against Petition Circulator](#) (last visited Mar. 1, 2025).

³⁷ S. [97.022, F.S.](#)

³⁸ S. [100.371\(11\)\(b\), F.S.](#); see also DOS, [Initiative Petition Handbook](#) (last visited Feb. 24, 2025).

³⁹ S. [100.371\(11\)\(b\), F.S.](#)

⁴⁰ S. [100.371\(11\)\(c\), F.S.](#)

⁴¹ S. [15.21, F.S.](#); see also [art. XI, s. 3, FLA. CONST.](#)

⁴² S. [15.21, F.S.](#)

⁴³ S. [101.161, F.S.](#); see also s. [16.061\(1\), F.S.](#)

⁴⁴ S. [16.061\(1\), F.S.](#)

⁴⁵ [Art. XI, s. 3, FLA. CONST.](#), provides that the potential initiative amendment or revision must embrace one subject and matter directly connected therewith; see also s. [16.061\(1\), F.S.](#)

and submitted to the Attorney General and Secretary of State.⁴⁶ The DOS must furnish each supervisor with a copy of the summary from the initiative financial statements. The supervisor must make such summaries available at polling locations and the financial statement in its entirety must be available online.⁴⁷

Revision or Proposed Constitutional Amendment Placed on Ballot

In order to be placed on the ballot for the general election, initiative petitions must be filed with the Secretary of State no later than February 1 of the year the general election is held. A petition is considered filed with the Secretary of State upon the date the secretary determines that valid and verified petition forms have been signed by the constitutionally required number and distribution of electors.⁴⁸

[Florida Racketeer Influenced and Corrupt Organization \(RICO\) Act](#)

The Florida RICO Act provides that a person commits “racketeering activity” when he or she commits, attempts to commit, conspires to commit, or solicits, coerces, or intimidates another person to commit any offense listed in [s. 895.02\(8\), F.S.](#)⁴⁹

The Florida RICO Act provides that it is unlawful for any person:

- With criminal intent to receive any proceeds derived, directly or indirectly, from a pattern of racketeering activity⁵⁰ or through the collection of an unlawful debt⁵¹ to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.⁵²
- Through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.
- Employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.
- To conspire or endeavor to violate any of the previously-described activities.

A person convicted of any of those activities commits a first degree felony,⁵³ and may be subject to civil remedies including forfeiture to the state of all property, including money, if the property is intended for use in the course of, derived from, or realized through acts in violation of the Florida RICO Act.⁵⁴

⁴⁶ S. [100.371\(13\)\(a\), F.S.](#)

⁴⁷ S. [100.371\(13\), F.S.](#)

⁴⁸ S. [100.371\(1\), F.S.](#)

⁴⁹ S. [895.02, F.S.](#) The offenses listed under [s. 895.02\(8\), F.S.](#), include violations of specified Florida laws (e.g., Medicaid fraud, workers’ compensation fraud, human trafficking, kidnapping, and drug offenses), as well as any conduct defined as “racketeering activity” in 18 U.S.C. § 1961.

⁵⁰ A “pattern of racketeering activity” means engaging in at least two incidents of racketeering conduct having the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents. S. [895.02\(7\), F.S.](#)

⁵¹ “Unlawful debt” means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of specified Florida laws (e.g., various gambling offenses) as well as any gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law. S. [895.02\(12\), F.S.](#)

⁵² “Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal gang as defined in [s. 874.03, F.S.](#), constitutes an enterprise. S. [895.02\(5\), F.S.](#)

⁵³ S. [895.04, F.S.](#) A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Ss. [775.082](#) and [775.083, F.S.](#)

⁵⁴ S. [895.05\(2\), F.S.](#)

Court Decisions Related to Initiative Petitions

First Amendment and Fourteenth Amendment of the U.S. Constitution

The U.S. Supreme Court has held that states “allowing ballot initiatives have considerable leeway to protect the integrity and reliability of the initiative process, as they have with respect to election processes generally.”⁵⁵ Once a state allows an initiative petition process, that process is protected by the First Amendment (and made applicable to the states through the Fourteenth).⁵⁶ The U.S. Supreme Court has opined that the circulation of an initiative petition constitutes “core political speech,” where the protection of the First Amendment is “at its zenith.”⁵⁷

The U.S. Supreme Court has applied a heightened standard of review, exacting scrutiny, when examining state limitations on political expression under the First Amendment in this context. In *Meyer v. Grant*, the Court held that a state law making it a felony to pay petition circulators violated the First Amendment.⁵⁸ The Court noted that it restricted speech in two ways: first, by limiting “the number of voices who will convey [the sponsor’s] message,” and second, by making “it less likely that the [sponsor] will garner the number of signatures necessary to place the matter on the ballot.”⁵⁹ In *Buckley v. American Constitutional Law Foundation*, the U.S. Supreme Court, using the framework established in *Meyer*, held that the following state restrictions on the initiative petition process violated the First Amendment: requiring petition circulators to wear a badge displaying their names; requiring petition circulators to be registered voters; and requiring the disclosure of the name, address, and amount paid to each petition circulator.⁶⁰

Article XI, Section 3 of the State Constitution

The Florida Supreme Court has held that the initiative petition provision of the State Constitution is “self executing,” which means “the Legislature may provide additional laws addressing a self-executing constitutional scheme assuming that such laws supplement, protect, or further the availability of the constitutionally conferred right...”⁶¹ The Court has opined that any regulation of the initiative petition must be either:

- “[N]eutral, nondiscriminatory regulations of petition-circulation and voting procedure, which are explicitly or implicitly contemplated by” the initiative petition provision of the State Constitution; or,
- “[N]ecessary for ballot integrity.”⁶²

In 2010, the Court, in a plurality opinion, held that a law passed by the Legislature, and the administrative rules implementing that law, that created a method for voters to revoke their signatures was unconstitutional as it did not meet either of those standards.⁶³ The Court’s opinion focused on several discrete aspects of that law, including the ability of electors to revoke their signatures until the same February 1 deadline for petition sponsors to submit the requisite number of petitions.⁶⁴ The coterminous nature of the deadlines, according to the Court, meant that petition sponsors would never know whether they collected enough petition forms to attain ballot position before the deadline.⁶⁵ Another issue with the law that the Court noted was the prohibition on allowing a voter who has revoked his or her signature from re-signing a petition, as it provided an advantage to those promoting signature revocation.⁶⁶

Court Decisions Related to Prohibiting non-U.S. Citizens from Collecting and Handling Voting Materials

In 2023, the Legislature passed CS/SB 7050, which required third-party voter registration organizations (3PVRs) to affirm that each person collecting or handling voter registration applications was a U.S. citizen.⁶⁷ On May 15,

⁵⁵ *Buckley v. American Const. Law Found.*, 525 U.S. 182 (1999).

⁵⁶ *Meyer v. Grant*, 486 U.S. 414 (1988).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Buckley v. American Const. Law Found.*, 525 U.S. 182 (1999).

⁶¹ *Browning v. Fla. Hometown Democracy, Inc., PAC*, 29 So. 3d 1053 (Fla. 2010).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ [Ch. 2023-120, L.O.F.](#); codified in s. [97.0575, F.S.](#)

2024, the U.S. District Court for the Northern District of Florida permanently enjoined the citizenship provision, holding that it violated the equal protection clause of the Fourteenth Amendment.⁶⁸

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2022	CS/CS/SB 524	Perez	Hutson	Became law on April, 25, 2022, except as otherwise provided.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Government Operations Subcommittee State Affairs Committee	14 Y, 4 N	3/6/2025	Toliver	Toliver

⁶⁸ *Hispanic Federation, et. al. v. Byrd*, 734 F. Supp. 3d 1263 (N.D. Fla. 2024).