

**FOR CONSIDERATION** By the Committee on Ethics and Elections

582-02150A-25

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1                   A bill to be entitled  
2       An act relating to initiative petitions proposing an  
3       amendment to the State Constitution; providing  
4       legislative findings and intent; amending s. 15.21,  
5       F.S.; requiring the Secretary of State to have  
6       received the ballot summary and the full text of the  
7       proposed revision or amendment to the State  
8       Constitution from the sponsor and to have received the  
9       financial impact statement from the Financial Impact  
10      Estimating Conference before submitting an initiative  
11      petition to the Attorney General; conforming a cross-  
12      reference; amending s. 16.061, F.S.; revising the  
13      criteria that the Attorney General uses when  
14      petitioning the Supreme Court for an advisory opinion  
15      related to a proposed revision or amendment to the  
16      State Constitution; requiring that a copy of the  
17      petition form be provided to the sponsor of the  
18      initiative petition; conforming a cross-reference;  
19      making a technical change; amending s. 97.021, F.S.;  
20      revising the definition of the term "petition  
21      circulator"; reenacting and amending s. 99.097, F.S.;  
22      conforming a cross-reference; conforming a provision  
23      to changes made by the act; amending s. 100.371, F.S.;  
24      requiring the sponsor of an initiative petition to  
25      obtain a certain letter periodically; providing that a  
26      failure to obtain such letter results in the  
27      expiration of the initiative's signatures and  
28      disbanding of the sponsor's political committee;  
29      providing that certain initiative petition signatures

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30 expire and the sponsor's political committee is  
31 disbanded under specified conditions; providing that  
32 such sponsor is not precluded from refiling the  
33 proposed amendment as a new petition; prohibiting a  
34 sponsor from sponsoring more than one initiative  
35 amendment; requiring a sponsor to register as a  
36 political committee and submit the ballot title,  
37 ballot summary, article and section of the State  
38 Constitution being amended, and the full text of the  
39 proposed amendment to the Secretary of State;  
40 requiring that all information be available in  
41 alternative formats upon request; requiring the  
42 secretary to assign a petition number and submit a  
43 copy of the proposed amendment to the Financial Impact  
44 Estimating Conference for review, analysis, and a  
45 certain estimate; requiring the Division of Elections  
46 to publish the form on which petition signatures must  
47 be fixed; deleting a requirement that the secretary  
48 adopt certain rules; providing the requirements for  
49 the petition form; prohibiting persons, regardless of  
50 whether they are compensated for collection, from  
51 collecting signatures or initiative petitions if they  
52 have not been issued a petition circulator number;  
53 authorizing specified persons to collect signatures or  
54 initiative petitions from their immediate family;  
55 prohibiting such persons from physically possessing  
56 more than a certain number of petition forms; defining  
57 the term "immediate family"; authorizing the court to  
58 enjoin a petition circulator, regardless of whether

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59 compensated, from collecting signatures or initiative  
60 petitions until such petition circulator is registered  
61 under a specified condition; authorizing the division  
62 to revoke a petition circulator's registration if the  
63 petition circulator commits certain violations;  
64 prohibiting certain persons from collecting signatures  
65 or initiative petitions; requiring that applications  
66 for registration include specified information;  
67 prohibiting persons from registering to collect  
68 signatures or initiative petitions until they complete  
69 a required training; providing the requirements for  
70 such training; providing civil penalties for the  
71 sponsors of initiative amendments that knowingly allow  
72 persons to collect petition forms on their behalf and  
73 violate specified provisions; prohibiting a sponsor  
74 from compensating a petition circulator based on the  
75 number of petition forms gathered; providing  
76 construction; requiring the division to make forms  
77 available to registered petition circulators in a  
78 certain format; deleting a requirement that  
79 supervisors of elections provide the division  
80 information on petition forms assigned to them;  
81 requiring sponsors to promptly deliver forms to the  
82 supervisor of elections in the county in which a voter  
83 resides within a specified timeframe after the form is  
84 signed; revising the civil penalties for failing to  
85 deliver forms within the prescribed timeframes;  
86 providing civil penalties for the sponsors of  
87 petitions if the person collecting petition forms is

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88 convicted of signing the name of another, signing a  
89 fictitious name, or filling in missing information on  
90 the petition form; providing criminal penalties for  
91 persons who, while collecting petition forms, copy or  
92 retain a voter's personal identifying information for  
93 a reason other than to provide such information to the  
94 sponsor of an initiative petition; providing civil  
95 penalties for sponsors who mail or provide prefilled  
96 initiative petitions; prohibiting the verification of  
97 signatures until the required payment is received and  
98 processed by the supervisor; revising the conditions  
99 under which a supervisor may verify a signature on an  
100 initiative petition form; requiring supervisors to  
101 electronically transmit digital images, which must  
102 meet a specified standard, of all signature forms to  
103 the division; requiring supervisors to retain all  
104 petition forms; requiring that forms verified as valid  
105 be separated from those deemed invalid until such  
106 forms are processed; requiring supervisors to deliver  
107 physical forms to the division; requiring the division  
108 to retain such forms for a specified timeframe;  
109 requiring supervisors to send a notice, which may be  
110 returned to the appropriate supervisor, to voters  
111 after their signature is verified; providing  
112 requirements for such notice; requiring the supervisor  
113 to revoke a voter's petition form under specified  
114 circumstances and notify the division of such  
115 revocation; providing that supervisors of elections  
116 are required to post on their websites the actual

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117 costs of signature verification for all petition  
118 forms, and that they may increase such costs annually  
119 by a specified date; specifying that such costs  
120 include costs related to certain actions; revising the  
121 information relating to verification of signatures  
122 which supervisors are required to post on their  
123 website; requiring supervisors to notify the Office of  
124 Election Crimes and Security under a specified  
125 condition; requiring the office to conduct a  
126 preliminary investigation; authorizing the office to  
127 report findings of such investigations to the  
128 statewide prosecutor or a certain state attorney;  
129 requiring the Secretary of State to rescind the  
130 certificate of ballot position if an advisory opinion  
131 from the Supreme Court deems the initiative petition  
132 invalid; requiring the Financial Impact Estimating  
133 Conference to submit the financial impact statement to  
134 the Secretary of State; requiring a certain statement  
135 to be included on the ballot if the conference does  
136 not complete an analysis and financial impact  
137 statement within a specified timeframe; providing that  
138 only the President of the Senate and the Speaker of  
139 the House of Representatives, jointly, may convene the  
140 conference; revising the membership of the conference;  
141 deleting a provision authorizing the court to remand  
142 the financial impact statement to the conference to be  
143 redrafted; requiring such statement to appear on the  
144 petition form and ballot; requiring a sponsor to  
145 refile a petition as a new petition under certain

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146 circumstances; deleting a provision that deems  
147 financial impact statements approved for placement on  
148 the ballot under certain circumstances; requiring the  
149 Department of State to update petition forms within a  
150 specified timeframe; requiring the department to make  
151 the petition circulator application available within a  
152 specified timeframe; providing that each petition  
153 circulator registration expires on a specified date;  
154 requiring the department to notify such petition  
155 circulators of the expiration of their registration  
156 within a specified timeframe; authorizing supervisors  
157 of elections to increase the costs of signature  
158 verification within a specified timeframe; requiring  
159 the supervisors to post such cost on their publicly  
160 available websites as soon as the cost is determined;  
161 amending s. 101.161, F.S.; requiring that a certain  
162 statement be included on the ballot if a financial  
163 impact statement was not produced or the Financial  
164 Impact Estimating Conference did not meet to produce  
165 one; conforming a cross-reference; amending s.  
166 102.111, F.S.; requiring the Elections Canvassing  
167 Commission to certify the returns of constitutional  
168 amendments; amending s. 102.121, F.S.; requiring the  
169 commission to make and sign separate certificates for  
170 constitutional amendments; providing requirements for  
171 such certificates; amending s. 102.168, F.S.;  
172 providing for standing to contest the adoption of a  
173 constitutional amendment by any qualified voter or  
174 taxpayer; revising the grounds on which such parties

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175 may contest an election or a constitutional amendment;  
176 providing that the commission and the sponsor of the  
177 amendment are indispensable parties in any such  
178 action; amending s. 104.185, F.S.; providing criminal  
179 penalties for persons who fill in missing information  
180 on a petition form to secure a ballot position for a  
181 candidate, a minor political party, or an issue;  
182 amending s. 104.186, F.S.; providing criminal  
183 penalties for persons who compensate others based on  
184 the number of petition forms gathered, as prohibited  
185 by a specified section; amending s. 104.187, F.S.;  
186 conforming a cross-reference; creating s. 104.188,  
187 F.S.; defining the term "immediate family"; providing  
188 criminal penalties for certain persons who distribute,  
189 collect, deliver, or otherwise physically possess more  
190 than a certain number of petition forms other than  
191 their own or forms belonging to an immediate family  
192 member; amending s. 106.19, F.S.; providing that  
193 political committees sponsoring a constitutional  
194 amendment are liable for specified civil fines for  
195 submitting petition forms that do not provide the name  
196 and address of the petition circulator gathering such  
197 forms, regardless of whether the petition circulator  
198 is paid; amending s. 212.055, F.S.; conforming a  
199 cross-reference; amending s. 895.02, F.S.; revising  
200 the definition of the term "racketeering activity" to  
201 provide criminal and civil penalties for persons who  
202 commit crimes related to petition circulators and  
203 sponsors of initiative petitions; providing

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204 applicability; prohibiting the verification of a  
205 signed petition form for a specified period of time;  
206 providing construction; providing a directive to the  
207 Division of Law Revision; providing an effective date.  
208

209 WHEREAS, the Legislature and the Secretary of State, in  
210 their official capacities, have the duty and obligation to  
211 ensure ballot integrity and a valid election process, and

212 WHEREAS, ballot integrity is necessary to ensure the  
213 effectiveness of the constitutionally provided initiative  
214 process, and

215 WHEREAS, investigations conducted by the Office of Election  
216 Crimes and Security have shown that agents of political  
217 committees sponsoring initiative petitions engaged in illegal  
218 and fraudulent activities while gathering petition signatures in  
219 the lead-up to the 2024 General Election, and

220 WHEREAS, the evidence brought forward indicates numerous  
221 instances of petition circulators being paid per signature,  
222 signing petition forms on behalf of deceased individuals,  
223 forging or misrepresenting voter signatures on petition forms,  
224 using voters' personal identifying information without consent,  
225 committing perjury, and swearing false oaths, and

226 WHEREAS, compensating a petition circulator based on the  
227 number of petition forms gathered is a violation of s. 104.186,  
228 Florida Statutes; signing another person's name, whether dead or  
229 alive, or a fictitious name on a petition form is a violation of  
230 s. 104.185(2), Florida Statutes; and perjury or swearing a false  
231 oath is a violation of s. 837.02(1), Florida Statutes, and all  
232 such violations are third degree felonies under Florida law, and



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233 WHEREAS, fraudulently using another individual's personal  
234 identification without his or her consent is a violation of s.  
235 817.568, Florida Statutes, and is, at minimum, a third degree  
236 felony, and

237 WHEREAS, the fraudulent use of another individual's  
238 personal identifying information becomes a second degree felony  
239 with a 3-year mandatory minimum prison sentence if the violation  
240 involves the information of more than 10 but fewer than 20  
241 persons, a 5-year mandatory minimum prison sentence if the  
242 violation involves the information of more than 20 but fewer  
243 than 30 persons, and a 10-year mandatory minimum prison sentence  
244 if the violation involves the information of more than 30  
245 persons, and

246 WHEREAS, despite the fiduciary duty prescribed by Florida  
247 law, sponsors of initiative petitions have failed to cooperate  
248 with investigations and have attempted to deflect responsibility  
249 for the actions of petition circulators to contractors and  
250 subcontractors, the sponsors denying that they have custody or  
251 control of documents requested by state officials, and

252 WHEREAS, sponsors, contractors, and petition circulators  
253 have blatantly attempted to evade investigation by delegating  
254 key aspects of petition activities to out-of-state entities, who  
255 then subcontracted with other individuals who were even further  
256 outside the reach of Florida authorities, and

257 WHEREAS, evidence provided to the Office of Election Crimes  
258 and Security by supervisors of elections in several counties  
259 showed that petition circulators submitted petition forms on  
260 behalf of more than 50 deceased Floridians, and

261 WHEREAS, information provided to the Office of Election

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262 Crimes and Security from multiple supervisors of elections and  
263 individual Florida voters showed that petition circulators  
264 committed perjury and swore false oaths by distributing petition  
265 forms with pre-signed attestations to groups of unregistered  
266 circulators, who then obtained signatures outside the registered  
267 circulator's presence, and

268 WHEREAS, investigations revealed that after petition forms  
269 were signed and submitted by voters, petition circulators  
270 tampered with the signed forms by using a website to obtain  
271 missing personal identifying information, and then filled in the  
272 incomplete petition forms, and

273 WHEREAS, investigations indicated that some otherwise valid  
274 petition forms were obtained by fraud, with circulators  
275 misleading prospective signatories by telling them that the  
276 amendment did something other than what was described in the  
277 ballot summary or amendment language, or not showing the  
278 signatories what was on the ballot at all, and

279 WHEREAS, evidence showed that petition circulators were  
280 able to obtain the four necessary elements of personal  
281 identifying information required on petitions - name, address,  
282 voter registration number or birthdate, and signature - using  
283 publicly available data to commit identity theft and complete  
284 dozens, hundreds, or even thousands of petitions without ever  
285 actually circulating a petition, and

286 WHEREAS, the Office of Election Crimes and Security  
287 received complaints from many Florida voters whose information  
288 was fraudulently submitted on forms for at least four initiative  
289 petitions circulated for inclusion in the 2024 General Election,  
290 and

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291 WHEREAS, many of those complaints arose because some  
292 supervisors of elections notified a voter when a petition form  
293 bearing his or her name was rejected, which prompted such voters  
294 to contact the supervisor of elections or the Office of Election  
295 Crimes and Security to report potential fraud, and

296 WHEREAS, Florida does not currently restrict eligibility of  
297 persons to register as a petition circulator, even though such  
298 persons may be from out of state or may have been convicted of a  
299 felony for identity theft or election-related crimes, and

300 WHEREAS, at least one sponsor of an initiative amendment  
301 circulated during the 2024 General Election cycle settled a  
302 complaint with the Office of Election Crimes and Security for  
303 violations related to the petition process and agreed to pay  
304 \$164,000 in fines, and

305 WHEREAS, existing fines and penalties levied against  
306 petition sponsors engaging in, encouraging, or at the very least  
307 turning a blind eye to illegal activities related to the  
308 petition process appear to be inadequate deterrents, and

309 WHEREAS, given its constitutional underpinnings, the right  
310 to propose an initiative by petition is inherent and absolute,  
311 but subject to reasonable regulations as necessary to ensure  
312 ballot integrity and a valid election process, NOW, THEREFORE,

313  
314 Be It Enacted by the Legislature of the State of Florida:

315  
316 Section 1. (1) The Legislature finds that the power to  
317 propose an amendment to the State Constitution is reserved to  
318 the people of Florida consistent with s. 3, Article XI of the  
319 State Constitution. Evidence of fraud related to the process of

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320 gathering signatures on petitions for constitutional amendments  
321 compels the Legislature to act to protect the integrity of the  
322 ballot, ensure a valid election process, and protect the  
323 constitutionally provided initiative process.

324 (2) It is the intent of the Legislature to update the  
325 reasonable regulations in place for petition circulators,  
326 increase transparency and accountability for sponsors of  
327 initiative petitions, provide prospective signatories with  
328 objective information regarding the impact of a proposed  
329 amendment, and deter, prevent, and penalize fraudulent  
330 activities related to initiative petitions.

331 Section 2. Subsections (1) and (2) of section 15.21,  
332 Florida Statutes, are amended to read:

333 15.21 Initiative petitions; s. 3, Art. XI, State  
334 Constitution.—

335 (1) The Secretary of State shall immediately submit an  
336 initiative petition to the Attorney General if the sponsor has:

337 (a) Registered as a political committee pursuant to s.  
338 106.03;

339 (b) Submitted the ballot title, ballot summary substance,  
340 and full text of the proposed revision or amendment to the  
341 Secretary of State and received a financial impact statement  
342 pursuant to ss. 100.371 and 101.161; and

343 (c) Obtained a letter from the Division of Elections  
344 confirming that the sponsor has submitted to the appropriate  
345 supervisors for verification, and the supervisors have verified,  
346 forms signed and dated equal to 25 percent of the number of  
347 electors statewide required by s. 3, Art. XI of the State  
348 Constitution in one-half of the congressional districts of the

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349 state.

350 (2) If the Secretary of State has submitted an initiative  
351 petition to the Attorney General pursuant to subsection (1) but  
352 the validity of the signatures for such initiative petition has  
353 expired pursuant to s. 100.371(14)(a) ~~s. 100.371(11)(a)~~ before  
354 securing ballot placement, the Secretary of State must promptly  
355 notify the Attorney General. The Secretary of State may resubmit  
356 the initiative petition to the Attorney General if the  
357 initiative petition is later circulated for placement on the  
358 ballot of a subsequent general election and the criteria under  
359 subsection (1) are satisfied.

360 Section 3. Subsections (1), (2), and (3) of section 16.061,  
361 Florida Statutes, are amended to read:

362 16.061 Initiative petitions.—

363 (1) The Attorney General shall, within 30 days after  
364 receipt of a proposed revision or amendment to the State  
365 Constitution by initiative petition from the Secretary of State,  
366 petition the Supreme Court, requesting an advisory opinion  
367 regarding the compliance of the text of the proposed amendment  
368 or revision with s. 3, Art. XI of the State Constitution,  
369 whether the proposed amendment is facially invalid under the  
370 United States Constitution, ~~and~~ the compliance of the proposed  
371 ballot title and substance with s. 101.161, and the compliance  
372 of the financial impact statement with s. 100.371(16). The  
373 petition may enumerate any specific factual issues that the  
374 Attorney General believes would require a judicial  
375 determination.

376 (2) A copy of the petition shall be provided to the  
377 Secretary of State and ~~the principal officer of~~ the sponsor of

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378 the initiative petition.

379 (3) Any financial ~~fiscal~~ impact statement that the Supreme  
380 Court finds not to be in accordance with s. 100.371(16) must ~~s-~~  
381 ~~100.371~~ shall be remanded solely to the Financial Impact  
382 Estimating Conference for redrafting.

383 Section 4. Subsection (28) of section 97.021, Florida  
384 Statutes, is amended to read:

385 97.021 Definitions.—For the purposes of this code, except  
386 where the context clearly indicates otherwise, the term:

387 (28) "Petition circulator" means an entity or individual  
388 who collects signatures ~~for compensation~~ for the purpose of  
389 qualifying a proposed constitutional amendment for ballot  
390 placement. The term does not include a person who collects  
391 signatures from his or her spouse, parent, child, grandparent,  
392 grandchild, or sibling, or the parent, child, grandparent,  
393 grandchild, or sibling of his or her spouse.

394 Section 5. Paragraphs (a) and (d) of subsection (4) of  
395 section 99.097, Florida Statutes, are amended, and paragraph (b)  
396 of subsection (1) of that section is reenacted, to read:

397 99.097 Verification of signatures on petitions.—

398 (1)

399 (b) Rules and guidelines for petition verification shall be  
400 adopted by the Department of State. Rules and guidelines for a  
401 random sample method of verification may include a requirement  
402 that petitions bear an additional number of names and  
403 signatures, not to exceed 15 percent of the names and signatures  
404 otherwise required. If the petitions do not meet such criteria  
405 or if the petitions are prescribed by s. 100.371, the use of the  
406 random sample method of verification is not available to

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407 supervisors.

408 (4) (a) The supervisor must be paid in advance the sum of 10  
409 cents for each signature checked or the actual cost of checking  
410 such signature, whichever is less, by the candidate or, in the  
411 case of a petition to have a local issue placed on the ballot,  
412 by the person or organization submitting the petition. In the  
413 case of a petition to place a statewide issue on the ballot, the  
414 person or organization submitting the petition must pay the  
415 supervisor in advance the cost posted by the supervisor pursuant  
416 to s. 100.371(14) ~~s. 100.371(11)~~ for the actual cost of checking  
417 signatures to place a statewide issue on the ballot.

418 (d) Except as provided in s. 100.371(14)(b), petitions must  
419 be retained by the supervisors for a period of 1 year following  
420 the election for which the petitions were circulated.

421 Section 6. Section 100.371, Florida Statutes, is amended to  
422 read:

423 100.371 Initiatives; procedure for placement on ballot.—

424 (1) (a) Constitutional amendments proposed by initiative  
425 shall be placed on the ballot for the general election, provided  
426 the initiative petition has been filed with the Secretary of  
427 State no later than February 1 of the year the general election  
428 is held. A petition shall be deemed to be filed with the  
429 Secretary of State upon the date the secretary determines that  
430 valid and verified petition forms have been signed by the  
431 constitutionally required number and distribution of voters  
432 ~~electors~~ under this code.

433 (b) A sponsor of an initiative petition shall obtain, at  
434 least every third election cycle, a letter pursuant to s.  
435 15.21(1)(c). Failure to obtain such letter results in expiration

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436 of the initiative petition's signatures and disbanding of the  
437 sponsor's political committee.

438 (c) Initiative petition signatures expire and the sponsor's  
439 political committee is disbanded if a constitutional amendment  
440 proposed by initiative submitted to the Secretary of State  
441 before February 1, 2022, fails to obtain a letter pursuant to s.  
442 15.21(1)(c) before February 1, 2026. This paragraph does not  
443 preclude such a sponsor from refiling the proposed amendment as  
444 a new petition.

445 (2) The sponsor of an initiative amendment may not sponsor  
446 more than one amendment and shall, before circulating any  
447 petition forms ~~prior to obtaining any signatures,~~ register as a  
448 political committee pursuant to s. 106.03 and submit the ballot  
449 title, ballot summary, article and section of the State  
450 Constitution being amended, and the full text of the proposed  
451 amendment to the Secretary of State. The proposed amendment and  
452 all forms filed in connection with this section must, upon  
453 request, be made available in alternative formats, ~~with the form~~  
454 ~~on which the signatures will be affixed, and shall obtain the~~  
455 ~~approval of the Secretary of State of such form. Upon receipt,~~  
456 the Secretary of State shall assign the initiative petition a  
457 petition number and submit a copy of the proposed amendment to  
458 the Financial Impact Estimating Conference for review, analysis,  
459 and estimation of the financial impact of the proposed  
460 amendment. After the review by the Financial Impact Estimating  
461 Conference, the division shall publish the form with the  
462 information provided for in subsection (3) and on which  
463 signatures for the initiative petition will be affixed ~~The~~  
464 ~~Secretary of State shall adopt rules pursuant to s. 120.54~~



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~~prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.~~

(3) (a) The petition form must prominently display the petition number, the ballot title, the ballot summary, and, for a proposed amendment submitted to the Secretary of State after the effective date of this act, the financial impact statement. The petition form must also include the full text of the proposed amendment; the name and address of the sponsor; and the date received by the Secretary of State, a bar code associated with the initiative petition, and a serial number, and must solicit and require all of the following information:

1. The full name of the voter.

2. The voter's address and county of legal residence.

3. The voter's Florida voter registration number or date of birth.

4. The voter's Florida driver license number or the voter's Florida identification card number issued pursuant to s. 322.051, or the last four digits of the voter's social security number.

5. An attestation that the voter is a registered Florida voter and is petitioning the Secretary of State to place the proposed amendment on the ballot.

6. The voter's signature and the date signed.

(b) The petition form must also include all of the following:

1. The Petition Circulator's Affidavit with the circulator's name, permanent address, and petition circulator

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494 number.

495 2. The following statement, which must be signed and dated  
496 by the circulator:

497  
498 By my signature below, as petition circulator, I  
499 verify that the petition was completed and signed by  
500 the voter in my presence. Under penalty of perjury, I  
501 declare that I have read the foregoing Petition  
502 Circulator's Affidavit, and the facts stated in it are  
503 true.

504  
505 3. A notice that the form becomes a public record upon  
506 receipt by the supervisor of elections.

507 4. A notice that it is a misdemeanor of the first degree to  
508 knowingly sign the same initiative petition more than once and  
509 that the form will not be validated if all requested information  
510 is not completed.

511 (4) (a) 1. A person may not collect signatures or initiative  
512 petitions ~~for compensation~~ unless the person is registered as a  
513 petition circulator with the Secretary of State and is issued a  
514 petition circulator's number.

515 2. Notwithstanding subparagraph 1., a person may collect  
516 signatures or initiative petitions from his or her immediate  
517 family without registering as a petition circulator. Such person  
518 may not physically possess more than two petition forms in  
519 addition to his or her own petition form or a petition form  
520 belonging to an immediate family member. For the purposes of  
521 this subsection, the term "immediate family" means a person's  
522 spouse or the parent, child, grandparent, grandchild, or sibling

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523 of the person or the person's spouse.

524 (b) A citizen may challenge a petition circulator's  
525 registration under this section by filing a petition in circuit  
526 court. If the court finds that the respondent is not a  
527 registered petition circulator, the court may enjoin the  
528 respondent from collecting signatures or initiative petitions  
529 ~~for compensation~~ until she or he is lawfully registered.

530 (c) The division may revoke a petition circulator's  
531 registration if the circulator violates this section.

532 (d)1. A person may not collect signatures or initiative  
533 petitions if he or she has been convicted of a felony violation  
534 and has not had his or her right to vote restored.

535 2. A person may not collect signatures or initiative  
536 petitions if he or she is not a citizen of the United States.

537 (e)(4) An application for registration must be submitted in  
538 the format required by the Secretary of State and must include  
539 the following:

540 1.(a) The information required to be on the petition form  
541 under s. 101.161, including the ballot summary and title as  
542 received ~~approved~~ by the Secretary of State.

543 2.(b) The applicant's name, permanent address, temporary  
544 address, if applicable, and date of birth; a copy of his or her  
545 driver license or identification card, regardless of whether  
546 such license or identification card was issued by this state;  
547 and the last four digits of his or her social security number.

548 3.(e) An address in this state at which the applicant will  
549 accept service of process related to disputes concerning the  
550 petition process, if the applicant is not a resident of this  
551 state.

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552 ~~4.(d)~~ A statement that the applicant consents to the  
553 jurisdiction of the courts of this state in resolving disputes  
554 concerning the petition process.

555 ~~5.(e)~~ Any information required by the Secretary of State to  
556 verify the applicant's identity or address.

557 6. Whether the applicant has been convicted of a felony  
558 violation and has not had his or her right to vote restored, by  
559 including the statement, "I affirm that I am not a convicted  
560 felon, or, if I am, my right to vote has been restored." and  
561 providing a box for the applicant to check to affirm the  
562 statement.

563 7. Whether the applicant is a citizen of the United States,  
564 by asking the question, "Are you a citizen of the United States  
565 of America?" and providing boxes for the applicant to check  
566 whether the applicant is or is not a citizen of the United  
567 States.

568 8. The signature of the applicant under penalty of perjury  
569 for false swearing pursuant to s. 104.011, by which the  
570 applicant swears or affirms that the information contained in  
571 the application is true.

572 (f) A person may not register to collect signatures or  
573 initiative petitions until he or she has completed the training  
574 concerning the requirements for petition circulators. The  
575 training must be developed by the division and may be in an  
576 electronic format available on the division's public website.  
577 The training must, at a minimum, include the following:

- 578 1. An overview of the petition-gathering process.  
579 2. An overview of the petition circulator registration  
580 requirements.

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581       3. An explanation that the sponsor of an initiative  
582 amendment serves as a fiduciary to each voter who signs a  
583 petition.

584       4. An explanation that the Florida Election Code prohibits  
585 compensation or provision of any benefit based on the number of  
586 petition signatures gathered.

587       5. The specific criminal penalties to which a petition  
588 circulator may be subject for violating the Florida Election  
589 Code.

590       (g) The sponsor of the initiative amendment is liable for a  
591 fine in the amount of \$50,000 for each person the sponsor  
592 knowingly allows to collect petition forms on behalf of the  
593 sponsor in violation of this subsection.

594       (5) A sponsor may not compensate a petition circulator  
595 based on the number of petition forms gathered. This prohibition  
596 includes, but is not limited to, paying a specified amount per  
597 petition form gathered, basing an hourly rate on the number of  
598 petition forms gathered over a specified period of time, or  
599 providing any other benefit or form of compensation based on the  
600 number of petition forms gathered. All petitions collected by a  
601 petition circulator must contain, in a format required by the  
602 Secretary of State, a completed Petition Circulator's Affidavit  
603 which includes:

604       ~~(a) The circulator's name and permanent address;~~

605       ~~(b) The following statement, which must be signed by the~~  
606 ~~circulator:~~

607

608       ~~By my signature below, as petition circulator, I~~  
609 ~~verify that the petition was signed in my presence.~~

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610       ~~Under penalties of perjury, I declare that I have read~~  
611       ~~the foregoing Petition Circulator's Affidavit and the~~  
612       ~~facts stated in it are true.~~

613  
614       (6) The division ~~or the supervisor of elections~~ shall make  
615 ~~hard copy petition forms or~~ electronic portable document format  
616 petition forms available to registered petition circulators. All  
617 such forms must contain information identifying the petition  
618 circulator to which the forms are provided. The division shall  
619 maintain a database of all registered petition circulators and  
620 the petition forms assigned to each. Each supervisor of  
621 elections shall provide to the division information on petition  
622 forms ~~assigned to and~~ received from petition circulators. The  
623 information must be provided in a format and at times as  
624 required by the division by rule. The division must update  
625 information on petition forms daily and make the information  
626 publicly available.

627       (7) (a) A sponsor that collects petition forms or uses a  
628 petition circulator to collect petition forms serves as a  
629 fiduciary to the voter ~~elector~~ signing the petition form and  
630 shall ensure, ~~ensuring~~ that any petition form entrusted to the  
631 sponsor or petition circulator is ~~shall be~~ promptly delivered to  
632 the supervisor of elections in the county in which the voter  
633 resides within 10 ~~30~~ days after the voter ~~elector~~ signs the  
634 form. If a petition form collected by the sponsor or any  
635 petition circulator is not promptly delivered to the supervisor  
636 of elections, the sponsor is liable for the following fines:  
637       1. A fine in the amount of \$50 per each day late for each  
638 petition form received by the supervisor of elections in the

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639 county in which the voter resides more than 10 ~~30~~ days after the  
640 voter ~~elector~~ signed the petition form ~~or the next business day,~~  
641 ~~if the office is closed.~~ A fine in the amount of \$2,500 ~~\$250~~ for  
642 each petition form received if the sponsor or petition  
643 circulator acted willfully.

644 2. A fine in the amount of \$100 per each day late, up to a  
645 maximum of \$5,000, for each petition form collected by a sponsor  
646 or a petition circulator, signed by a voter before February 1 of  
647 the year the general election is held and received by the  
648 supervisor of elections in the county in which the voter resides  
649 after the deadline for such election. A fine in the amount of  
650 \$5,000 for each such petition form received if the sponsor or  
651 petition circulator acted willfully.

652 3. A fine in the amount of \$500 for each petition form  
653 collected by a petition circulator which is not submitted to the  
654 supervisor of elections in the county in which the voter  
655 resides. A fine in the amount of \$5,000 ~~\$1,000~~ for any petition  
656 form not so submitted if the sponsor or petition circulator  
657 acting on its behalf acted willfully.

658 (b) A showing by the sponsor that the failure to deliver  
659 the petition form within the required timeframe is based upon  
660 force majeure or impossibility of performance is an affirmative  
661 defense to a violation of this subsection. The fines described  
662 in this subsection may be waived upon a showing that the failure  
663 to deliver the petition form promptly is based upon force  
664 majeure or impossibility of performance.

665 (8) If a person collecting petition forms on behalf of a  
666 sponsor of an initiative petition signs another person's name or  
667 a fictitious name to any petition, or fills in missing

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668 information on a petition, to secure a ballot position in  
669 violation of s. 104.185(2) and is subsequently convicted of such  
670 offense, the sponsor of the initiative petition is liable for a  
671 fine in the amount of \$5,000 for each such petition.

672 (9) If a person collecting petition forms on behalf of a  
673 sponsor of an initiative petition copies or retains a voter's  
674 personal information, such as the voter's Florida driver license  
675 number, Florida identification card number, social security  
676 number, or signature, for any reason other than to provide such  
677 information to the sponsor of the initiative petition, the  
678 person commits a felony of the third degree, punishable as  
679 provided in s. 775.082, s. 775.083, or s. 775.084.

680 (10) A sponsor of an initiative petition or person  
681 collecting petition forms on behalf of a sponsor of an  
682 initiative petition may not mail or otherwise provide a petition  
683 form upon which any information about a voter has been filled in  
684 before it is provided to the voter. A sponsor of an initiative  
685 petition that violates this subsection is liable for a fine in  
686 the amount of \$50 for each such petition form.

687 (11)~~(8)~~ If the Secretary of State reasonably believes that  
688 a person or entity has committed a violation of this section,  
689 the secretary may refer the matter to the Attorney General for  
690 enforcement. The Attorney General may institute a civil action  
691 for a violation of this section or to prevent a violation of  
692 this section. An action for relief may include a permanent or  
693 temporary injunction, a restraining order, or any other  
694 appropriate order.

695 (12)~~(9)~~ The division shall adopt by rule a complaint form  
696 for a voter ~~an elector~~ who claims to have had his or her



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697 signature misrepresented, forged, or not delivered to the  
698 supervisor. The division shall also adopt rules to ensure the  
699 integrity of the petition form gathering process, including  
700 rules requiring sponsors to account for all petition forms used  
701 by their agents. Such rules may require a sponsor or petition  
702 circulator to provide identification information on each  
703 petition form as determined by the department as needed to  
704 assist in the accounting of petition forms.

705 (13)~~(10)~~ The date on which a voter ~~an elector~~ signs a  
706 petition form is presumed to be the date on which the petition  
707 circulator received or collected the petition form.

708 (14) (a)~~(11) (a)~~ An initiative petition form circulated for  
709 signature may not be bundled with or attached to any other  
710 petition. Each signature shall be dated when made and shall be  
711 valid until the next February 1 occurring in an even-numbered  
712 year for the purpose of the amendment appearing on the ballot  
713 for the general election occurring in that same year, provided  
714 all other requirements of law are met. The sponsor shall submit  
715 signed and dated forms to the supervisor of elections for the  
716 county of residence listed by the person signing the form for  
717 verification of the number of valid signatures obtained. If a  
718 signature on a petition is from a registered voter in another  
719 county, the supervisor shall notify the petition sponsor of the  
720 misfiled petition. The supervisor shall promptly verify the  
721 signatures within 60 days after receipt of the petition forms  
722 and payment of a fee for the actual cost of signature  
723 verification incurred by the supervisor. However, for petition  
724 forms submitted less than 60 days before February 1 of an even-  
725 numbered year, the supervisor shall promptly verify the

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726 signatures within 30 days after receipt of the form and payment  
727 of the fee for signature verification. Signatures may not be  
728 verified until payment has been received and processed by the  
729 supervisor. The supervisor shall promptly record, in the manner  
730 prescribed by the Secretary of State, the date each form is  
731 received by the supervisor, and the date the signature on the  
732 form is verified as valid. The supervisor may verify that the  
733 signature on a form is valid only if:

734 1. The form contains the original signature of the  
735 purported voter ~~elector~~.

736 2. The purported voter ~~elector~~ has accurately recorded on  
737 the form the date on which he or she signed the form.

738 3. The form sets forth the purported voter's: ~~elector's~~

739 a. Full name; ~~r~~

740 b. Address and, city, county of residence; ~~r~~ and

741 c. Voter registration number or date of birth; and

742 d. Florida driver license or Florida identification card  
743 number issued pursuant to s. 322.051 or the last four digits of  
744 the voter's social security number.

745 4. The purported voter ~~elector~~ is, at the time he or she  
746 signs the form and at the time the form is verified, a duly  
747 qualified and registered voter ~~elector~~ in the state.

748 5. The signature was obtained legally, including that if a  
749 ~~paid~~ petition circulator was used, the circulator was validly  
750 registered under subsection (4) ~~(3)~~ when the signature was  
751 obtained.

752

753 ~~The supervisor shall retain all signature forms, separating~~  
754 ~~forms verified as valid from those deemed invalid, for at least~~

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755 ~~1 year following the election for which the petition was~~  
756 ~~circulated.~~

757 (b)1. On the last day of each month, or on the last day of  
758 each week from December 1 of an odd-numbered year through  
759 February 1 of the following year, each supervisor shall  
760 electronically transmit all signature forms to the division. The  
761 digital images of the scanned signature forms must be of high  
762 enough quality that division personnel are be able to accurately  
763 discern elements contained in such forms. Forms that have been  
764 verified as valid must be separated from those that have been  
765 deemed invalid.

766 2. Each supervisor must retain all petition forms,  
767 separating forms verified as valid from those deemed invalid,  
768 until all petition forms have been processed following the  
769 February 1 deadline. As soon as practicable following the  
770 processing of the last timely submitted petition form, but not  
771 later than March 15 following the February 1 deadline, the  
772 supervisor must deliver the physical forms to the division. The  
773 division shall retain all petition forms for 1 year following  
774 the election for which the petition was circulated.

775 (c) When the signature on the petition form is verified as  
776 valid, the supervisor shall, as soon as practicable, notify the  
777 voter by mail at the mailing address on file in the Florida  
778 Voter Registration System.

779 1. Such notice must be sent by forwardable mail with a  
780 postage prepaid preaddressed form, which may be returned to the  
781 supervisor. The notice shall include contact information for the  
782 supervisor of elections office, including the telephone number,  
783 fax number, mailing address, and e-mail address. The notice must

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784 include all of the following statements or information in  
785 substantially the following form:

786 a. "A petition to place a proposed constitutional amendment  
787 on the ballot for the next general election, bearing your name  
788 and signature, has been received and verified by the Supervisor  
789 of Elections Office."

790 b. That the petition included:

791 (I) ...(Insert the petition serial number, ballot title,  
792 ballot summary, and sponsoring committee)...; and

793 (II) ...(Insert the date the voter signed the petition, the  
794 date the petition was received by the Supervisor of Elections  
795 Office, and the date the petition was verified by the Supervisor  
796 of Elections...

797 c. "Check the box, sign, and return this notice to your  
798 Supervisor of Elections if you believe your signature has been  
799 misrepresented or forged on a petition. The petition form in  
800 question will be invalidated and not be counted toward the  
801 number of signatures required to place this proposed  
802 constitutional amendment on the ballot."

803 d. "A returned notice must be received by the Supervisor of  
804 Elections by February 1 of the year in which the general  
805 election is held."

806 2. Such notice must include both of the following:

807 a. A box for a voter to check if his or her signature was  
808 misrepresented or forged on the petition and a blank space for  
809 the voter to sign and date the return form attesting to such.

810 b. The following disclosure, which must be prominently  
811 displayed beneath the space for the voter's signature:

812

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813       This notice becomes a public record upon receipt by  
814       the Supervisor of Elections. It is a second degree  
815       misdemeanor, punishable as provided in s. 775.082,  
816       Florida Statutes, or s. 772.083, Florida Statutes, for  
817       any person to knowingly make a false official  
818       statement pursuant to s. 837.06, Florida Statutes.

819

820       3. Upon receiving a completed notice, the supervisor shall  
821       revoke the voter's petition form, which must be deemed invalid,  
822       and the supervisor shall immediately notify the division.

823       (d) Each supervisor shall post the actual cost of signature  
824       verification for petition forms received more than 60 days  
825       before February 1 of an even-numbered year and for petition  
826       forms received less than 60 days before February 1 of an even-  
827       numbered year on his or her website, and may increase such cost,  
828       as necessary, annually on March 1 ~~February 2 of each even-~~  
829       ~~numbered year.~~ These costs include operating and personnel costs  
830       associated with comparing signatures, printing or sending  
831       notices to voters that their signature has been verified, and  
832       transmitting petition forms to the division. The division shall  
833       also publish each county's current cost on its website. The  
834       division and each supervisor shall biennially review available  
835       technology aimed at reducing verification costs.

836       (e) ~~(e)~~ On the last day of each month, or on the last day of  
837       each week from December 1 of an odd-numbered year through  
838       February 1 of the following year, each supervisor shall post on  
839       his or her website the total number of signatures submitted, the  
840       total number of invalid signatures, the total number of  
841       signatures processed, total number of signatures revoked, and

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842 the aggregate number of verified valid signatures and the  
843 distribution of such signatures by congressional district for  
844 each proposed amendment proposed by initiative, along with the  
845 following information specific to the reporting period: the  
846 total number of signed petition forms received, the total number  
847 of signatures verified, the distribution of verified valid  
848 signatures by congressional district, and the total number of  
849 verified petition forms forwarded to the Secretary of State. For  
850 any reporting period in which the percentage of signatures  
851 deemed invalid exceeds 25 percent, the supervisor shall notify  
852 the Office of Election Crimes and Security. The Office of  
853 Election Crimes and Security, as authorized by s. 97.012(15) and  
854 s. 97.022(1), shall conduct a preliminary investigation and may,  
855 if warranted, report findings to the statewide prosecutor or the  
856 state attorney for the judicial circuit in which the alleged  
857 violation occurred for prosecution.

858 (15)~~(12)~~ The Secretary of State shall determine from the  
859 signatures verified by the supervisors of elections the total  
860 number of verified valid signatures and the distribution of such  
861 signatures by congressional districts, and the division shall  
862 post such information on its website at the same intervals  
863 specified in paragraph (14) (e) ~~(11) (e)~~. Upon a determination  
864 that the requisite number and distribution of valid signatures  
865 have been obtained, the secretary shall issue a certificate of  
866 ballot position for that proposed amendment and shall assign a  
867 designating number pursuant to s. 101.161. The secretary shall  
868 rescind the certificate of ballot position if an advisory  
869 opinion issued by the Supreme Court pursuant to s. 16.061(1)  
870 deems the initiative petition invalid.

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871       (16) (a) ~~(13) (a)~~ Upon receipt of a proposed revision or  
872 amendment from the Secretary of State, the coordinator of the  
873 Office of Economic and Demographic Research shall contact the  
874 person identified as the sponsor to request an official list of  
875 all persons authorized to speak on behalf of the named sponsor  
876 and, if there is one, the sponsoring organization at meetings  
877 held by the Financial Impact Estimating Conference. All other  
878 persons must be deemed interested parties or proponents or  
879 opponents of the initiative. The Financial Impact Estimating  
880 Conference shall provide an opportunity for any representative  
881 of the sponsor, interested parties, and proponents or opponents  
882 of the initiative to submit information and may solicit  
883 information or analysis from any other entities or agencies,  
884 including the Office of Economic and Demographic Research ~~At the~~  
885 ~~same time the Secretary of State submits an initiative petition~~  
886 ~~to the Attorney General pursuant to s. 15.21, the secretary~~  
887 ~~shall submit a copy of the initiative petition to the Financial~~  
888 ~~Impact Estimating Conference.~~

889       (b) Within 75 days after receipt of a proposed revision or  
890 amendment to the State Constitution by initiative petition from  
891 the Secretary of State, the Financial Impact Estimating  
892 Conference shall complete an analysis and financial impact  
893 statement to be placed on the ballot of the estimated increase  
894 or decrease in any revenues or costs to state or local  
895 governments and the overall impact to the state budget resulting  
896 from the proposed initiative. The 75-day time limit is tolled  
897 when the Legislature is in session. The Financial Impact  
898 Estimating Conference shall submit the financial impact  
899 statement to the ~~Attorney General and~~ Secretary of State. If the

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900 ~~initiative petition has been submitted to the Financial Impact~~  
901 ~~Estimating Conference but the validity of signatures has expired~~  
902 ~~and the initiative petition no longer qualifies for ballot~~  
903 ~~placement at the ensuing general election, the Secretary of~~  
904 ~~State must notify the Financial Impact Estimating Conference.~~  
905 ~~The Financial Impact Estimating Conference~~ does ~~is not required~~  
906 ~~to~~ complete an analysis and financial impact statement for an  
907 initiative petition ~~that fails to meet the requirements of~~  
908 ~~subsection (1) for placement on the ballot before the 75-day~~  
909 ~~time limit, including any tolling period, expires,~~ the ballot  
910 must include the statement required by s. 101.161(1)(e). ~~The~~  
911 ~~initiative petition may be resubmitted to the Financial Impact~~  
912 ~~Estimating Conference if the initiative petition meets the~~  
913 ~~requisite criteria for a subsequent general election cycle. A~~  
914 ~~new Financial Impact Estimating Conference shall be established~~  
915 ~~at such time as the initiative petition again satisfies the~~  
916 ~~criteria in s. 15.21(1).~~

917 ~~(b) Immediately upon receipt of a proposed revision or~~  
918 ~~amendment from the Secretary of State, the coordinator of the~~  
919 ~~Office of Economic and Demographic Research shall contact the~~  
920 ~~person identified as the sponsor to request an official list of~~  
921 ~~all persons authorized to speak on behalf of the named sponsor~~  
922 ~~and, if there is one, the sponsoring organization at meetings~~  
923 ~~held by the Financial Impact Estimating Conference. All other~~  
924 ~~persons shall be deemed interested parties or proponents or~~  
925 ~~opponents of the initiative. The Financial Impact Estimating~~  
926 ~~Conference shall provide an opportunity for any representatives~~  
927 ~~of the sponsor, interested parties, proponents, or opponents of~~  
928 ~~the initiative to submit information and may solicit information~~



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929 ~~or analysis from any other entities or agencies, including the~~  
930 ~~Office of Economic and Demographic Research.~~

931 (c) The Financial Impact Estimating Conference may be  
932 convened only by the President of the Senate and the Speaker of  
933 the House of Representatives, jointly. All meetings of the  
934 Financial Impact Estimating Conference shall be open to the  
935 public. The President of the Senate and the Speaker of the House  
936 of Representatives, jointly, shall be the sole judge for the  
937 interpretation, implementation, and enforcement of this  
938 subsection.

939 1. The Financial Impact Estimating Conference is  
940 established to review, analyze, and estimate the financial  
941 impact of amendments to or revisions of the State Constitution  
942 proposed by initiative. The Financial Impact Estimating  
943 Conference shall consist of four principals: one person from the  
944 professional staff of the Executive Office of the Governor,  
945 designated by the Governor; the coordinator of the Office of  
946 Economic and Demographic Research, or his or her designee; one  
947 person from the professional staff of the Senate, designated by  
948 the President of the Senate; and one person from the  
949 professional staff of the House of Representatives, designated  
950 by the Speaker of the House of Representatives. Each principal  
951 shall have appropriate fiscal expertise in the subject matter of  
952 the initiative. A Financial Impact Estimating Conference may be  
953 appointed for each initiative.

954 2. Principals of the Financial Impact Estimating Conference  
955 shall reach a consensus or majority concurrence on a clear and  
956 unambiguous financial impact statement, no more than 150 words  
957 in length, and immediately submit the statement to the Attorney

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958 General. Nothing in this subsection prohibits the Financial  
959 Impact Estimating Conference from setting forth a range of  
960 potential impacts in the financial impact statement. ~~Any~~  
961 ~~financial impact statement that a court finds not to be in~~  
962 ~~accordance with this section shall be remanded solely to the~~  
963 ~~Financial Impact Estimating Conference for redrafting. The~~  
964 ~~Financial Impact Estimating Conference shall redraft the~~  
965 ~~financial impact statement within 15 days.~~

966 ~~3. If the Supreme Court has rejected the initial submission~~  
967 ~~by the Financial Impact Estimating Conference and no redraft has~~  
968 ~~been approved by the Supreme Court by 5 p.m. on the 75th day~~  
969 ~~before the election, the following statement shall appear on the~~  
970 ~~ballot: "The impact of this measure, if any, has not been~~  
971 ~~determined at this time."~~

972 (d) The financial impact statement must be separately  
973 contained on the petition form and the ballot and be set forth  
974 after the ballot summary as required in s. 101.161(1).

975 1. If the financial impact statement projects a net  
976 negative impact on the state budget, the ballot must include the  
977 statement required by s. 101.161(1)(b).

978 2. If the financial impact statement projects a net  
979 positive impact on the state budget, the ballot must include the  
980 statement required by s. 101.161(1)(c).

981 3. If the financial impact statement estimates an  
982 indeterminate financial impact or if the members of the  
983 Financial Impact Estimating Conference are unable to agree on  
984 the statement required by this subsection, the ballot must  
985 include the statement required by s. 101.161(1)(d).

986 4. If the financial impact statement was not produced or if

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987 the Financial Impact Estimating Conference did not meet to  
988 produce the financial statement, the ballot must include the  
989 statement required by s. 101.161(1)(e).

990 (e)~~1~~. Any financial impact statement that the Supreme Court  
991 finds not to be in accordance with this subsection shall be  
992 remanded solely to the Financial Impact Estimating Conference  
993 for redrafting, ~~provided the court's advisory opinion is~~  
994 ~~rendered at least 75 days before the election at which the~~  
995 ~~question of ratifying the amendment will be presented.~~ The  
996 Financial Impact Estimating Conference shall prepare and adopt a  
997 revised financial impact statement no later than 5 p.m. on the  
998 15th day after the date of the court's opinion. The sponsor of  
999 the initiative must refile the petition with the revised  
1000 financial impact statement with the Secretary of State as a new  
1001 petition.

1002 ~~2. If, by 5 p.m. on the 75th day before the election, the~~  
1003 ~~Supreme Court has not issued an advisory opinion on the initial~~  
1004 ~~financial impact statement prepared by the Financial Impact~~  
1005 ~~Estimating Conference for an initiative amendment that otherwise~~  
1006 ~~meets the legal requirements for ballot placement, the financial~~  
1007 ~~impact statement shall be deemed approved for placement on the~~  
1008 ~~ballot.~~

1009 (f)~~3~~. In addition to the financial impact statement  
1010 required by this subsection, the Financial Impact Estimating  
1011 Conference shall draft an initiative financial information  
1012 statement. The initiative financial information statement should  
1013 describe in greater detail than the financial impact statement  
1014 any projected increase or decrease in revenues or costs that the  
1015 state or local governments would likely experience if the ballot

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1016 measure were approved. If appropriate, the initiative financial  
1017 information statement may include both estimated dollar amounts  
1018 and a description placing the estimated dollar amounts into  
1019 context. The initiative financial information statement must  
1020 include both a summary of not more than 500 words and additional  
1021 detailed information that includes the assumptions that were  
1022 made to develop the financial impacts, workpapers, and any other  
1023 information deemed relevant by the Financial Impact Estimating  
1024 Conference.

1025 (g)4. The Department of State shall have printed, and shall  
1026 furnish to each supervisor of elections, a copy of the summary  
1027 from the initiative financial information statements. The  
1028 supervisors shall have the summary from the initiative financial  
1029 information statements available at each polling place and at  
1030 the main office of the supervisor of elections upon request.

1031 (h)5. The Secretary of State and the Office of Economic and  
1032 Demographic Research shall make available on the Internet each  
1033 initiative financial information statement in its entirety. In  
1034 addition, each supervisor of elections whose office has a  
1035 website shall post the summary from each initiative financial  
1036 information statement on the website. Each supervisor shall  
1037 include a copy of each summary from the initiative financial  
1038 information statements and the Internet addresses for the  
1039 information statements on the Secretary of State's and the  
1040 Office of Economic and Demographic Research's websites in the  
1041 publication or mailing required by s. 101.20.

1042 (17)(14) The Department of State may adopt rules in  
1043 accordance with s. 120.54 to implement this section ~~carry out~~  
1044 ~~the provisions of subsections (1)-(14).~~

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1045 ~~(18)~~~~(15)~~ No provision of this code shall be deemed to  
1046 prohibit a private person exercising lawful control over  
1047 privately owned property, including property held open to the  
1048 public for the purposes of a commercial enterprise, from  
1049 excluding from such property persons seeking to engage in  
1050 activity supporting or opposing initiative amendments.

1051 Section 7. (1) The Department of State shall, within 30  
1052 days after the effective date of this act, update the forms as  
1053 required by the amendments made to s. 100.371(3), Florida  
1054 Statutes, for any proposed amendments received before the  
1055 effective date of this act.

1056 (2) (a) The Department of State shall, within 30 days after  
1057 the effective date of this act, make available a new petition  
1058 circulator application to incorporate the amendments made to s.  
1059 100.371(4), Florida Statutes.

1060 (b)1. Thirty days after the effective date of this act, the  
1061 registration of each petition circulator expires.

1062 2. No later than 7 days after the effective date of this  
1063 act, the Department of State shall notify each petition  
1064 circulator that his or her registration is expiring and that he  
1065 or she may reregister by completing a new application that will  
1066 be available before the current registration expires.

1067 (3) A supervisor of elections may, within 90 days after the  
1068 effective date of this act, increase the cost of signature  
1069 verification pursuant to the amendments made to s.  
1070 100.371(14) (c), Florida Statutes. A supervisor shall post the  
1071 cost of signature verification on his or her publicly available  
1072 website as soon as such cost is determined.

1073 Section 8. Paragraph (a) of subsection (1) of section

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1074 101.161, Florida Statutes, is amended, and paragraph (e) is  
1075 added to that subsection, to read:

1076 101.161 Referenda; ballots.—

1077 (1) Whenever a constitutional amendment or other public  
1078 measure is submitted to the vote of the people, a ballot summary  
1079 of such amendment or other public measure shall be printed in  
1080 clear and unambiguous language on the ballot after the list of  
1081 candidates, followed by the word "yes" and also by the word  
1082 "no," and shall be styled in such a manner that a "yes" vote  
1083 will indicate approval of the proposal and a "no" vote will  
1084 indicate rejection. The ballot summary of the amendment or other  
1085 public measure and the ballot title to appear on the ballot  
1086 shall be embodied in the constitutional revision commission  
1087 proposal, constitutional convention proposal, taxation and  
1088 budget reform commission proposal, or enabling resolution or  
1089 ordinance. The ballot summary of the amendment or other public  
1090 measure shall be an explanatory statement, not exceeding 75  
1091 words in length, of the chief purpose of the measure. In  
1092 addition, for every constitutional amendment proposed by  
1093 initiative, the ballot shall include, following the ballot  
1094 summary, in the following order:

1095 (a) A separate financial impact statement concerning the  
1096 measure prepared by the Financial Impact Estimating Conference  
1097 in accordance with s. 100.371(16) ~~s. 100.371(13)~~.

1098 (e) If the financial impact statement was not produced or  
1099 if the Financial Impact Estimating Conference did not meet to  
1100 produce the financial impact statement, the following statement  
1101 in bold print:

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1103       THE FINANCIAL IMPACT OF THIS AMENDMENT, IF ANY, HAS  
1104       NOT BEEN DETERMINED AT THIS TIME.

1105  
1106       The ballot title shall consist of a caption, not exceeding 15  
1107       words in length, by which the measure is commonly referred to or  
1108       spoken of. This subsection does not apply to constitutional  
1109       amendments or revisions proposed by joint resolution.

1110       Section 9. Subsection (2) of section 102.111, Florida  
1111       Statutes, is amended to read:

1112       102.111 Elections Canvassing Commission.—

1113       (2) The Elections Canvassing Commission shall meet at 8  
1114       a.m. on the 9th day after a primary election and at 8 a.m. on  
1115       the 14th day after a general election to certify the returns of  
1116       the election for each federal, state, and multicounty office and  
1117       for each constitutional amendment. If a member of a county  
1118       canvassing board that was constituted pursuant to s. 102.141  
1119       determines, within 5 days after the certification by the  
1120       Elections Canvassing Commission, that a typographical error  
1121       occurred in the official returns of the county, the correction  
1122       of which could result in a change in the outcome of an election,  
1123       the county canvassing board must certify corrected returns to  
1124       the Department of State within 24 hours, and the Elections  
1125       Canvassing Commission must correct and recertify the election  
1126       returns as soon as practicable.

1127       Section 10. Section 102.121, Florida Statutes, is amended  
1128       to read:

1129       102.121 Elections Canvassing Commission to issue  
1130       certificates.—The Elections Canvassing Commission shall make and  
1131       sign separate certificates of the result of the election for

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1132 federal officers, and state officers, and constitutional  
1133 amendments, which certificates must ~~shall~~ be written and contain  
1134 the total number of votes cast for and against each person for  
1135 each office and the total number of votes cast for and against  
1136 each constitutional amendment. The certificates, the one  
1137 including the result of the election for presidential electors  
1138 and representatives to Congress, and the other including the  
1139 result of the election for state officers, shall be recorded in  
1140 the Department of State in a book to be kept for that purpose.

1141 Section 11. Subsections (1), (3), and (4) of section  
1142 102.168, Florida Statutes, are amended to read:

1143 102.168 Contest of election.—

1144 (1) Except as provided in s. 102.171, the certification of  
1145 election or nomination of any person to office, or of the  
1146 adoption of a constitutional amendment or the result on any  
1147 question submitted by referendum, may be contested in the  
1148 circuit court by any unsuccessful candidate for such office or  
1149 nomination thereto or by any voter ~~elector~~ qualified to vote in  
1150 the election related to such candidacy or constitutional  
1151 amendment, or by any taxpayer, respectively.

1152 (3) The complaint must ~~shall~~ set forth the grounds on which  
1153 the contestant intends to establish his or her right to such  
1154 office; or set aside the result of the election on a ~~submitted~~  
1155 referendum or constitutional amendment. The grounds for  
1156 contesting an election or a constitutional amendment under this  
1157 section are:

1158 (a) Misconduct, fraud, or corruption on the part of any  
1159 election official or any member of the canvassing board  
1160 sufficient to change or place in doubt the result of the



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1161 election.

1162 (b) Ineligibility of the successful candidate for the  
1163 nomination or office in dispute or of the proposed  
1164 constitutional amendment for placement on the ballot.

1165 (c) Receipt of a number of illegal votes or rejection of a  
1166 number of legal votes sufficient to change or place in doubt the  
1167 result of the election.

1168 (d) Proof that any voter elector, election official, or  
1169 canvassing board member was given or offered a bribe or reward  
1170 in money, property, or any other thing of value for the purpose  
1171 of procuring the successful candidate's nomination or election  
1172 or determining the result on any question ~~submitted~~ by  
1173 referendum or constitutional amendment.

1174 (4) The canvassing board responsible for canvassing the  
1175 election is an indispensable party defendant in county and local  
1176 elections. The Elections Canvassing Commission is an  
1177 indispensable party defendant in federal, state, and multicounty  
1178 elections, in elections for constitutional amendments, and in  
1179 elections for justice of the Supreme Court, judge of a district  
1180 court of appeal, and judge of a circuit court. The successful  
1181 candidate is an indispensable party to any action brought to  
1182 contest the election or nomination of a candidate. The sponsor  
1183 of a constitutional amendment proposed by initiative petition,  
1184 identified pursuant to s. 100.371, is an indispensable party to  
1185 any action brought to contest such election.

1186 Section 12. Subsection (2) of section 104.185, Florida  
1187 Statutes, is amended to read:

1188 104.185 Petitions; knowingly signing more than once;  
1189 signing another person's name or a fictitious name.—

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1190 (2) A person who signs another person's name or a  
1191 fictitious name to any petition, or who fills in missing  
1192 information on a petition, to secure ballot position for a  
1193 candidate, a minor political party, or an issue commits a felony  
1194 of the third degree, punishable as provided in s. 775.082, s.  
1195 775.083, or s. 775.084.

1196 Section 13. Section 104.186, Florida Statutes, is amended  
1197 to read:

1198 104.186 Initiative petitions; violations.—A person who  
1199 compensates a petition circulator as defined in s. 97.021 based  
1200 on the number of petition forms gathered, as prohibited by s.  
1201 100.371(5), commits a felony of the third degree, punishable as  
1202 provided in s. 775.082, s. 775.083, or s. 775.084. This section  
1203 does not prohibit employment relationships that do not base  
1204 payment on the number of signatures collected.

1205 Section 14. Section 104.187, Florida Statutes, is amended  
1206 to read:

1207 104.187 Initiative petitions; registration.—A person who  
1208 violates s. 100.371(4)(a)1. ~~s. 100.371(3)~~ commits a misdemeanor  
1209 of the second degree, punishable as provided in s. 775.082 or s.  
1210 775.083.

1211 Section 15. Section 104.188, Florida Statutes, is created  
1212 to read:

1213 104.188 Petition forms gathered from immediate family;  
1214 violations.—

1215 (1) For the purposes of this section, the term "immediate  
1216 family" means a person's spouse or the parent, child,  
1217 grandparent, grandchild, or sibling of the person or the  
1218 person's spouse.

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1219       (2) A person who distributes, collects, delivers, or  
1220 otherwise physically possesses more than two signed petition  
1221 forms in addition to his or her own petition form or a petition  
1222 form belonging to an immediate family member, and who is not  
1223 registered as a petition circulator pursuant to s.  
1224 100.371(4)(a)1., commits a felony of the third degree,  
1225 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1226       Section 16. Subsection (3) of section 106.19, Florida  
1227 Statutes, is amended to read:

1228       106.19 Violations by candidates, persons connected with  
1229 campaigns, and political committees.—

1230       (3) A political committee sponsoring a constitutional  
1231 amendment proposed by initiative which submits a petition form  
1232 gathered by a ~~paid~~ petition circulator which does not provide  
1233 the name and address of the ~~paid~~ petition circulator on the form  
1234 is subject to the civil penalties prescribed in s. 106.265.

1235       Section 17. Paragraph (c) of subsection (1) of section  
1236 212.055, Florida Statutes, is amended to read:

1237       212.055 Discretionary sales surtaxes; legislative intent;  
1238 authorization and use of proceeds.—It is the legislative intent  
1239 that any authorization for imposition of a discretionary sales  
1240 surtax shall be published in the Florida Statutes as a  
1241 subsection of this section, irrespective of the duration of the  
1242 levy. Each enactment shall specify the types of counties  
1243 authorized to levy; the rate or rates which may be imposed; the  
1244 maximum length of time the surtax may be imposed, if any; the  
1245 procedure which must be followed to secure voter approval, if  
1246 required; the purpose for which the proceeds may be expended;  
1247 and such other requirements as the Legislature may provide.

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1248 Taxable transactions and administrative procedures shall be as  
1249 provided in s. 212.054.

1250 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM  
1251 SURTAX.—

1252 (c)1. The proposal to adopt a discretionary sales surtax as  
1253 provided in this subsection and to create a trust fund within  
1254 the county accounts shall be placed on the ballot in accordance  
1255 with law and must be approved in a referendum held at a general  
1256 election in accordance with subsection (10).

1257 2. If the proposal to adopt a surtax is by initiative, the  
1258 petition sponsor must, at least 180 days before the proposed  
1259 referendum, comply with all of the following:

1260 a. Provide a copy of the final resolution or ordinance to  
1261 the Office of Program Policy Analysis and Government  
1262 Accountability. The Office of Program Policy Analysis and  
1263 Government Accountability shall procure a certified public  
1264 accountant in accordance with subsection (11) for the  
1265 performance audit.

1266 b. File the initiative petition and its required valid  
1267 signatures with the supervisor of elections. The supervisor of  
1268 elections shall verify signatures and retain signature forms in  
1269 the same manner as required for initiatives under s. 100.371(14)  
1270 ~~s. 100.371(11)~~.

1271 3. The failure of an initiative sponsor to comply with the  
1272 requirements of subparagraph 2. renders any referendum held  
1273 void.

1274 Section 18. Paragraph (a) of subsection (8) of section  
1275 895.02, Florida Statutes, is amended to read:

1276 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

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1277 (8) "Racketeering activity" means to commit, to attempt to  
1278 commit, to conspire to commit, or to solicit, coerce, or  
1279 intimidate another person to commit:

1280 (a) Any crime that is chargeable by petition, indictment,  
1281 or information under the following provisions of the Florida  
1282 Statutes:

1283 1. Section 100.371, relating to petition circulators and  
1284 sponsors of initiative petitions.

1285 2. Section 104.155(2), relating to aiding or soliciting a  
1286 noncitizen in voting.

1287 ~~3.2.~~ Section 210.18, relating to evasion of payment of  
1288 cigarette taxes.

1289 ~~4.3.~~ Section 316.1935, relating to fleeing or attempting to  
1290 elude a law enforcement officer and aggravated fleeing or  
1291 eluding.

1292 ~~5.4.~~ Chapter 379, relating to the illegal sale, purchase,  
1293 collection, harvest, capture, or possession of wild animal life,  
1294 freshwater aquatic life, or marine life, and related crimes.

1295 ~~6.5.~~ Section 403.727(3)(b), relating to environmental  
1296 control.

1297 ~~7.6.~~ Section 409.920 or s. 409.9201, relating to Medicaid  
1298 fraud.

1299 ~~8.7.~~ Section 414.39, relating to public assistance fraud.

1300 ~~9.8.~~ Section 440.105 or s. 440.106, relating to workers'  
1301 compensation.

1302 ~~10.9.~~ Section 443.071(4), relating to creation of a  
1303 fictitious employer scheme to commit reemployment assistance  
1304 fraud.

1305 ~~11.10.~~ Section 465.0161, relating to distribution of

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1306 medicinal drugs without a permit as an Internet pharmacy.  
1307       ~~12.11.~~ Section 499.0051, relating to crimes involving  
1308 contraband, adulterated, or misbranded drugs.  
1309       ~~13.12.~~ Part IV of chapter 501, relating to telemarketing.  
1310       ~~14.13.~~ Chapter 517, relating to sale of securities and  
1311 investor protection.  
1312       ~~15.14.~~ Section 550.235 or s. 550.3551, relating to  
1313 dogracing and horseracing.  
1314       ~~16.15.~~ Chapter 550, relating to jai alai frontons.  
1315       ~~17.16.~~ Section 551.109, relating to slot machine gaming.  
1316       ~~18.17.~~ Chapter 552, relating to the manufacture,  
1317 distribution, and use of explosives.  
1318       ~~19.18.~~ Chapter 560, relating to money transmitters, if the  
1319 violation is punishable as a felony.  
1320       ~~20.19.~~ Chapter 562, relating to beverage law enforcement.  
1321       ~~21.20.~~ Section 624.401, relating to transacting insurance  
1322 without a certificate of authority, s. 624.437(4)(c)1., relating  
1323 to operating an unauthorized multiple-employer welfare  
1324 arrangement, or s. 626.902(1)(b), relating to representing or  
1325 aiding an unauthorized insurer.  
1326       ~~22.21.~~ Section 655.50, relating to reports of currency  
1327 transactions, when such violation is punishable as a felony.  
1328       ~~23.22.~~ Chapter 687, relating to interest and usurious  
1329 practices.  
1330       ~~24.23.~~ Section 721.08, s. 721.09, or s. 721.13, relating to  
1331 real estate timeshare plans.  
1332       ~~25.24.~~ Section 775.13(5)(b), relating to registration of  
1333 persons found to have committed any offense for the purpose of  
1334 benefiting, promoting, or furthering the interests of a criminal

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1335 gang.

1336       ~~26.25.~~ Section 777.03, relating to commission of crimes by

1337 accessories after the fact.

1338       ~~27.26.~~ Chapter 782, relating to homicide.

1339       ~~28.27.~~ Chapter 784, relating to assault and battery.

1340       ~~29.28.~~ Chapter 787, relating to kidnapping, human

1341 smuggling, or human trafficking.

1342       ~~30.29.~~ Chapter 790, relating to weapons and firearms.

1343       ~~31.30.~~ Chapter 794, relating to sexual battery, but only if

1344 such crime was committed with the intent to benefit, promote, or

1345 further the interests of a criminal gang, or for the purpose of

1346 increasing a criminal gang member's own standing or position

1347 within a criminal gang.

1348       ~~32.31.~~ Former s. 796.03, former s. 796.035, s. 796.04, s.

1349 796.05, or s. 796.07, relating to prostitution.

1350       ~~33.32.~~ Chapter 806, relating to arson and criminal

1351 mischief.

1352       ~~34.33.~~ Chapter 810, relating to burglary and trespass.

1353       ~~35.34.~~ Chapter 812, relating to theft, robbery, and related

1354 crimes.

1355       ~~36.35.~~ Chapter 815, relating to computer-related crimes.

1356       ~~37.36.~~ Chapter 817, relating to fraudulent practices, false

1357 pretenses, fraud generally, credit card crimes, and patient

1358 brokering.

1359       ~~38.37.~~ Chapter 825, relating to abuse, neglect, or

1360 exploitation of an elderly person or disabled adult.

1361       ~~39.38.~~ Section 827.071, relating to commercial sexual

1362 exploitation of children.

1363       ~~40.39.~~ Section 828.122, relating to fighting or baiting

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1364 animals.

1365 ~~41.40.~~ Chapter 831, relating to forgery and counterfeiting.

1366 ~~42.41.~~ Chapter 832, relating to issuance of worthless

1367 checks and drafts.

1368 ~~43.42.~~ Section 836.05, relating to extortion.

1369 ~~44.43.~~ Chapter 837, relating to perjury.

1370 ~~45.44.~~ Chapter 838, relating to bribery and misuse of

1371 public office.

1372 ~~46.45.~~ Chapter 843, relating to obstruction of justice.

1373 ~~47.46.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,

1374 or s. 847.07, relating to obscene literature and profanity.

1375 ~~48.47.~~ Chapter 849, relating to gambling, lottery, gambling

1376 or gaming devices, slot machines, or any of the provisions

1377 within that chapter.

1378 ~~49.48.~~ Chapter 874, relating to criminal gangs.

1379 ~~50.49.~~ Chapter 893, relating to drug abuse prevention and

1380 control.

1381 ~~51.50.~~ Chapter 896, relating to offenses related to

1382 financial transactions.

1383 ~~52.51.~~ Sections 914.22 and 914.23, relating to tampering

1384 with or harassing a witness, victim, or informant, and

1385 retaliation against a witness, victim, or informant.

1386 ~~53.52.~~ Sections 918.12 and 918.13, relating to tampering

1387 with jurors and evidence.

1388 Section 19. This act is intended to apply prospectively to

1389 the initiative petition process. If, before the effective date

1390 of this act, a person signs a petition form, circulates petition

1391 forms, submits a petition form to a supervisor, verifies the

1392 signatures on a petition, or submits a proposed amendment, the



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1393 laws in effect on the day such person signs the petition form,  
1394 circulates petition forms, submits a petition form, verifies the  
1395 signature on a petition, or submits the proposed amendment  
1396 apply.

1397 Section 20. (1) To ensure uniformity and integrity in the  
1398 initiative process, a signed petition form may not be verified  
1399 for a period of 90 days after the effective date of this act.

1400 (2) A petition form gathered after the effective date of  
1401 this act must be delivered as provided in this act to the  
1402 appropriate entity. The processing hold described in subsection  
1403 (1) does not toll any timeframe requirements that petition  
1404 circulators are required to meet and may not be used as a  
1405 defense to any fine imposed for the late submission of any  
1406 petition forms to the appropriate entity.

1407 Section 21. The Division of Law Revision is directed to  
1408 replace the phrase "the effective date of this act" wherever it  
1409 occurs in this act with the date this act becomes a law.

1410 Section 22. This act shall take effect upon becoming a law.