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|--------------|---|---|-----------|-------------------|----------------|
| Tab 1 | SJR 536 by Ingoglia ; Similar to H 00637 Term Limits Applicable to State Representatives and State Senators | | | | |
| 434972 | A | S | EE, Grall | Delete L.46 - 96: | 03/07 01:20 PM |

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|--------------|---|---|-----------|--------------------|----------------|
| Tab 2 | SJR 802 by Ingoglia ; Identical to H 00679 Term Limits for Members of Boards of County Commissioners and District School Boards | | | | |
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|--------------|--|--|--|--|--|
| Tab 3 | SPB 7016 by EE ; Initiative Petitions Proposing an Amendment to the State Constitution | | | | |
|--------------|--|--|--|--|--|

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Gaetz, Chair
Senator Bernard, Vice Chair

MEETING DATE: Monday, March 10, 2025
TIME: 1:30—3:30 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator Gaetz, Chair; Senator Bernard, Vice Chair; Senators Avila, Bradley, Collins, Garcia, Grall, Polsky, and Rouson

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|--|---|--|-------------------------------|
| 1 | SJR 536 Ingoglia (Similar HJR 637) | Term Limits Applicable to State Representatives and State Senators; Proposing amendments to the State Constitution to revise the term limits applicable to state representatives and state senators and to provide an effective date, etc. | EE 03/10/2025 JU RC |
| 2 | SJR 802 Ingoglia (Identical HJR 679) | Term Limits for Members of Boards of County Commissioners and District School Boards; Proposing amendments to the State Constitution to provide term limits for members of boards of county commissioners and district school boards, etc. | EE 03/10/2025 CA RC |
| Consideration of proposed bill: | | | |
| 3 | SPB 7016 | Initiative Petitions Proposing an Amendment to the State Constitution; (PRELIMINARY DRAFT) providing legislative intent, etc. | |
| (Final draft will be made available at least 24 hours prior to the meeting) | | | |
| Other Related Meeting Documents | | | |

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SJR 536

INTRODUCER: Senator Ingoglia

SUBJECT: Term Limits Applicable to State Representatives and State Senators

DATE: March 7, 2025

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Biehl | Roberts | EE | Pre-meeting |
| 2. | | | JU | |
| 3. | | | RC | |

I. Summary:

SJR 536 proposes an amendment to the Florida Constitution to make existing term limits for state legislators cumulative instead of consecutive and provides a schedule for implementation of the changes.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors voting on the measure, the proposed amendment takes effect upon such approval.

II. Present Situation:

Term Limits in Florida’s Constitution

Florida’s Constitution establishes term limits for the following elected officials:

- Florida Governor;
- Florida representatives;
- Florida senators;
- Florida Lieutenant Governor;
- Florida Cabinet members;
- U.S. representatives from Florida; and
- U.S. senators from Florida.¹

¹ Article VI, s. 4(c), FLA. CONST. *See also* art. IV, s. 5(b), FLA. CONST.

Term limits imposed by states for federal elected officials were held to be unconstitutional, and thus unenforceable, by the U.S. Supreme Court in 1995.²

The Florida Constitution states that none of the specified officials, except for the office of Governor, which is governed by a slightly different provision, may appear on a ballot for reelection if, by the end of the current term of office, the person will have served or, but for resignation, would have served in that office for eight consecutive years.³ These term limits became effective in 1992 and were prospective, so that officials reelected to a consecutive term in 1992 could serve another consecutive eight years before reaching the term limit.⁴

Requirements for Proposed Constitutional Amendments

The Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house.⁵ Such amendment must be placed before the electorate at the next general election⁶ held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose.⁷ Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.⁸

Proposed amendments or constitutional revisions must be published in a newspaper of general circulation in each county where a newspaper is published.⁹ The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Florida Constitution requires approval by 60 percent of electors voting on a measure for a constitutional amendment to take effect.¹⁰ The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment

III. Effect of Proposed Changes:

SJR 536 proposes an amendment to the Florida Constitution to revise existing term limits of eight consecutive years for state senators and state representatives. Instead, the joint resolution provides for a cumulative term limit of sixteen total years in state legislative office.

² See *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995). See also *Ray v. Mortham*, 742 So. 2d 1276 (Fla. 1999) (holding that term limits imposed on elected state officials were severable from provisions imposing term limits on elected federal officials).

³ Article VI, s. 4(c), FLA. CONST.

⁴ See Art. VI, s. 4, FLA. CONST. (1992); Billy Buzzett and Steven J. Uhlfelder, *Constitution Revision Commission: A Retrospective and Prospective Sketch*, The Florida Bar Journal (April 1997), <https://www.floridabar.org/the-florida-bar-journal/constitution-revision-commission-a-retrospective-and-prospective-sketch> (last visited January 12, 2024).

⁵ Article XI, s. 2, FLA. CONST.

⁶ Section 97.021(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

⁷ Article XI, s. 5(a), FLA. CONST.

⁸ Section 101.161(1), F.S.

⁹ Article XI, s. 5(d), FLA. CONST.

¹⁰ Article XI, s. 5(e), FLA. CONST.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2026. The joint resolution provides the following ballot statement:

TERM LIMITS FOR STATE SENATORS AND STATE REPRESENTATIVES. -The State Constitution provides that state representatives and state senators are limited to serving 8 consecutive years in either office. This amendment specifies that state representatives and state senators are limited to 16 nonconsecutive years of service. This revised term limit would take effect after the November 3, 2026, general election, and provides that those seeking re-election during such election or election or re-election in subsequent elections may complete their terms, regardless of such limits.

If approved by at least 60 percent of the electors voting on the measure, the proposed amendment takes effect upon such approval. The joint resolution provides a schedule for implementation of the amendment that specifies:

- A sitting state legislator who has already served a total of at least sixteen years in state legislative office may, if reelected, still serve out the total of eight consecutive years in that office that he or she would be allowed under current law. Such person may not serve in excess of twenty-four total years regardless of whether such service was consecutive or nonconsecutive.
- A state legislator whose allowable eight consecutive years in one office are shortened as a result of reapportionment may run for one more term.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,¹¹ typically paid from non-recurring General Revenue funds.¹² Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution amends Article VI, section 4 of the Florida Constitution.

This resolution creates a new Article XII of the Florida Constitution.

¹¹ Pursuant to Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)

¹² See, e.g., Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



434972

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete lines 46 - 96

and insert:

served, in that office for a total of twelve consecutive years.

(2) Beginning November 3, 2026, no person may appear on the ballot for election or re-election to the office of state representative or state senator if, by the end of the current term of office, the person will have served, or, but for resignation, would have served, in state legislative office for



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11 a total of twenty-four years, regardless of whether such service
12 was consecutive or nonconsecutive.

13 (3) After November 3, 2026, a person may appear on the
14 ballot for re-election to the office of state senator if service
15 of a complete term of office was shortened by apportionment.
16 Such person may still qualify for election or re-election for
17 this subsequent term, even if the term exceeds the limits
18 provided in paragraph (1) or paragraph (2).

19 ARTICLE XII

20 SCHEDULE

21 Implementation of revised term limits for legislators.-

22 (a) This section and the amendment to Section 4 of Article
23 VI imposing term limits of twenty-four years of service on state
24 representatives and state senators shall take effect upon
25 approval by the electors.

26 (b) If a person would otherwise be prohibited from
27 appearing on the ballot for election or re-election by paragraph
28 (d) (1) of Section 4 of Article VI, but the person's term of
29 office was shortened as a result of apportionment, such person
30 may subsequently appear on the ballot for election or re-
31 election to a state legislative office for another term. Service
32 of this additional term does not count toward the limit in
33 paragraph (d) (2) of Section 4 of Article VI. Such person may not
34 seek additional terms in such legislative office.

35 BE IT FURTHER RESOLVED that the following statement be
36 placed on the ballot:

37 CONSTITUTIONAL AMENDMENT

38 ARTICLE VI, SECTION 4

39 ARTICLE XII



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40 TERM LIMITS FOR STATE SENATORS AND STATE REPRESENTATIVES.—
41 This amendment revises term limits for state representatives and
42 state senators from 8 consecutive years to 12 total years in
43 either office. This amendment specifies that state legislators
44 are limited to 24

By Senator Ingoglia

11-00292B-25

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VI and the creation of a new section in Article XII of the State Constitution to revise the term limits applicable to state representatives and state senators and to provide an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 4 of Article VI and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 4. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.

(b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.

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(c) No person may appear on the ballot for re-election to any of the following offices:

(1) ~~Florida representative,~~

~~(2) Florida senator,~~

~~(3) Florida Lieutenant governor,~~

(2)(4) any office of the ~~Florida~~ cabinet,

(3)(5) U.S. Representative from Florida, or

(4)(6) U.S. Senator from Florida

if, by the end of the current term of office, the person will have served, ~~for~~, but for resignation, would have served, in that office for eight consecutive years.

(d) (1) No person may appear on the ballot for election or re-election to the office of state representative or state senator if, by the end of his or her current term of office, the person will have served, or, but for resignation, would have served, in that office for a total of eight consecutive years.

(2) Beginning November 3, 2026, no person may appear on the ballot for election or re-election to the office of state representative or state senator if, by the end of the current term of office, the person will have served, or, but for resignation, would have served, in state legislative office for a total of sixteen years, regardless of whether such service was consecutive or nonconsecutive.

(3) After November 3, 2026, a person may appear on the ballot for re-election to the office of state senator if service of a complete term of office was shortened by apportionment. Such person may still qualify for election or re-election for this subsequent term, even if the term exceeds the limits

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59 provided in paragraphs (1) or (2).

60 ARTICLE XII

61 SCHEDULE

62 Implementation of revised term limits for legislators.-

63 (a) This section and the amendment to Section 4 of Article
 64 VI imposing term limits of sixteen years of service on state
 65 representatives and state senators shall take effect upon
 66 approval by the electors.

67 (b) If a person would otherwise be prohibited from
 68 appearing on the ballot for election or re-election by paragraph
 69 (d) (2) of Section 4 of Article VI as a result of service in a
 70 legislative office before November 3, 2026, the person may
 71 nonetheless appear on the ballot for election or re-election to
 72 a state legislative office on or after November 3, 2026, and, if
 73 subsequently elected, the person may serve eight consecutive
 74 years in that office even if service of such term exceeds the
 75 nonconsecutive limits imposed by Section 4, Article VI. Such
 76 person may not serve in excess of twenty-four years regardless
 77 of whether such service was consecutive or nonconsecutive.

78 (c) If a person would otherwise be prohibited from
 79 appearing on the ballot for election or re-election by paragraph
 80 (d) (1) of Section 4 of Article VI, but the person's term of
 81 office was shortened as a result of apportionment, such person
 82 may subsequently appear on the ballot for election or re-
 83 election to a state legislative office for another term. Service
 84 of this additional term does not count toward the limits in
 85 paragraph (d) (2) of Section 4 of Article VI. Such person may not
 86 seek additional terms in such legislative office.

87 BE IT FURTHER RESOLVED that the following statement be

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88 placed on the ballot:

89 CONSTITUTIONAL AMENDMENT

90 ARTICLE VI, SECTION 4

91 ARTICLE XII

92 TERM LIMITS FOR STATE SENATORS AND STATE REPRESENTATIVES.-

93 The State Constitution provides that state representatives and
 94 state senators are limited to serving 8 consecutive years in
 95 either office. This amendment specifies that state
 96 representatives and state senators are limited to 16
 97 nonconsecutive years of total service. This revised limit would
 98 take effect after the November 3, 2026, general election, and
 99 provides that those seeking re-election during such election or
 100 election or re-election in subsequent elections may complete
 101 their terms, regardless of such limits.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SJR 802

INTRODUCER: Senator Ingoglia

SUBJECT: Term Limits for Members of Boards of County Commissioners and District School Boards

DATE: March 7, 2025

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|----------------|-----------|--------------------|
| 1. | <u>Biehl</u> | <u>Roberts</u> | <u>EE</u> | <u>Pre-meeting</u> |
| 2. | _____ | _____ | <u>CA</u> | _____ |
| 3. | _____ | _____ | <u>RC</u> | _____ |

I. Summary:

SJR 802 proposes an amendment to the Florida Constitution:

- Creating a new term limit of 8 consecutive years for county commissioners.
- Adding the term limit of 8 consecutive years for school board members that currently exists in statute.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors voting on the measure, the proposed amendment takes effect upon such approval.

II. Present Situation:

Term Limits in Florida’s Constitution

Florida’s Constitution establishes term limits for the following elected officials:

- Florida Governor;
- Florida representatives;
- Florida senators;
- Florida Lieutenant Governor;
- Florida Cabinet members;
- U.S. representatives from Florida; and
- U.S. senators from Florida.¹

¹ Article VI, s. 4(c), FLA. CONST. *See also* art. IV, s. 5(b), FLA. CONST.

Term limits imposed by states for federal elected officials were held to be unconstitutional, and thus unenforceable, by the U.S. Supreme Court in 1995.²

The Florida Constitution states that none of the specified officials, except for the office of Governor, which is governed by a slightly different provision, may appear on a ballot for reelection if, by the end of the current term of office, the person will have served or, but for resignation, would have served in that office for eight consecutive years.³ These term limits became effective in 1992 and were prospective, so that officials reelected to a consecutive term in 1992 could serve another consecutive eight years before reaching the term limit.⁴

The Florida Constitution does not address the number of terms a school board member or county commissioner may serve.

District School Board Member Terms of Office

The Florida Constitution provides that “[i]n each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.”⁵ This provision has been interpreted to allow school board member qualifications to be established by statute.⁶

In 2022, the Legislature established a term limit of 12 years for district school board members.⁷ The Legislature subsequently reduced the term limit to 8 years. This term limit applies to those individuals elected on or after November 8, 2022.⁸ The term limit is prospective, so that school board members reelected to a consecutive term in 2022 could serve additional consecutive years before being term limited.⁹

County Commissioner Terms of Office

The Florida Constitution provides that each board of county commissioners shall consist of five or seven members serving staggered terms of four years. After each decennial census, the board

² See *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995). See also *Ray v. Mortham*, 742 So. 2d 1276 (Fla. 1999) (holding that term limits imposed on elected state officials were severable from provisions imposing term limits on elected federal officials).

³ Article VI, s. 4(c), FLA. CONST.

⁴ See Art. VI, s. 4, FLA. CONST. (1992); Billy Buzzett and Steven J. Uhlfelder, *Constitution Revision Commission: A Retrospective and Prospective Sketch*, *The Florida Bar Journal* (April 1997), <https://www.floridabar.org/the-florida-bar-journal/constitution-revision-commission-a-retrospective-and-prospective-sketch> (last visited January 12, 2024).

⁵ Article IX, s. 4(a), FLA. CONST.

⁶ In *Askew v. Thomas*, 293 So.2d 40, 42 (Fla. 1974), the court interpreted section 4(a) of article IX and refused to invoke the constitutional principle that “statutes imposing additional qualifications for office are unconstitutional where the basic document of the constitution itself has already undertaken to set forth those requirements” because that section does not address school board member qualifications. Similarly, in *Telli v. Broward County*, 94 So. 3d 504 (Fla. 2012), the court receded from prior opinions which held that article VI, section 4(b), Florida Constitution, listing the state elected offices with mandatory term limits, prohibited the imposition of term limits on other officials. The court held that “[i]nterpreting Florida’s Constitution to find implied restrictions on powers otherwise authorized is unsound in principle” and that “express restrictions must be found not implied.” *Id.* at 513.

⁷ Chapter 2022-21, s. 1, L.O.F., codified at s. 1001.35, F.S.

⁸ Chapter 2023-37, s. 1, L.O.F.

⁹ *Id.*

of county commissioners divides the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner in each district must be elected as provided by law.¹⁰

The statutes implementing the constitutional provisions specify:

- County commissioners may be elected at-large in some counties and from single-member districts in other counties.¹¹
- For single-member districts, each commissioner from an odd-numbered district is elected at the general election in each year the number of which is a multiplier of four. Each commissioner from an even-numbered district is elected at the general election in each even-numbered year the number of which is not a multiple of four.¹²

Neither the Florida Constitution nor the Florida Statutes currently provide term limits for county commissioners. Currently, 20 Florida counties have adopted charters,¹³ some of which specify term limits for their county commissioners.¹⁴

County Authority Relating to Term Limits

A county with a charter has all powers of self-government not inconsistent with general law or special law approved by the county voters,¹⁵ and may therefore adopt term limits for its county commissioners in the absence of any general law to the contrary.¹⁶

Non-charter counties, however, do not have inherent authority to adopt term limits for county commissioners and may do so only if authorized or required by general law.¹⁷

Requirements for Proposed Constitutional Amendments

The Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house.¹⁸ Such amendment must be placed before the electorate at the next general election¹⁹ held more than 90 days after the proposal has been filed with the Secretary of State or at a special

¹⁰ Article VIII, s. 1(e), FLA. CONST.

¹¹ Section 124.011, F.S.

¹² Section 100.041(2)(a), F.S.

¹³ See Florida Association of Counties, *Charter County Information*, available at <https://www.fl-counties.com/about-floridas-counties/charter-county-information/> (last visited January 12, 2024).

¹⁴ The charter for the consolidated City of Jacksonville/Duval County, for example, limits the consecutive service of its county commissioners to three terms (charter available at https://www.fl-counties.com/themes/bootstrap_subtheme/sitefinity/documents/duval.pdf (last visited January 12, 2024)).

¹⁵ Article VIII, s. 1(g), FLA. CONST.

¹⁶ Article III, s. 11 (a)(1) of the Fla. Const. prohibits special laws pertaining to election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies. Laws creating term limits are considered laws pertaining to election of officers.

¹⁷ See Attorney General Opinion 2019-03, *Non-charter county may not term-limit commissioners*, April 1, 2019.

¹⁸ Article XI, s. 2, FLA. CONST.

¹⁹ Section 97.021(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

election held for that purpose.²⁰ Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.²¹

Proposed amendments or constitutional revisions must be published in a newspaper of general circulation in each county where a newspaper is published.²² The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Florida Constitution requires approval by 60 percent of electors voting on a measure for a constitutional amendment to take effect.²³ The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

III. Effect of Proposed Changes:

SJR 802 proposes an amendment to the Florida Constitution to create a new term limit of 8 consecutive years for county commissioners. Service in a term of office which commences on or before the general election at which the proposal will be on the ballot will not count toward the new term limit. The joint resolution specifies that existing statutory provisions governing decennial redistricting will still apply.

The joint resolution also proposes adding to the Florida Constitution the term limit of 8 consecutive years for school board members that currently exist in statute. It maintains the statutory specification that service in a term of office which commenced before November 8, 2022, does not count toward the term limit.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors voting on the measure, the proposed amendment takes effect upon such approval.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ Article XI, s. 5(a), FLA. CONST.

²¹ Section 101.161(1), F.S.

²² Article XI, s. 5(d), FLA. CONST.

²³ Article XI, s. 5(e), FLA. CONST.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,²⁴ typically paid from non-recurring General Revenue funds.²⁵ Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement.

²⁴ Pursuant to Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)

²⁵ See, e.g., Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following articles of the Florida Constitution: Article VIII and Article IX.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



468636

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete lines 57 - 126

and insert:

a member of the board for twelve years. Service in a term of office which commences on or before November 3, 2026, does not count toward the limitation imposed by this subsection.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county



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11 commissioners of a county not operating under a charter may
12 enact, in a manner prescribed by general law, county ordinances
13 not inconsistent with general or special law, but an ordinance
14 in conflict with a municipal ordinance shall not be effective
15 within the municipality to the extent of such conflict.

16 (g) CHARTER GOVERNMENT. Counties operating under county
17 charters shall have all powers of local self-government not
18 inconsistent with general law, or with special law approved by
19 vote of the electors. The governing body of a county operating
20 under a charter may enact county ordinances not inconsistent
21 with general law. The charter shall provide which shall prevail
22 in the event of conflict between county and municipal
23 ordinances.

24 (h) TAXES; LIMITATION. Property situate within
25 municipalities shall not be subject to taxation for services
26 rendered by the county exclusively for the benefit of the
27 property or residents in unincorporated areas.

28 (i) COUNTY ORDINANCES. Each county ordinance shall be
29 filed with the custodian of state records and shall become
30 effective at such time thereafter as is provided by general law.

31 (j) VIOLATION OF ORDINANCES. Persons violating county
32 ordinances shall be prosecuted and punished as provided by law.

33 (k) COUNTY SEAT. In every county there shall be a county
34 seat at which shall be located the principal offices and
35 permanent records of all county officers. The county seat may
36 not be moved except as provided by general law. Branch offices
37 for the conduct of county business may be established elsewhere
38 in the county by resolution of the governing body of the county
39 in the manner prescribed by law. No instrument shall be deemed



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40 recorded until filed at the county seat, or a branch office
41 designated by the governing body of the county for the recording
42 of instruments, according to law.

43 ARTICLE IX

44 EDUCATION

45 SECTION 4. School districts; school boards.-

46 (a) Each county shall constitute a school district;
47 provided, two or more contiguous counties, upon vote of the
48 electors of each county pursuant to law, may be combined into
49 one school district. In each school district there shall be a
50 school board composed of five or more members chosen by vote of
51 the electors in a nonpartisan election for appropriately
52 staggered terms of four years, as provided by law. A person may
53 not appear on the ballot for re-election to the office of school
54 board member, if by the end of the current term of office, that
55 person will have served, or, but for resignation, would have
56 served, as a member of the school board for twelve years.
57 Service of a term of office which commenced before November 8,
58 2022, does not count toward the limitation imposed by this
59 subsection.

60 (b) The school board shall operate, control and supervise
61 all free public schools within the school district and determine
62 the rate of school district taxes within the limits prescribed
63 herein. Two or more school districts may operate and finance
64 joint educational programs.

65 BE IT FURTHER RESOLVED that the following statement be
66 placed on the ballot:

67 CONSTITUTIONAL AMENDMENT

68 ARTICLE VIII, SECTION 1



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ARTICLE IX, SECTION 4

TERM LIMITS FOR MEMBERS OF COUNTY COMMISSIONS AND DISTRICT
SCHOOL BOARDS.—This amendment to the State Constitution provides
that a person is limited to serving twelve years as a member of
a county commission and applies to terms of office that commence
after November 3, 2026. This amendment also provides that a
person is limited to serving twelve years as a member of a

By Senator Ingoglia

11-01272B-25

2025802__

Senate Joint Resolution

A joint resolution proposing amendments to Section 1 of Article VIII and Section 4 of Article IX of the State Constitution to provide term limits for members of boards of county commissioners and district school boards.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Section 1 of Article VIII and Section 4 of Article IX of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 1. Counties.—

(a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the

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electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court. Unless otherwise provided by special law approved by vote of the electors or pursuant to Article V, section 16, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds. Notwithstanding subsection 6(e) of this article, a county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of the county.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law. Except as provided in general law relating to single-member districts after decennial redistricting, a person may not appear on the ballot for re-election as a member of a board of county commissioners if, by the end of his or her current term of office, such person will have served, or, but for resignation, would have served, as a member of the board for eight years. Service in a term of office which commences on or before November 3, 2026, does not

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59 count toward the limitation imposed by this subsection.

60 (f) NON-CHARTER GOVERNMENT. Counties not operating under
61 county charters shall have such power of self-government as is
62 provided by general or special law. The board of county
63 commissioners of a county not operating under a charter may
64 enact, in a manner prescribed by general law, county ordinances
65 not inconsistent with general or special law, but an ordinance
66 in conflict with a municipal ordinance shall not be effective
67 within the municipality to the extent of such conflict.

68 (g) CHARTER GOVERNMENT. Counties operating under county
69 charters shall have all powers of local self-government not
70 inconsistent with general law, or with special law approved by
71 vote of the electors. The governing body of a county operating
72 under a charter may enact county ordinances not inconsistent
73 with general law. The charter shall provide which shall prevail
74 in the event of conflict between county and municipal
75 ordinances.

76 (h) TAXES; LIMITATION. Property situate within
77 municipalities shall not be subject to taxation for services
78 rendered by the county exclusively for the benefit of the
79 property or residents in unincorporated areas.

80 (i) COUNTY ORDINANCES. Each county ordinance shall be
81 filed with the custodian of state records and shall become
82 effective at such time thereafter as is provided by general law.

83 (j) VIOLATION OF ORDINANCES. Persons violating county
84 ordinances shall be prosecuted and punished as provided by law.

85 (k) COUNTY SEAT. In every county there shall be a county
86 seat at which shall be located the principal offices and
87 permanent records of all county officers. The county seat may

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88 not be moved except as provided by general law. Branch offices
89 for the conduct of county business may be established elsewhere
90 in the county by resolution of the governing body of the county
91 in the manner prescribed by law. No instrument shall be deemed
92 recorded until filed at the county seat, or a branch office
93 designated by the governing body of the county for the recording
94 of instruments, according to law.

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.-

97 (a) Each county shall constitute a school district;
98 provided, two or more contiguous counties, upon vote of the
99 electors of each county pursuant to law, may be combined into
100 one school district. In each school district there shall be a
101 school board composed of five or more members chosen by vote of
102 the electors in a nonpartisan election for appropriately
103 staggered terms of four years, as provided by law. A person may
104 not appear on the ballot for re-election to the office of school
105 board member, if by the end of the current term of office, that
106 person will have served, or, but for resignation, would have
107 served, as a member of the school board for eight years. Service
108 of a term of office which commenced before November 8, 2022,
109 does not count toward the limitation imposed by this subsection.

110 (b) The school board shall operate, control and supervise
111 all free public schools within the school district and determine
112 the rate of school district taxes within the limits prescribed
113 herein. Two or more school districts may operate and finance
114 joint educational programs.

115 BE IT FURTHER RESOLVED that the following statement be
116

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117 placed on the ballot:

118 CONSTITUTIONAL AMENDMENT

119 ARTICLE VIII, SECTION 1

120 ARTICLE IX, SECTION 4

121 TERM LIMITS FOR MEMBERS OF COUNTY COMMISSIONS AND DISTRICT
122 SCHOOL BOARDS.—This amendment to the State Constitution provides
123 that a person is limited to serving eight years as a member of a
124 county commission and applies to terms of office that commence
125 after November 3, 2026. This amendment also provides that a
126 person is limited to serving eight years as a member of a
127 district school board and applies to terms that began after
128 November 8, 2022, as provided by general law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SPB 7016

INTRODUCER: For consideration by the Ethics and Elections Committee

SUBJECT: Initiative Petitions Proposing an Amendment to the State Constitution

DATE: March 7, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------------|----------------|-----------|--------------------|
| 1. <u>Biehl</u> | <u>Roberts</u> | | Pre-meeting |

I. Summary:

SPB 7016 makes the following changes to provisions governing initiative petitions proposing an amendment to the Florida Constitution:

- Limits the number of cycles a petition sponsor can remain active without achieving the signature threshold for Supreme Court review to three general elections and limits sponsorship of initiative petitions to one per political committee.
- Requires additional personal identifying information for voters signing petition forms and for applicants for petition circulators.
- Prohibits certain felons and noncitizens from acting as petition circulators and increases fines for late submission or nonsubmission of petition forms.
- Requires a person who collects more petition forms than his or her own, those of his or her immediate family members, plus two more to register as a petition circulator.
- Requires training for petition circulators.
- Requires supervisors of elections to notify voters whose signatures are verified and provide an opportunity for such persons to report that their signatures were forged or misrepresented.
- Revises petition form retention and reporting requirements.
- Clarifies processes for certification of and challenge of constitutional amendments.
- Provides for inclusion of the financial impact statement on the petition form and adds the financial impact statement to the issues subject to automatic Supreme Court review.
- Provides additional civil and criminal penalties for violations of laws governing citizens' initiatives.

The bill also prescribes timelines for implementation. Except as otherwise specified, the bill takes effect upon becoming a law.

II. Present Situation:

Political Committees

Florida law defines “political committee” to mean:

- A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:
 - Accepts contributions for the purpose of making contributions to any candidate,¹ political committee, affiliated party committee, or political party;
 - Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;
 - Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or
 - Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party.
 - The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.²

Each political committee must:

- File a statement of organization within 10 days after its organization.³
- Through a designated campaign treasurer, file regular reports of all contributions received, and all expenditures made, by or on behalf of the political committee.⁴

Proposed Constitutional Amendments, Generally

Amendments to the Florida Constitution can be proposed by five distinct methods: 1) joint legislative resolution, 2) the Constitutional Revision Commission, 3) citizens’ initiative, 4) a constitutional convention, or 5) the Taxation and Budget Reform Commission.⁵ Depending on

¹ Section 106.011(3), F.S., defines “candidate” to mean a person to whom any of the following applies: 1) a person who seeks to qualify for nomination or election by means of the petitioning process; 2) a person who seeks to qualify for election as a write-in candidate; 3) a person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office; 4) a person who appoints a treasurer and designates a primary depository; or 5) a person who files qualification papers and subscribes to a candidate’s oath as required by law. The definition excludes any candidate for a political party executive committee.

² Section 106.011(16)(a), F.S. The following entities are not considered political committees: 1) national political parties, the state and county executive committees of political parties, and affiliated party committees; 2) corporations or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, affiliated party committees, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; or 3) electioneering communications organizations (s. 106.011(16)(b), F.S.).

³ Section 106.03(1)(a), F.S. A political committee which is organized to support or oppose statewide, legislative, or multicounty candidates or issues to be voted upon on a statewide or multicounty basis must file its statement of organization with the Department of State’s Division of Elections (s. 106.03(3)(a), F.S.).

⁴ Section 106.07(1), F.S. Generally, such reports must include a list of specified information, including, but not limited to, the full name, address, and occupation, if any, of each person who made one or more contributions to or for such committee within the reporting period, together with the amount and date of such contributions (s. 106.07(4)(a), F.S.).

⁵ See FLA. CONST. art XI, ss. 1-4 and 6.

the method, all proposed amendments or revisions to the Florida Constitution must be submitted to the electors at the next general election held more than 90 days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, or for citizen initiatives, if all the required signatures were submitted prior to February 1 of the year in which the general election will be held.⁶

The Florida Constitution mandates that all proposed amendments or revisions⁷ be adopted by at least a 60 percent affirmative vote of those electors voting on the measure.

Citizens' Initiatives

The Florida Constitution provides citizens with the right to propose constitutional amendments through an initiative petition process.⁸ The process includes the following signature requirements:

- The total number of signatures must be equal to at least eight percent of the number of voters in the last presidential election.
- The signatures must come from voters in at least one-half of the congressional districts of the state.⁹

The steps in the citizens' initiative petition process are as follows:

- The individual or group wishing to propose an amendment must register as a political committee with the Department of State's Division of Elections (Division).¹⁰
- The sponsoring political committee must submit its initiative petition form to the Division for approval of its format.¹¹
- After the Division approves the format of a petition form, the Division assigns a serial number to the initiative petition.¹²
- After assignment of a serial number, the sponsoring political committee may begin circulating petitions for signature by registered Florida voters.¹³

⁶ See FLA. CONST. art XI, s. 5.

⁷ When the Florida Constitution uses the word 'amendment' it is in reference to a section of the constitution, while the word 'revision' relates to one or more articles or the whole constitution. See FLA. CONST. art. XI, s. 1.

⁸ FLA. CONST. art. XI, s. 3.

⁹ FLA. CONST. art. XI, s. 3.

¹⁰ Section 100.371(2), F.S. There is currently no limit on the number of initiatives each political committee may sponsor or on the number of cycles a political committee sponsoring an initiative may stay active without reaching the signature threshold required for Florida Supreme Court review.

¹¹ Rule 1S-2.009 (Constitutional Amendment by Initiative Petition), F.A.C. The form must include the amendment title and summary; sponsor information; the voter's name, address, voter registration number, and date of birth; the voter's signature and the date signed; the petition circulator's information, if applicable; and notice that the form becomes public record once filed, that it is a first-degree misdemeanor to knowingly sign the same petition more than once, and that an improperly completed form will not be validated. In addition, petition forms collected by paid petition circulators must contain an affirmation by the circulator that the petition was signed in the circulator's presence (s. 100.371(5)(b), F.S.).

¹² *Id.*

¹³ See *id.* and s. 100.371(2), F.S.

- Each signed initiative petition form must be submitted by the sponsoring political committee to the supervisor of elections' office in the county of residence of the signee for signature verification.¹⁴
- When the sponsoring political committee has obtained specified thresholds for verified signatures,¹⁵ the Secretary of State (Secretary) sends the petition to the Attorney General,¹⁶ who must within 30 days of receipt petition the Florida Supreme Court (Court) for an advisory opinion as to whether the text of the proposed amendment complies with state constitutional requirements¹⁷, whether the proposed amendment is facially invalid under the United States Constitution, and whether the proposed ballot title and substance comply with statutory requirements^{18,19}. The Secretary concurrently sends a copy of the petition to the Financial Impact Estimating Conference, which completes and submits to the Secretary and Attorney General a financial impact statement for the proposed amendment.²⁰
- By February 1 of the year of the general election, the Secretary determines whether the required number and distribution of signatures has been met.²¹ If so, the Secretary issues a certificate of ballot position to the sponsoring political committee.²² No later than the next day, the Division director assigns the designated number for the proposed amendment.²³

Additional details about the current citizens' initiative process are provided under the subheadings below.

Petition Circulators

A person may not collect signatures or initiative petitions for compensation without first registering as a petition circulator with the Department of State (DOS).²⁴ Compensating a petition circulator based on the number of petition forms gathered is a third-degree felony.²⁵

¹⁴ Section 100.371(11)(a), F.S. Each signature must be verified by the relevant supervisor of elections.

¹⁵ The verified signatures on petitions must be equal to at least 25% of the number of signatures required statewide and in at least one-half of Florida's congressional districts.

¹⁶ Section 15.21, F.S.

¹⁷ FLA. CONST. art. XI, s. 3, in part limits citizens' initiatives (except those limiting the power of government to raise revenue) to a single subject.

¹⁸ Section 101.161, F.S., provides format and content requirements for ballot titles and summaries. The ballot summary must be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. The ballot title must consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. However, those requirements do not apply to amendments or revisions proposed by joint resolution of the Legislature. All proposals are subject to requirements pertaining to a financial impact statement that must be included in the ballot summary.

¹⁹ Section 16.061(1), F.S.

²⁰ Section 100.371(13), F.S.

²¹ Section 100.371(1), F.S.

²² Section 100.371(12), F.S.

²³ Rule 1S-2.0011 (Constitutional Amendment Ballot Position), F.A.C.

²⁴ Section 100.371(3)(a), F.S. There are currently no restrictions on who may register as a petition circulator. Applicants for petition circulator must provide name; permanent address; temporary address, if applicable; and date of birth.

²⁵ Section 104.86, F.S.

Signature Verification

Each signed initiative petition form must be submitted within 30 days²⁶ by the sponsoring political committee to the supervisor of elections' office in the county of residence of the signee for signature verification.²⁷ If a petition form collected by any petition circulator is not promptly delivered to the supervisor, the sponsor is liable for the following fines:

- \$50 for each petition received by the supervisor more than 30 days after the elector signed the petition form, or \$250 per petition form if the sponsor or petition circulator acted willfully.
- \$500 for each petition form collected but not submitted, or \$1,000 per petition form if the sponsor or petition circulator acted willfully.²⁸

Each supervisor must verify signatures within 60 days after receipt of the petition forms and payment by the sponsor of the actual cost²⁹ of signature verification, unless the petition forms are submitted less than 60 days before February 1 of an even-numbered year, in which case the supervisor must verify the signatures within 30 days after receipt and payment.³⁰

There is currently no requirement that a voter be notified if his or her signature is verified as having signed a petition.

Record Retention and Reporting

A supervisor must retain all signature forms for at least one year following the election for which the petition was circulated.³¹

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, for each initiative:

- The total number of signatures submitted, invalid signatures, and signatures processed, and the aggregate number of verified valid signatures and the distribution of such signatures by congressional district.
- Specific to the reporting period, the total number of signed petition forms received and verified, the distribution of verified valid signatures by congressional district, and the total number of verified petition forms forwarded to the Secretary.³²

²⁶ An initiative petition sponsor is liable for a fine of \$50 for each day late, per petition, and for a \$2,500 fine if willful. There is no penalty for delivery completed petition forms after the deadline.

²⁷ Section 100.371(11)(a), F.S. Each signature must be verified by the relevant supervisor of elections. The sponsoring political committee must pay the actual cost of verification to the supervisor of elections.

²⁸ Section 100.371(7)(a), F.S.

²⁹ 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 (s. 100.371(11)(b), F.S.).

³⁰ Section 100.371(11)(a), F.S.

³¹ *Id.*

³² Section 100.371(11)(c), F.S.

Financial Impact Estimating Conference and Financial Impact Statement

The Financial Impact Estimating Conference (FIEC) is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. It consists of four principals:

- One person from the Executive Office of the Governor;
- The coordinator of the Office of Economic and Demographic, or his or her designee;
- One person from the professional staff of the Senate; and
- One person from the professional staff of the House of Representatives.³³

A FIEC may be appointed for each initiative. The President of the Senate and the Speaker of the House of Representatives, jointly, are the sole judge for the interpretation, implementation, and enforcement of the FIEC process.³⁴

After the Secretary submits to the FIEC an initiative petition that has received the required number of verified signatures, the FIEC has 75 days to complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments and the overall impact to the state budget resulting from the proposed initiative.³⁵ If the FIEC fails to reach consensus, the impact is listed as indeterminate.³⁶

The financial impact statement does not currently get added to the petition form that is signed by voters.

Fraud in Citizens' Initiatives

In October 2024, the Office of Election Crimes and Security³⁷ (Office) issued a report on investigations concerning initiative petition fraud.³⁸ Investigated allegations included reports of petition circulators signing petition forms on behalf of deceased individuals, forging or misrepresenting elector signatures on petition forms, using electors' personal identifying information without consent, and perjury/false swearing. The Office reported nearly all of the investigations had been referred to law enforcement for further investigation and prosecution.³⁹

³³ Section 100.371(13)(c), F.S.

³⁴ *Id.*

³⁵ Section 100.371(13)(a), F.S.

³⁶ Section 100.371(13)(d)3., F.S.

³⁷ The Office of Election Crimes and Security is created within the DOS to aid the Secretary in completion of his or her duties by conducting preliminary investigations into allegations of election law violations, both by initiating independent inquiries and by receiving complaints (s. 97.022, F.S.).

³⁸ Florida Department of State Office of Election Crimes and Security, *Interim Report to Legislature on Initiative Petition Fraud Related to the Abortion Initiative (23-07)*, October 11, 2024 (on file with the Senate Committee on Ethics and Elections).

³⁹ *Id.*

Certification and Challenge of Election Results

The state Elections Canvassing Commission certifies the returns of the election for each federal, state, and multicounty office.⁴⁰ Each county canvassing board must provide unofficial returns to the Department of State for each federal, statewide, or multicounty office or ballot measure.⁴¹

The certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer. The grounds for contesting an election are:

- Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.
- Ineligibility of the successful candidate for the nomination or office in dispute.
- Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.
- Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.⁴²

III. Effect of Proposed Changes:

SPB 7016 contains whereas clauses related to fraud in signature gathering for citizens' initiatives and provides related legislative findings and legislative intent. The bill accordingly makes significant changes to provisions governing citizens' initiatives, as follows.

Sponsors of Initiative Petitions (section 6)

The bill limits sponsorship of initiative petitions to one initiative per political committee.

The bill also limits the number of cycles a sponsor can remain active without achieving the signature threshold for Court review to three general elections. Proposed amendments filed before February 1, 2022, must be refiled after February 2, 2026, to remain active. A proposed amendment that expires under this provision may be refiled as a new initiative.

Petition Forms (section 6)

The bill adds to the petition form that is signed by voters a requirement that a voter provide his or her Florida driver license or identification card number, or the last four digits of his or her social security number.

It also:

- Expands the petition circulator affidavit to specify that that the petition was *completed and signed by the voter* in the circulator's presence.

⁴⁰ Section 102.111(2), F.S.

⁴¹ Section 102.141(7)(c), F.S.

⁴² Section 102.168, F.S.

- Requires the financial impact statement provided by the FIEC to be added to the petition form once complete.

Petition Circulators (sections 4 and 6)

The bill limits the number of signed petition forms a person may collect before he or she must register as a petition circulator. Specifically, a person may not distribute, collect, deliver, or otherwise physically collect more than two signed petition forms in addition to his or her own petition form or a signed petition form belonging to an immediate family member. This change expands the definition of petition circulators to include both paid and unpaid persons.

The bill prohibits the following persons from registering as petition circulators:

- A person who has been convicted of a felony violation and has not had his or her right to vote restored.
- A person who is not a U.S. citizen.

The bill also:

- Authorizes the Division to revoke a petition circulator's registration if the circulator violates statutory requirements.
- Adds to the petition circulator application a requirement that the applicant provide a copy of his or her driver license or identification card and the last four digits of his or her social security number.
- Creates a training requirement for petition circulators.

Signature Verification (section 6)

The bill reduces the number of days a sponsor has to submit signed petition forms to the appropriate supervisor of elections to 10 from 30.

Regarding payment for verification, the bill:

- Clarifies that signatures may not be verified until payment has been received and processed by the supervisor.
- Allows supervisors to include operational and personnel costs in the verification fee, along with other costs associated with signature verification.
- Allows supervisors to update costs 90 days after the bill becomes law, and annually on March 1 thereafter.
- Allows supervisors to post two costs, one for petition forms received more than 60 days before February 1 of an even-numbered year, and one for petition forms received less than 60 days before that date.

Regarding notification to voters, the bill:

- Requires each supervisor to, upon verifying a signature, mail a notice of such to the voter, pursuant to a prescribed process.
- Allows a voter who believes his or her signature was misrepresented or forged to notify the supervisor and have that petition invalidated.

The bill also, for any reporting period in which the percentage of invalid signatures exceeds 25 percent, requires the supervisor to notify the Office of Election Crimes and Security, and requires the Office to investigate for potential fraud.

Record Retention and Reporting (section 6)

The bill:

- Requires supervisors of elections to transmit petition forms to the Division at specified intervals.
- Expands the existing reporting requirement for supervisors regarding verification of signatures to also require reporting of the total number of signatures reported as fraudulent or misrepresented and therefore revoked.

Penalties (sections 6, 12, 13, 15, and 18)

The bill revises fines regarding late- or not-submitted signed petition forms to the supervisor of elections to:

- Increase fines for late-submitted petition forms to \$50 *per each day late*, and to \$2,500 for each petition form if the sponsor or petition circulator acted willfully.
- Increase fines for non-submitted petition forms to \$5,000 if the sponsor or petition circulator acted willfully.
- Create a new fine for submission of a signed petition form after the deadline, specifically \$100 per each day late, up to a maximum of \$5,000, for each petition form, or \$5,000 for each petition form if the sponsor or petition circulator acted willfully.

The bill creates a substantive prohibition against basing any kind of compensation for petition circulators on the number of petition forms gathered. A person who violates the prohibition will be subject to an existing third-degree felony.

The bill expands:

- The existing third-degree felony for signing another person's name or a fictitious name to a petition form to also prohibit filling in missing information on a form.
- The existing racketeering provision to include a violation relating to petition circulators and sponsors of initiative petitions.

The bill creates the following new prohibitions and penalties:

- A third-degree felony for a person collecting forms on behalf of a sponsor to copy or retain a voter's personal identifying information for any reason other than to provide such information to the sponsor.
- If a person collecting petition forms on behalf of a sponsor is convicted of signing another person's name or a fictitious name or of filling in missing information, the sponsor is liable for a \$5,000 fine for each such petition.
- Prohibit a sponsor, or a person collecting forms on behalf of a sponsor, from mailing or otherwise providing a petition form with a voter's information prefilled, and specify a fine of \$50 for each such petition.

- A third-degree felony for a person who violates the new limit on collecting signed petition forms.

FIEC and Financial Impact Statement (section 3)

The bill adds compliance of the financial impact statement with statutory requirements to the subjects the Court must review regarding the initiative petition.⁴³ It also requires the financial impact statement to be added to the petition form once completed.

The bill clarifies that:

- The FIEC may be convened only by the President of the Senate and the Speaker of the House of Representatives, jointly.
- The FIEC principals are professional staff of the Governor and Legislature and not outside entities.

Certification and Challenge of Election Results (sections 6, 9, 10, and 11)

The bill:

- Directs the Secretary to rescind a petition initiative's certificate of ballot position if an advisory opinion issued by the Court pursuant to the automatic initiative review process deems the initiative petition invalid.
- Adds constitutional amendments to the types of elections the state Elections Canvassing Commission must certify.
- Adds to the existing contest of elections statute the ability to challenge a constitutional amendment under specified circumstances.

Implementation/Effective Dates (sections 7, 19, 20, 21, and 22)

The bill "grandfathers" in initiative petitions filed with the Secretary prior to the bill's effective date, so no verified petitions are impacted. Thirty days after the bill becomes law, petition forms for existing initiatives must be updated to include the newly required fields.

Supervisors must pause verification of signatures for 90 days after the bill becomes law to allow for implementation of new provisions. They must continue to accept signed petitions during that time.

Petition circulators must re-register 30 days after the bill becomes law to ensure they comply with new requirements.

The financial impact statement must be included on petitions filed after the bill becomes law.

Except as otherwise provided, the bill takes effect upon becoming a law.

⁴³ The Court has previously declined jurisdiction to review the fiscal impact statement as part of the automatic initiative review process because it was not part of the petition (*see Floridians Protecting Freedom, Inc., et al., v. Passidomo*, 392 So.3d 777 (Fla. 2024)).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The United States Supreme Court has issued numerous opinions defining First Amendment freedom of speech limits on election laws, including some specifically related to ballot-initiative petitions.

The Court has concluded that the circulation of such petitions represents core political speech and merits the highest level of protection.⁴⁴ However, the Court also has recognized that regulation of elections is necessary to ensure fairness and order.⁴⁵ 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.⁴⁶ So, restrictions on an initiative process will be upheld against a First Amendment challenge if such restrictions “protect the integrity and reliability of the initiative process” and do not “unjustifiably inhibit the circulation of ballot-initiative petitions.”⁴⁷

In First Amendment challenges to laws governing initiative petitions, the Court has analyzed whether the restrictions in question significantly inhibit communication with voters about proposed political change and, if so, whether they are warranted by the state interests alleged to justify those restrictions.⁴⁸ A key factor considered by the Court in this context is whether the effect of the law will limit the number of persons who carry the initiative proponents’ message, and, consequently, reduce the size of the audience initiative proponents can reach.⁴⁹ In striking down a ban on paid petition circulators, the Court held that the challenged restriction reduced the chances that initiative proponents

⁴⁴ *Meyer v. Grant*, 486 U.S. 414 (1988).

⁴⁵ *Storer v. Brown*, 415 U.S. 724 (1974); see *Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997); *Anderson v. Celebrezze*, 460 U.S. 780 (1983).

⁴⁶ *Biddulph v. Mortham*, 89 F.3d 1491 (11th Cir. 1996).

⁴⁷ *Buckley v. American Constitutional Law Found., Inc.*, 525 U.S. 182 (1999).

⁴⁸ *Meyer*, 486 U.S. 414; *Buckley*, 525 U.S. 182 at 192.

⁴⁹ *Meyer*, 486 U.S. 414 at 422-423.

would gather signatures sufficient in number to qualify for the ballot, and thus limited proponents' ability to make the matter the focus of statewide discussion; the restriction imposed a burden on political expression that the state failed to justify.⁵⁰

Additional examples of initiative petition restrictions struck down by the Court include:

- A requirement that petition circulators be registered voters.⁵¹
- A requirement that petition circulators wear a name badge.⁵²
- A requirement that initiative sponsors disclose specified information about all petition circulators.⁵³
- A \$250 limit on contributions to committees formed to support or oppose ballot measure referenda.⁵⁴

Examples of initiative petition restrictions upheld by the courts include:

- A minimum age requirement for petition circulators.⁵⁵
- A six-month limit on the time period in which petitions can be circulated.⁵⁶
- A requirement that a circulator attach to each petition section an affidavit containing the circulator's identifying information and a statement that he or she has read and understands the laws governing the circulation of petitions.⁵⁷
- Single subject and unambiguous title requirements.⁵⁸
- A requirement that the names of contributors and the amounts contributed be disclosed.⁵⁹
- A prohibition against persons convicted of certain felonies related to elections or fraud from collecting completed voter registration applications on behalf of a third-party voter registration organization.⁶⁰

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵⁰ *Meyer*, 486 U.S. 414 at 423-425.

⁵¹ *Buckley*, 525 U.S. 182 at 197.

⁵² *Buckley*, 525 U.S. 182 at 200.

⁵³ *Buckley*, 525 U.S. 182 at 204.

⁵⁴ *Citizens Against Rent Control/Coalition for Fair Housing v. City of Berkeley, California*, 102 U.S. 434 (1981). In this case, the Court determined that the restraint imposed by the ordinance on rights of association and in turn on individual and collective rights of expression contravened both the right of association and the speech guarantees of the First Amendment.

⁵⁵ *American Constitutional Law Found., Inc., v. Meyer*, 120 F.3d 1092 (10th Cir. 1997).

⁵⁶ *Id.* at 1099.

⁵⁷ *American Constitutional Law Found., Inc.*, 120 F.3d 1092 at 1100.

⁵⁸ *Biddulph*, 89 F.3d 1491.

⁵⁹ *American Constitutional Law Found., Inc.*, 120 F.3d 1092 at 1104-1105. Specifically, the court held that disclosure of the names of initiative sponsors, and of the amounts they had spent gathering support for their initiatives, responded to a substantial state interest in maintaining a check on domination of the initiative process by affluent special interest groups.

⁶⁰ *Hispanic Federation, et al., v. Cord Byrd*, 719 F.Supp.3d 1236, United States District Court, N.D. Florida, March 2024.

The same order ruled against a prohibition against noncitizens from collecting completed voter registration applications. The issue is on appeal in the 11th Circuit.

B. Private Sector Impact:

Sponsors of initiative amendments may incur indeterminate costs related to the new limits on sponsors and increased fines.

C. Government Sector Impact:

The supervisors of elections will incur costs associated with implementation of the new voter notification requirement. Annual cost estimates provided by supervisors range from \$9,927 for a small county to \$301,445 for a large county.⁶¹

The authorization for supervisors to adjust costs for signature verification annually and to post two costs is likely to have a positive impact on supervisor budgets.

The DOS may incur costs related to implementation of the bill's provisions. Any such costs are likely to be managed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 15.21, 16.061, 97.021, 99.097, 100.371, 101.161, 102.111, 102.121, 102.168, 104.185, 104.186, 104.187, 106.19, 212.055, and 895.02.

This bill creates the following section of the Florida Statutes: 104.188.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁶¹Email from Florida Supervisors of Elections, March 6, 2025 (on file with the Senate Committee on Ethics and Elections).

FOR CONSIDERATION By the Committee on Ethics and Elections

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

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

- 478 1. The full name of the voter.
- 479 2. The voter's address and county of legal residence.
- 480 3. The voter's Florida voter registration number or date of
 481 birth.
- 482 4. The voter's Florida driver license number or the voter's
 483 Florida identification card number issued pursuant to s.
 484 322.051, or the last four digits of the voter's social security
 485 number.
- 486 5. An attestation that the voter is a registered Florida
 487 voter and is petitioning the Secretary of State to place the
 488 proposed amendment on the ballot.

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

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

- 492 1. The Petition Circulator's Affidavit with the
 493 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 1.4. 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 2.4. 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 3.4. 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 4.4. 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 5.4. 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;
740 b. Address and, ~~city,~~ county of residence; ~~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 ~~The supervisor shall retain all signature forms, separating~~
753 ~~forms verified as valid from those deemed invalid, for at least~~
754

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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.

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:

1102

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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.