

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Joseph offered the following:

Amendment

Remove lines 282-513 and insert:

number. Information in this subparagraph is exempt from s. 119.01.

5. An attestation that the voter is a registered voter in this state and is petitioning to place the proposed amendment on the ballot.

6. The voter's signature and the date on which the voter signed the form.

(c) The petition form for a petition circulator must also include all of the following:

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14 1. A barcode and serial number associated with the
15 initiative petition.

16 2. The Petition Circulator's Affidavit with the
17 circulator's name, permanent address, and petition circulator
18 number.

19 (5)-(3) (a) A person may not collect or handle signatures or
20 initiative petitions for compensation, or as a volunteer, unless
21 the person is a resident of this state. A person may not collect
22 initiative petitions for compensation unless the person is
23 registered as a petition circulator with the Secretary of State.

24 (b) A citizen may challenge a petition circulator's
25 registration under this section by filing a petition in circuit
26 court. If the court finds that the respondent is not a
27 registered petition circulator, the court may enjoin the
28 respondent from collecting signatures or initiative petitions
29 for compensation until she or he is lawfully registered.

30 (c)-(4) In order for a person to be registered as a
31 petition circulator, the person must submit an application for
32 registration and a criminal background check to the division and
33 complete the required petition circulator training. If the
34 division determines that the criminal background check indicates
35 a felony conviction, the division must determine whether the
36 applicant has had his or her right to vote restored. If the
37 applicant has not had his or her right to vote restored, he or

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38 she may not be registered as a petition circulator and must be
39 notified of the reason for the denial.

40 (d) Each applicant must complete training concerning the
41 requirements for petition circulators. The training must be
42 developed by the division and must be in an electronic format
43 available via the Internet. The training must, at a minimum,
44 include all of the following:

45 1. An overview of the petition gathering process.

46 2. An overview of the petition circulator registration
47 requirements.

48 3. An explanation that the sponsor of an initiative
49 amendment serves as a fiduciary to each voter who signs a
50 petition.

51 4. An explanation that the Florida Election Code prohibits
52 the collection of petition forms on a per-signature basis.

53 5. The specific criminal penalties to which a petition
54 circulator may be subject for violating the Florida Election
55 Code.

56 (e) An application for registration must be submitted in
57 the format required by the Secretary of State and must include
58 the following:

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

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62 2.(b) The applicant's name, permanent address, temporary
63 address, if applicable, and date of birth.

64 3. The applicant's current and valid Florida driver
65 license number or current and valid Florida identification card
66 number and the last four digits of the applicant's social
67 security number.

68 ~~(c) An address in this state at which the applicant will~~
69 ~~accept service of process related to disputes concerning the~~
70 ~~petition process, if the applicant is not a resident of this~~
71 ~~state.~~

72 ~~(d) A statement that the applicant consents to the~~
73 ~~jurisdiction of the courts of this state in resolving disputes~~
74 ~~concerning the petition process.~~

75 4.(e) Any information required by the Secretary of State
76 to verify the applicant's identity or address.

77 5. An attestation that the applicant has not been
78 convicted of a felony violation or, if so, has had his or her
79 right to vote restored.

80 6. An attestation that the applicant is a citizen of the
81 United States and a resident of this state.

82 (f) The division may revoke a petition circulator's
83 registration if the petition circulator violates this section.

84 (6) A sponsor of an initiative amendment may not
85 compensate a petition circulator based on the number of petition
86 forms gathered or the time within which a number of petition

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87 forms is gathered. This prohibition includes, but is not limited
88 to, paying a specified amount per petition form gathered, basing
89 an hourly rate on the number of petition forms gathered over a
90 specified period of time, or providing any other benefit or form
91 of compensation based on the number of petition forms gathered.

92 ~~(7)-(5)~~ All petitions collected by a petition circulator
93 must contain, in a format required by the Secretary of State, a
94 completed Petition Circulator's Affidavit which includes:

95 (a) The circulator's name and ~~permanent~~ address of legal
96 residence.

97 (b) The following statement, which must be signed by the
98 circulator:

99 By my signature below, as petition circulator, I verify that the
100 petition was signed in my presence and that I was not paid to
101 circulate or collect this petition on a per-signature basis.

102 Under penalties of perjury, I declare that I have read the
103 foregoing Petition Circulator's Affidavit and the facts stated
104 in it are true.

105 ~~(8)-(6)~~ The division or the supervisor of elections shall
106 make hard copy petition forms or electronic portable document
107 format petition forms available to registered petition
108 circulators. All such forms must contain information identifying
109 the petition circulator to which the forms are provided. The
110 division shall maintain a database of all registered petition
111 circulators and the petition forms assigned to each. Each

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112 supervisor of elections shall provide to the division
113 information on petition forms assigned to and received from
114 petition circulators. The information must be provided in a
115 format and at times as required by the division by rule. The
116 division must update information on petition forms daily and
117 make the information publicly available.

118 (9) If a person collecting petition forms on behalf of a
119 sponsor of an initiative petition signs another person's name or
120 a fictitious name to any petition, or fills in missing
121 information on a petition, to secure a ballot position in
122 violation of s. 104.185(2), the sponsor of the initiative
123 petition is liable for a fine in the amount of \$5,000 for each
124 such petition.

125 (10) A person collecting or handling a petition on behalf
126 of the sponsor of an initiative amendment who copies a completed
127 petition or retains a voter's personal information, including
128 the voter's Florida driver license number, Florida
129 identification card number, social security number, or
130 signature, for any reason other than to provide such petition or
131 information to the sponsor in compliance with this section
132 commits a felony of the third degree, punishable as provided in
133 s. 775.082, s. 775.083, or s. 775.084.

134 (11)-(7)(a) A sponsor that collects petition forms or uses
135 a petition circulator to collect petition forms serves as a
136 fiduciary to the voter elector signing the petition form,

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137 ensuring that any petition form entrusted to the petition
138 circulator shall be promptly delivered to the supervisor ~~of~~
139 ~~elections~~ within 10 ~~30~~ days after the voter ~~elector~~ signs the
140 form. If a petition form collected by any petition circulator is
141 not promptly delivered to the supervisor of elections, the
142 sponsor is liable for the following fines:

143 1. A fine in the amount of \$50 for each day late, up to
144 \$2,500, for each petition form received by the supervisor in the
145 county in which the voter resides ~~of elections~~ more than 10 ~~30~~
146 days after the voter ~~elector~~ signed the petition form ~~or the~~
147 ~~next business day, if the office is closed.~~ A fine in the amount
148 of \$2,500 ~~\$250~~ for each petition form received if the sponsor or
149 petition circulator acted willfully.

150 2. A fine in the amount of \$100 for each day late, up to
151 \$5,000, for each petition form collected by a sponsor or a
152 petition circulator and signed by a voter before February 1 of
153 the year in which the general election is held which is received
154 by the supervisor in the county in which the voter resides after
155 the deadline for such election. A fine in the amount of \$5,000
156 for each petition form received if the sponsor or petition
157 circulator acted willfully.

158 ~~3.2.~~ A fine in the amount of \$500 for each petition form
159 collected by a petition circulator which is not submitted to the
160 supervisor in the county in which the voter resides ~~of~~
161 ~~elections.~~ A fine in the amount of \$5,000 ~~\$1,000~~ for any

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162 petition form not submitted if the sponsor or petition
163 circulator acted willfully.

164 (b) A showing by the sponsor that the failure to deliver
165 the petition form within the required timeframe is based upon
166 force majeure or impossibility of performance is an affirmative
167 defense to a violation of this subsection. The fines described
168 in this subsection may be waived upon a showing that the failure
169 to deliver the petition form promptly is based upon force
170 majeure or impossibility of performance.

171 (12) A sponsor of an initiative petition or a person
172 collecting petition forms on behalf of a sponsor of an
173 initiative petition may not mail or otherwise provide a petition
174 form upon which any information about a voter has been filled in
175 before it is provided to the voter. A sponsor of an initiative
176 petition that violates this subsection is liable for a fine in
177 the amount of \$50 for each such petition form.

178 (13)-(8) If the Secretary of State reasonably believes that
179 a person or entity has committed a violation of this section,
180 the secretary may refer the matter to the Attorney General for
181 enforcement. The Attorney General may institute a civil action
182 for a violation of this section or to prevent a violation of
183 this section. An action for relief may include a permanent or
184 temporary injunction, a restraining order, or any other
185 appropriate order.

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186 ~~(14)(9)~~ The division shall adopt by rule a complaint form
187 for a voter ~~an elector~~ who claims to have had his or her
188 signature misrepresented, forged, or not delivered to the
189 supervisor. The division shall also adopt rules to ensure the
190 integrity of the petition form gathering process, including
191 rules requiring sponsors to account for all petition forms used
192 by their agents. Such rules may require a sponsor or petition
193 circulator to provide identification information on each
194 petition form as determined by the department as needed to
195 assist in the accounting of petition forms.

196 ~~(15)(10)~~ The date on which a voter ~~an elector~~ signs a
197 petition form is presumed to be the date on which the petition
198 circulator received or collected the petition form.

199 ~~(16)(11)~~(a) An initiative petition form circulated for
200 signature may not be bundled with or attached to any other
201 petition. Each signature shall be dated when made and shall be
202 valid until the next February 1 occurring in an even-numbered
203 year for the purpose of the amendment appearing on the ballot
204 for the general election occurring in that same year, provided
205 all other requirements of law are met. The sponsor shall submit
206 signed and dated forms to the supervisor of elections for the
207 county of residence listed by the person signing the form for
208 verification of the number of valid signatures obtained. The
209 supervisor shall record the date on which each submitted
210 petition form is received. If a signature on a petition is from

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211 a registered voter in another county, the supervisor shall
212 notify the petition sponsor and the division of the misfiled
213 petition. The supervisor shall promptly verify the signatures
214 within 60 days after receipt of the petition forms and payment
215 of a fee for the actual cost of signature verification incurred
216 by the supervisor. However, for petition forms submitted less
217 than 60 days before February 1 of an even-numbered year, the
218 supervisor shall promptly verify the signatures within 30 days
219 after receipt of the form and payment of the fee for signature
220 verification. The supervisor shall promptly record, in the
221 manner prescribed by the Secretary of State, the date each form
222 is received by the supervisor, and the date the signature on the
223 form is verified as valid. The supervisor may verify that the
224 signature on a form is valid only if:

- 225 1. The form contains the original signature of the
226 purported voter ~~elector~~.
- 227 2. The purported voter ~~elector~~ has accurately recorded on
228 the form the date on which he or she signed the form.
- 229 3. The form sets forth the purported voter's: ~~elector's~~
- 230 a. Name. τ
- 231 b. Address. τ
- 232 c. City. τ
- 233 d. County. τ ~~and~~
- 234 e. Voter registration number or date of birth.

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235 | f. Current and valid Florida driver license number or
236 | current and valid Florida identification card number, or the
237 | last four digits of the voter's social security number.
238 | Information in this sub-subparagraph is exempt from s. 119.01.

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