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Senate Files Bill to Protect Voters, Improve Petition Initiative Security and Transparency

Safeguards personal identifying information of Florida voters, strong penalties for criminals who seek to undermine the constitutional amendment process

Tallahassee—The Florida Senate Committee on Ethics and Elections, chaired by Senator Don Gaetz (R-Crestview), today introduced SPB 7016, Initiative Petitions Proposing an Amendment to the State Constitution, comprehensive legislation to reduce fraud, protect voter information, and safeguard the process by which constitutional amendments are placed on the ballot for consideration by Florida voters. Senator Gaetz, who served as Senate President from 2012-2014, and Senator Erin Grall (R-Vero Beach) are leading the legislation through the committee process.

“We are all proud that here in the free state of Florida, citizens have the opportunity to place constitutional amendments on the ballot by petition. Amending Florida’s Constitution is a responsibility every voter takes very seriously, and petition integrity is critical to ensuring the effectiveness of the citizen initiative process. This legislation increases transparency and accountability for sponsors of initiatives; deters, prevents, and penalizes fraudulent activities; and, provides voters with objective information about financial impacts of proposed amendments at the front end of the process. I appreciate President Gaetz and Senator Grall taking the lead on this key legislation for the Senate,” said Senate President Ben Albritton (R-Wauchula).

“Investigations conducted by the Office of Election Crimes and Security have shown that agents of political committees sponsoring initiative petitions engaged in illegal and fraudulent activities while gathering petition signatures in the leadup to the 2024 General Election,” said President Gaetz. “There are numerous instances of petition circulators being paid per signature, signing petition forms on behalf of deceased individuals, forging or misrepresenting voter signatures on petition forms, using voters’ personal identifying information without consent, committing perjury, and swearing false oaths. Our bill guards against this kind of strategic and deliberate malfeasance with strong penalties for those who willfully disregard our laws.”

“Sponsors of initiative petitions have a fiduciary duty under our laws, and yet some have failed to cooperate with investigations and attempted to deflect responsibility for the criminal actions of petition circulators. Meanwhile, the Office of Election Crimes and Security received complaints from Florida voters whose personal information was fraudulently submitted on forms for at least four initiative petitions circulated for the 2024 General Election,” said Senator Grall. “Petition circulators were able to obtain personal identifying information required for a petition using publicly available data to commit identity theft and fraudulently complete petitions. Existing fines and penalties appear to be

inadequate deterrents. We have to do more. This legislation adds important guardrails that protect Florida voters and the integrity of the petition gathering process.”

SPB 7016, Initiative Petitions Proposing an Amendment to the State Constitution

Sets Reasonable Time Limit for Active Petitions (Three General Elections)

The bill limits the number of cycles a petition sponsor can remain active without achieving the signature threshold for court review (25% of required signatures) to three general elections. Amendments filed prior to February 1, 2022, must be refiled as a new initiative after February 2, 2026, to remain active.

Currently, there are active petitions dating back to 2014 with few or no unexpired signatures, and the affiliated political committees have no contributions or expenses in reports. The bill allows amendments filed prior to 2022 to have one more election to achieve the required signatures using their existing petition. Current law has no limit on the number of cycles a petition sponsor can remain active. Requiring a refile after 2026 ensures these amendments will have a Financial Impact Statement on the petition, as required under the bill.

Improves Financial Transparency, Limits Sponsorship to One Initiative Per Political Committee

Current law has no limit on the number of initiatives per sponsor. Setting a limit of one initiative per political committee (PC) increases transparency for PC contributions and expenditures as they would be tied to a single petition.

Adds Petition Form Fields To Safeguard Against Fraud

Petition forms adopted by current administrative rule have an amendment title and summary, sponsor information, voter’s name, address, Florida Voter Registration System number, date of birth, signature, date, and the petition circulator’s information. The current form also includes a notice that the form becomes public record once filed, it is a first degree misdemeanor to knowingly sign the same petition more than once, and an improperly completed form will not be validated.

To safeguard against fraud and facilitate accurate verification, the bill adds to the form one of the following: the voter’s Florida driver license or identification number, or last four of their SSN, consistent with information required to request a vote-by-mail ballot or register to vote. The bill also adds the text of the amendment and the Financial Impact Statement (FIS), to ensure voters are fully informed when signing a petition.

Prohibits Felons and Non-Citizens from Circulating Petitions, Adds Training Requirements for Petition Circulators

Current law has no restriction on felons and noncitizens acting as petition circulators; however, certain felons may not handle voter registrations for a Third Party Voter Registration Organization (3PVRO).

The bill prohibits all felons who have not had their right to vote restored and all noncitizens from collecting signatures. The initiative sponsor is liable for \$50,000 fine for each person collecting petitions on its behalf in violation of the prohibition. The bill also requires applicants for petition circulator to complete training about these and other related legal requirements.

Ends Volume-Based Compensation for Petition Circulators

Compensating a petition circulator based on the number of petition forms gathered is already a third-degree felony (s. 104.86, F.S.). The bill broadens this prohibition to capture incentive schemes that are not “pay per signature” but incentivize based on volume.

Closes the “Volunteer” Loophole

Currently, registration is required only for circulators who are paid to gather petition forms. Persons acting as “volunteers” could avoid registering as a circulator. The bill closes that loophole by prohibiting a person from distributing, collecting, delivering, or otherwise physically possessing more than two signed petition forms in addition to his or her own petition form or a petition form belonging to an immediate family member without registering as a petition circulator. This is the same standard that exists for vote-by-mail ballots.

Increases Security by Protecting Personal Information and Matching Petition Delivery Deadlines to 3PRVO Requirements

Under current law, signed petition forms must be delivered to the supervisor of elections within 30 days. Under the bill, petition forms must be delivered to the supervisor in the county in which the voter resides within 10 days. The bill increases fines for non-compliance and creates a fine for delivering petitions after the deadline to submit petitions for an election. The bill also increases fines for failing to submit signed forms.

Signing another’s name or a fictitious name is a third-degree felony per s. 104.185(2). The bill mirrors a 3PVRO provision regarding altering a voter’s registration application by fining the sponsor if a person collecting forms on its behalf signs another’s name, a fictitious name, or fills in missing information on a petition.

Currently, there is no penalty or prohibition for petition circulators copying or retaining personal identifying information. The bill mirrors a 3PVRO provision and creates a third degree felony for a person collecting forms on behalf of a sponsor who copies or retains a personal identifying information for any reason other than to provide such information to the sponsor.

The bill also mirrors a 3PVRO provision that prohibits mailing or otherwise providing petition forms prefilled with personal information and adds crimes relating to petition circulators and sponsors of initiative petitions to Florida’s racketeering statute to combat organized schemes to defraud voters.

Protects Voters and Prevents Fraud by Creating Voter Notification Requirements

Currently there is no requirement a voter be notified if his or her signature is verified as having signed a petition. The bill mirrors the existing address list maintenance processes used by supervisors, in which supervisors send a notice with prepaid return for voters.

Under the bill, voters would receive a pre-addressed and prepaid form, serving as notification their validated signature was used on a petition. The voter may sign and return if they believe their signature was misrepresented or forged. The notice informs the voter the return form becomes public record, and it is a second-degree misdemeanor to knowingly make a false statement. Upon receiving a completed return form, the supervisor will revoke the fraudulent petition, deem it invalid, and immediately notify the Division of Elections (Division).

Improves Petition Retention and Reporting

Currently, signed petitions, including invalid petitions, are retained by Supervisors. The bill prescribes a process for transmission of all constitutional amendment petition forms from Supervisors to the Division for retention.

Current law requires supervisors to post on their websites, at specific intervals, number of signatures submitted, number of invalid signatures, number of signatures processed, the aggregate number of verified valid signatures, and the distribution of such signatures by congressional district for each proposed amendment. The bill adds the number of signatures that have been revoked to information about petition verifications that must be posted regularly. To combat organized crime, the bill also requires the Office of Election Crimes and Security to investigate if the percentage of invalid signatures in any given county exceeds 25%.

Clarifies the Process to Challenge a Constitutional Amendment

Current law does not explicitly contemplate certification of the results, or challenges to, the passage of a constitutional amendment. The bill clarifies grounds for contesting the results of a constitutional amendment should be the same as contesting the results of a candidate election. As such, the bill specifically includes grounds for contesting the results for a constitutional amendment at the state level, including ineligibility of the proposed constitutional amendment for placement on the ballot.

Includes the Financial Impact Statement on the Petition Form

To provide voters considering signing a petition an idea of the impact of the amendment before signing, the bill requires the Financial Impact Statement (FIS) to be on the petition.

With the FIS on the petition, the statement will be part of the Supreme Court of Florida's (SCOFLA) review if the petition received 25% of the required signatures. SCOFLA has previously declined jurisdiction to review (as part of the automatic process) fiscal impact statements since they are not part of the petition.

The bill also clarifies that any changes to the language, title, ballot summary or fiscal impact statement of an amendment must be refiled as a new petition.

Currently, the Secretary of State must send a proposed initiative to the Financial Impact Estimating Conference (FIEC) once the initiative sponsor obtains 25% of the required signatures. The bill requires the Secretary of State to submit an initiative to the FIEC when a proposed amendment is received. The FIEC would have 75 days to evaluate and produce a Fiscal Impact Statement. Should it fail to reach a consensus, the impact would default to a statement saying “The financial impact of this amendment, if any, has not been determined at this time.” After the FIEC completes financial impact statement, the statement is returned to the Secretary of State and placed on petition forms. Petitioners circulators and sponsors can then begin gathering signatures.

The bill clarifies that appointees are to be professional staff from all appointing authorities and specifies the FIEC may only be convened jointly by Senate President and House Speaker.

Sets Timelines for Implementation

The bill “Grandfather’s” initiative petitions filed with the Secretary of State prior to the bill becoming law, so no verified petitions are impacted. Thirty days after becoming law, petition forms for existing amendments must be updated to include the new fields (except for the FIS).

Supervisors must halt verification when the bill becomes a law. They must continue to accept petitions, but will begin verifying them, under the new standards, 90 days after the bill becomes a law.

The bill implements changes to petition circulator requirements by requiring re-registration 30 days after bill becomes law. The requirement to provide notification of a verified signature to voters applies to all petitions received after bill becomes law, but not until 90 days later for implementation of processes. The FIS must be included on petitions filed after bill becomes law.

For more information, please visit www.FLSenate.gov.

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