

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title: Amendment to Standardize the Initiative Process in Florida

Ballot Summary: Amendment to standardize the initiative process in Florida while ensuring the right of voters to revise or amend the constitution by the initiative process provided for in Article XI, Section 3(a). Establishes petition signature thresholds for judicial review, petition form layouts, requirements for paid circulators to register with the state, petition verification rules, and petition verification costs. Requires any future changes to the initiative process be approved by voters through the initiative process.

Article and Section Being Created or Amended: Amend Article XI, Section 3

Full Text of the Proposed Amendment: Amends Section 3. Words added are underlined. Words removed are ~~struck through~~.

SECTION 3. Initiative. –

(a) The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(b) The sponsor of an initiative revision or amendment shall, prior to obtaining any signatures, register as a political committee, as defined by Florida Statutes Section 106.03 in effect of January 1, 2025.

(c) The sponsoring political committee of an initiative revision or amendment shall submit the text of the proposed revision or amendment language to the custodian of state records.

a. The custodian of state records shall review the text of the proposed revision or amendment solely for sufficiency of the format and shall render a decision within seven (7) days, not including weekends or holidays, following receipt.

b. The proposed language submitted by the sponsoring political committee shall consist of: the ballot title (which shall not exceed 15 words), the ballot summary (which shall not exceed 75 words), the article and section being created or amended in the Florida State Constitution, and the full text of the revision or amendment being proposed.

c. Upon approval of the proposed language of an initiative petition, the custodian of state records shall assign a serial number to the petition.

(d) The custodian of state records shall provide two petition forms in electronic format to the sponsoring political committee: one for use by volunteer petition circulators or directly by voters and one for use by paid circulators, as defined in subsection (h).

Informational fields shall be contained in a clearly demarcated section of the form which shall not be altered.

a. A form entitled “Constitutional Revision or Amendment Initiative Petition Form – Volunteer” for use by volunteers or voters shall have the following informational fields: ballot title; ballot summary; petition serial number; date petition language approved by the custodian of state records; name and address of the sponsoring political committee; the certification statement “I am a

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registered voter of Florida and hereby petition the custodian of state records to place the above proposed amendment to the Florida Constitution on the ballot in the general election.”; voter first, middle, and last name; voter address including city, zip code, and county; voter registration number; voter date of birth; voter signature; signature date; and the following attention statements: “This form becomes a public record once filed with the supervisor of elections or an equivalent county custodian of state records.”; “It is a first degree misdemeanor to knowingly sign the same initiative petition more than once.”; “A person who signs another person’s name or a fictitious name to an initiative petition to secure ballot position commits a felony of the third degree.”; and “An improperly completed or incomplete form will not be validated.”

b. A form entitled “Constitutional Revision or Amendment Initiative Petition Form – Circulator” for use by paid petition circulators shall include all of the information in the Volunteer form defined in subsection (d)(a) and the following additional information in a section titled “Petition Circulator’s Information”: Paid petition circulator’s name; address; registration number; signature; signature date; and the following Petition Circulator’s Affidavit: “By my signature below, as petition circulator, I verify that the petition was signed in my presence. Under penalties of perjury, I declare that I have read the foregoing Petition Circulator’s Affidavit and the facts stated in it are true.”

(e) The custodian of state records shall provide an electronic form entitled “Constitutional Revision or Amendment Full Text” with the ballot title, ballot summary, article and section being created or amended, full text of the proposed revision or amendment, serial number and date approved, and name and address of the sponsoring political committee.

(f) Any change to a previously approved petition form shall be submitted to the custodian of state records for review and approval. No person or entity other than the sponsoring political committee can submit a change or changes to the previously approved petition form. The custodian of state records shall approve or deny any material change to a previously approved petition form within seven (7) days, not including weekends or holidays, following receipt.

a. A material change constitutes a change in the wording of the text of the proposed revision or amendment, the ballot title, or ballot summary, or a change in punctuation or layout, or a change in the name of the sponsoring political committee. A true and accurate translation into a language other than English does not constitute a material change to an initiative petition form.

b. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition form and shall be assigned a different serial number upon approval by the custodian of state records. Upon assignment of the new serial number, the old serial number shall be deactivated, and the forms bearing the old serial number shall no longer be valid for circulation and collection of signatures.

(g) Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media; made available through the internet for download and printing; or mailed, emailed, or faxed directly to voters, provided such forms are reproduced in the same format as approved by the custodian of state records.

(h) Petition forms may be circulated by both paid petition circulators and volunteer petition circulators. All petition circulators shall make the full ballot language of the proposed revision or amendment available to solicited persons, but the persons are not required to review the full ballot language before signing the petition. It is a first-degree misdemeanor, punishable as provided by general law, to knowingly sign the same initiative petition more than once and a felony of the third degree, punishable as provided by general law, to sign another person’s name or a fictitious name to an initiative petition.

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a. A paid petition circulator is an individual who solicits a person to sign a petition for compensation for the purpose of qualifying a proposed constitutional revision or amendment for ballot placement.

i. The paid petition circulator must register online with the custodian of state records.

1. The paid petition circulator must confirm their registered address at which the circulator will accept service of process and provide an email address.

2. Once registered, the custodian of state records shall provide each paid petition circulator with electronic copies of petition forms that provide the circulator's information in the designated spaces on the form. The circulator shall then be responsible for producing physical copies from their electronic file.

ii. A person who knowingly compensates a paid petition circulator based on the number of petition forms gathered commits a felony of the third degree, punishable as provided by general law. This section does not prohibit employment relationships that do not base payment on the number of signatures collected.

b. A volunteer petition circulator is an individual who, for no compensation, solicits a person to sign a petition for the purpose of qualifying a proposed constitutional revision or amendment for ballot placement.

i. Volunteer petition circulators are not required to register with the custodian of state records.

ii. Volunteer petition circulators shall circulate the approved petition form entitled "Constitutional Revision or Amendment Initiative Petition Form – Volunteer" as provided to the sponsoring political committee by the custodian of state records.

(i) All signed petition forms shall be returned to the sponsoring political committee.

(j) Signed petition forms shall be submitted by the sponsoring political committee to the supervisor of elections or an equivalent county custodian of state records for the county of residence listed by the person signing the form. Signed petition forms become a public record once filed with the supervisor of elections or an equivalent county custodian of state records.

a. If a form submitted by a paid petition circulator is not submitted within 30 days after the person signs the form, the sponsoring political committee is liable for a fine of \$50 for each petition form received by the supervisor of elections or an equivalent county custodian of state records more than 30 days after the person signed the petition form or the next business day, if the office is closed.

b. The supervisor of elections or an equivalent county custodian of state records shall submit copies of untimely filed petitions filed by paid petition circulators to the custodian of state records. The custodian of state records shall then review and provide notification to the sponsoring political committee and impose fines, as defined in subsection (j)(a).

c. The untimely filing of a form shall not invalidate the signature on the form.

(k) The supervisor of elections or an equivalent county custodian of state records for the county in which the signee is a registered voter shall verify the signatures on each initiative petition form within 60 days, except for a petition form submitted less than 60 days before February 1 of an even-numbered year, which shall be verified within 30 days.

a. The supervisor of elections or an equivalent county custodian of state records shall verify as valid a signature on an initiative petition form if the petition signer was, at the time of signing and verification of the petition, a registered voter in the state; the petition signer has not signed a petition form with the same serial number more than two years prior; and, after comparing the signature on the petition and signature of the registered voter in the voter registration system, the

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supervisor of elections or an equivalent county custodian of state records determines that the petition was signed by the registered voter.

b. The supervisor of elections or an equivalent county custodian of state records shall not verify as valid a signature on an initiative petition form unless the petition is on the proper form approved by the custodian of state records and all of the following information is contained on the petition form: the voter's name, address (including city, zip code, and county), and date of birth or voter registration number; the voter's original signature completed by the voter in ink pen; and the date the voter signed the petition completed by the voter in ink pen. For forms circulated by a paid petition circulator, the supervisor of elections or an equivalent county custodian of state records shall also verify that the form includes a signed Petition Circulator's Affidavit as required in subsection (d) signed by the paid petition circulator in ink pen and that the paid petition circulator was registered with the custodian of state records to collect petitions on the date of the voter's signature.

c. The supervisor of elections or an equivalent county custodian of state records shall be paid in advance the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the sponsoring political committee.

i. If the sponsoring political committee cannot pay such charges without imposing an undue burden on the resources available to the sponsoring political committee, upon written certification of such inability given under oath to the custodian of state records, then the sponsoring political committee is entitled to have the signatures verified at no charge. For an undue burden oath to be valid, the sponsoring political committee cannot have paid or subsequently pay any paid petition circulators, as defined in subsection (h), to solicit signatures for the petition associated with the undue burden oath. If such a payment occurs, the fee, as defined in subsection (k)(c), for all signatures previously submitted to the supervisor of elections or an equivalent county custodian of state records and any signatures that are submitted thereafter shall be paid by the sponsoring political committee that submitted the undue burden oath.

(l) The custodian of state records shall immediately submit an initiative petition to the Attorney General for the exercise of the Attorney General's power under Article IV, Section 10 if the sponsoring political committee has: registered as a political committee; submitted the ballot title, ballot summary, and text of the proposed revision or amendment to the custodian of state records pursuant to subsection (b); and submitted to the appropriate supervisor of elections or an equivalent county custodian of state records for verification, and the supervisor of elections or an equivalent county custodian of state records have verified, forms signed and dated equal to 10 percent of the number of electors statewide required by subsection (a) in one-half of the congressional districts of the state.

(m) Florida voters shall have the exclusive right to change the initiative process. Any change to the initiative process requires a vote by the initiative process pursuant to Article XI, Section 3.

(n) This section is effective upon approval by the voters and is self-executing, and no Legislative implementation is required.

(o) If any part of this section is held invalid for any reason, the remaining portion or portions shall be severed from the invalid portion and given the fullest possible force and effect.

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