

Legislation Impacts Citizen Petitions for Florida Constitutional Amendments

June 10, 2019



On Friday, June 7, 2019, Gov. Ron DeSantis signed House Bill 5 into law, introducing immediate changes to the process for citizens to propose amendments to the Florida Constitution.

Florida law requires a citizen petition for a constitutional amendment to receive more than 766,000 signatures, with portions of that total coming from at least 14 of the state's 27 congressional districts, to be placed on the ballot. The statutory provisions established by House Bill 5 directly affect how those signatures are acquired.

The new requirements and restrictions include the following:

- Any individual paid to collect signatures for a citizen petition for a constitutional amendment (defined as a "petition circulator") must register with the Florida Secretary of State;
- Petition circulator registration requires submission of personal information to the Florida Department of State, including the circulator's permanent and local address (if they are from out of state), birthdate, a statement submitting to jurisdiction of Florida courts, and any other additional information required by the Florida Secretary of State;

- A requirement that signed petitions be submitted to the county supervisor of elections, where the signatures were gathered, within 30 days of signature or the amendment's sponsor will be subject to a \$50 per petition administrative fine;
- Criminal penalties for paying petition circulators on a per signature basis;
- Criminal penalties for a petition circulator who fails to register with the Secretary of State;
- County supervisors of elections now have an affirmative duty to issue petition forms that "contain information identifying the petition circulator to which the forms are provided," and a duty to provide the Secretary of State with information regarding which forms were assigned to and received from particular petition circulators;
- Additional disclosure requirements for ballot summaries. If the statutorily required financial impact statement estimates increased costs, decreased revenues, a negative impact on the state or local economy, or if the economic impact is indeterminate, that determination must be disclosed in bold font following the constitutional amendment's ballot summary.

Notably, these changes specifically apply to all petitions for constitutional amendments appearing on the upcoming 2020 general election ballot. Any signatures gathered before June 7 are still valid, but all of the House Bill 5 requirements must be met for all new signatures going forward, including new signatures for currently proposed amendments.

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