

# FLORIDA LEGISLATURE'S LONG WAR AGAINST CITIZEN INITIATIVES

In 1968, Florida adopted a citizen initiative process through which voters can place proposed amendments to the state Constitution on the ballot by collecting a sufficient number of signatures from Florida voters.

Since then, Floridians have put 42 measures on the ballot, 32 of which were approved. They included a state minimum wage, legalization of medical marijuana, universal pre-kindergarten and conservation of land and water resources. Floridians have achieved those victories despite the fact that the Florida Legislature has constantly tried to stymie the citizen initiative process by making it more complicated and costlier, often in response to successful initiatives that the Legislature didn't like. Here are just some of barriers legislators have erected, often in direct response to successful initiatives:

**1976**

Collecting of petition signatures barred within 100 yards of a polling place (policy was later struck down).

**1977**

Sponsors of initiative required to pay a verification fee of 10 cents per signature or the actual cost of verifying, whichever is less.

**1979**

Sponsors of initiative required to register as a political committee and submit proposed amendment's text and ballot summary to the state for approval before obtaining signatures.

**1979**

The state rules that a separate card or sheet of paper is required for each signature.

**1980**

Ballot summaries limited to 75 words.

**1983**

Four-year expiration date set on petition signatures.

**1986**

Florida Supreme Court review of citizen initiatives required but not for amendments referred by legislators.

**1997**

The year after three Everglades conservation initiatives appeared on the ballot, the Legislature required initiative sponsors to:

- Pay the signature-verification fee in advance.
- File an affidavit with the state of their intent to use paid petition circulators.
- Provide to the state the name and address of each individual paid to circulate petitions.
- Require paid circulators to write their name and address on each petition form they circulate.
- Submit signatures 121 or 151 days before the general election, depending on the signature verification method, up from 90 days.

**2002**

The same year that voters approved universal pre-K and classroom size initiatives, the Legislature required that each initiative be accompanied by ballot language stating the initiative's estimated revenues and costs.

## 2005

Deadline by which an initiative must attain the requisite petitions to be placed on that year's general election ballot is moved up by five months, to February 1.

## 2007

Initiative petitions required to include a voter's street address, county, and voter registration number or date of birth. Voters permitted to revoke their signatures after signing.

## 2008

After a campaign was launched by one sponsor to place the two anti-gerrymandering Fair Districts Amendments on the 2010 ballot, the bundling of two or more petitions was banned.

## 2011

Following voters' approval of the Fair Districts Amendments, the Legislature cut the signature expiration date in half, from four to two years, and abolished the cheaper "random sampling" method for signature verification of initiative petitions.

## 2019

After voters approved the 2018 Voter Restoration Amendment, the Legislature enacted a stringent regulatory scheme for paid petition circulators, including:

- Banning the payment of circulators per-signature.
- Requiring paid circulators to register with the state.
- Requiring paid circulators to file an affidavit with each petition they collect.
- Requiring paid circulators to use only individualized forms issued to them by the state or the Supervisors of Elections.
- Establishing fines for petitions not delivered to the Supervisor of Elections within 30 days.
- The Legislature also added a bold-font statement below an initiative's ballot summary if the initiative was estimated to increase costs, decrease revenues, have a negative impact on the state or local economy, or have an indeterminate impact for any of those.

## 2020

The Legislature enacted more stringent regulations on initiatives:

- More than doubling the signature threshold for a Supreme Court review.
- Creating a private right of action to challenge a petition circulator's registration.
- Providing that signatures can only be collected within a two-year window ending on February 1 of the general election year.
- Requiring sponsors to pay for the actual cost of signature verification, whether or not that is more than the standard 10-cent fee still afforded to candidate petitions.
- Voiding signatures collected by circulators who were not validly registered when the signature was collected.
- Mandating that certain financial impact statements be printed on the ballot in bold, capital letters.

## 2020

In response to the coronavirus pandemic, the state approves remote-signed signatures for candidate petitions – but not for initiative petitions.

## 2021

Division of Elections rules that a voter's "original signature" on an initiative petition must be a wet-ink signature signed directly onto the paper by the voter.

## 2021

SB 1890 enacted, capping donations to an initiative at \$3000.