

The Basic Steps To Do An Initiative In Florida Amendments Only – Direct Initiative Process

Basic Procedures: The first step in the process of qualifying an initiative is to register with the Division of Elections as a political committee pursuant to section 106.03 of the Florida Statutes.

Once proponents form and register their committee, they can file their initiative with the Division of Elections. Proponents write their own ballot title (no more than 15 words) and ballot summary (no more than 75 words). Petitions must contain the title, summary, full text and a serial number (given to them when they file the initiative.) The Secretary of State reviews the petition for form only. (This generally takes less than a week – but there is no statutory deadline.) Proponents can begin circulating once the format is approved.

Once proponents gather 10% of the total number of signatures needed from at least 3 congressional districts (48,536 signatures), they turn them into the Local Supervisors of Elections in the various counties. The Supervisors then verify them and submit them to the Secretary of State. (There is no statutory mandated turn-around time) The Secretary of State then certifies them, and sends them to the Attorney General. The Attorney General has 30 days to forward the initiative language to the Florida Supreme Court. The Supreme Court decides if the initiative is legal. The Supreme Court has no time frame - it can take as long as it likes. If the Court approves it, proponents go out and gather the remaining signatures to put it on the ballot. If the Court declares the initiative invalid because it is unconstitutional, violates Florida's strict single subject requirement, or any other reasons, the initiative is dead.

(Proponents may continue to collect signatures while waiting for the Supreme Court to approve or disallow their initiative; but this is not advisable given the Courts history of keeping measures off the ballot.)

Date initiative language can be submitted to state for the November 2002 election: Any time.

Signatures tied to vote of which office: Number of ballots cast in last presidential election.

Next presidential election: 2004

Ballots cast in the last presidential election: 6,109,013

Net number of signatures required: Proponents must gather signatures equal to 8% of the total number of statewide ballots cast in the last presidential election. (488,722 signatures.)

Distribution requirements: Proponents must get 8% of the district-wide vote for President in at least 12 of 23 Congressional Districts.

Circulation period: Four years. (While initiative petitions can stay active for an unlimited amount of time, a voter's signature is no longer valid four years after the date he or she signed the petition. Proponents must obtain the required number of signatures within any four-year period.)

Do circulators have to be residents of the state: No

Date when signatures are due for certification: The deadline for the State to receive the signatures is no later than 5:00 p.m. of the 91st day preceding the General Election (August 6, 2002). However, proponents must turn their petitions into each county for certification. August 6 is the deadline by which the counties must turn the certified petitions into the Secretary of State's office. Thus, proponents must give their signatures to the counties early enough for them to verify them before the August 6 deadline.

Signature verification process: Florida charges proponents to verify their signatures. For each signature checked, ten cents, or the actual cost of checking a signature, whichever is less, is paid to the supervisor at the time of submitting the petitions, by the political committee sponsoring the initiative petition. However, if a committee is unable to pay the charges without imposing an undue burden on the organization, the organization must submit a written certification of such inability given under oath to the Division of Elections to have the signatures verified at no charge. However, a sponsor of a proposed initiative amendment who uses paid petition circulators may not file an oath of undue burden in lieu of paying the fee required for the verification of signatures gathered. The Division of Elections will then circulate the undue burden oath submitted by the committee to each supervisor of elections in the state.

Single subject restriction: Florida has a very strict single subject requirement.

Legislative tampering: Constitutional amendments by initiative become part of the constitution and are thus only alterable by the legislature through regular constitutional procedures, any changes of which must be approved by popular vote.