

1                   A bill to be entitled  
2       An act relating to election ballots; amending s. 101.161,  
3       F.S.; revising terminology; transferring to a new  
4       subsection requirements applicable to joint resolutions;  
5       providing that a joint resolution may include a ballot  
6       summary and alternate ballot summaries; providing that a  
7       joint resolution may include a ballot summary or alternate  
8       ballot summaries, listed in order of preference,  
9       describing the chief purpose of the amendment or revision  
10      in clear and unambiguous language; requiring a joint  
11      resolution to specify placement on the ballot of a ballot  
12      title and either a ballot summary embodied in the joint  
13      resolution or the full text of the proposed amendment or  
14      revision; requiring placement on the ballot of the ballot  
15      title and ballot summary, or the ballot title and the full  
16      text of the proposed amendment or revision, as specified  
17      by a joint resolution; requiring placement on the ballot  
18      of the full text of an amendment or revision if the court  
19      determines that each ballot summary embodied in a joint  
20      resolution is defective unless the Secretary of State  
21      certifies to the court that placement of the full text on  
22      the ballot is incompatible with voting systems that must  
23      be utilized during the election at which the proposed  
24      amendment will be presented to voters and that no other  
25      available accommodation will enable persons with  
26      disabilities to vote on the proposed amendment or  
27      revision; requiring the Attorney General to revise a  
28      ballot summary under certain circumstances; requiring the

29 | court to retain jurisdiction over challenges to any  
30 | revised ballot summary submitted by the Attorney General;  
31 | requiring challenges to revised ballot summaries to be  
32 | filed within 10 days after the revised ballot summary is  
33 | submitted to the court by the Attorney General; creating a  
34 | presumption that the full text of an amendment or revision  
35 | must be considered a clear and unambiguous statement of  
36 | the substance and effect of an amendment or revision  
37 | proposed by joint resolution and sufficient notice to  
38 | electors under certain circumstances; establishing rules  
39 | of construction for construing proposed ballot titles,  
40 | ballot summaries, or the full text of proposed amendments  
41 | or revisions; requiring legal challenges to ballot  
42 | language to be filed within certain time periods;  
43 | requiring complaints or petitions challenging ballot  
44 | language to assert all grounds for such challenges;  
45 | providing that any grounds not asserted are waived;  
46 | requiring the courts to describe with specificity each  
47 | deficiency in a ballot title, summary, or full text of a  
48 | proposed amendment or revision; requiring the courts to  
49 | accord actions challenging ballot language specified by a  
50 | joint resolution priority over other pending cases and  
51 | issue orders as expeditiously as possible; providing  
52 | retroactive applicability to joint resolutions passed  
53 | during the 2011 regular session; providing an effective  
54 | date.

55 |  
56 | Be It Enacted by the Legislature of the State of Florida:

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58 Section 1. Subsections (1) and (2) of section 101.161,  
59 Florida Statutes, are amended, and subsection (4) is added to  
60 that section, to read:

61 101.161 Referenda; ballots.—

62 (1) Whenever a constitutional amendment or other public  
63 measure is submitted to the vote of the people, a ballot summary  
64 ~~the substance~~ of such amendment or other public measure shall be  
65 printed in clear and unambiguous language on the ballot after  
66 the list of candidates, followed by the word "yes" and also by  
67 the word "no," and shall be styled in such a manner that a "yes"  
68 vote will indicate approval of the proposal and a "no" vote will  
69 indicate rejection. The ballot summary ~~wording of the substance~~  
70 of the amendment or other public measure and the ballot title to  
71 appear on the ballot shall be embodied in the ~~joint resolution,~~  
72 constitutional revision commission proposal, constitutional  
73 convention proposal, taxation and budget reform commission  
74 proposal, or enabling resolution or ordinance. ~~Except for~~  
75 ~~amendments and ballot language proposed by joint resolution,~~ The  
76 ballot summary ~~substance~~ of the amendment or other public  
77 measure shall be an explanatory statement, not exceeding 75  
78 words in length, of the chief purpose of the measure. In  
79 addition, for every amendment proposed by initiative, the ballot  
80 shall include, following the ballot summary, a separate  
81 financial impact statement concerning the measure prepared by  
82 the Financial Impact Estimating Conference in accordance with s.  
83 100.371(5). The ballot title shall consist of a caption, not  
84 exceeding 15 words in length, by which the measure is commonly

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85 referred to or spoken of. This subsection does not apply to  
86 constitutional amendments or revisions proposed by joint  
87 resolution.

88 (2) The ballot summary ~~substance~~ and ballot title of a  
89 constitutional amendment proposed by initiative shall be  
90 prepared by the sponsor and approved by the Secretary of State  
91 in accordance with rules adopted pursuant to s. 120.54. The  
92 Department of State shall give each proposed constitutional  
93 amendment a designating number for convenient reference. This  
94 number designation shall appear on the ballot. Designating  
95 numbers shall be assigned in the order of filing or  
96 certification and in accordance with rules adopted by the  
97 Department of State. The Department of State shall furnish the  
98 designating number, the ballot title, and the ballot summary  
99 ~~substance~~ of each amendment, unless otherwise specified in a  
100 joint resolution, to the supervisor of elections of each county  
101 in which such amendment is to be voted on.

102 (4) (a) Whenever a constitutional amendment or revision is  
103 proposed by joint resolution, the joint resolution shall include  
104 a ballot title consisting of a caption, not exceeding 15 words  
105 in length, by which the measure is commonly referred to or  
106 spoken of. The joint resolution may include a ballot summary or  
107 alternate ballot summaries, listed in order of preference,  
108 describing the chief purpose of the amendment or revision in  
109 clear and unambiguous language. The joint resolution shall  
110 specify placement on the ballot of a ballot title and either a  
111 ballot summary embodied in the joint resolution or the full text  
112 of the proposed amendment or revision. As specified by the joint

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113 resolution, the ballot title and ballot summary, or the ballot  
114 title and the full text of the proposed amendment or revision,  
115 shall be printed on the ballot, with a designating number  
116 assigned by the Secretary of State pursuant to subsection (2),  
117 after the list of candidates, followed by the word "yes" and  
118 also by the word "no," and shall be styled in such a manner that  
119 a "yes" vote will indicate approval of the proposal and a "no"  
120 vote will indicate rejection. The Department of State shall  
121 furnish the designating number and, as specified by the joint  
122 resolution proposing an amendment or revision, the ballot title  
123 and a ballot summary or the full text of the amendment or  
124 revision to the supervisor of elections of each county.

125 (b) If the court determines that each ballot summary  
126 embodied in a joint resolution is defective, the full text of  
127 the proposed amendment or revision shall appear on the ballot in  
128 lieu of a ballot summary unless the Secretary of State certifies  
129 to the court that placement of the full text on the ballot is  
130 incompatible with voting systems that must be utilized during  
131 the election at which the proposed amendment will be presented  
132 to voters and that no other available accommodation will enable  
133 persons with disabilities to vote on the proposed amendment or  
134 revision. If the Secretary of State submits such certification  
135 or the court determines that all ballot summaries in the joint  
136 resolution are deficient and that the full text of a proposed  
137 amendment or revision may not be placed on the ballot, and  
138 further appeals are declined, abandoned, or exhausted, unless  
139 otherwise provided in the joint resolution, the Attorney General  
140 shall prepare and submit within 10 days to the Secretary of

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141 State and the court a revised ballot summary that corrects  
142 ballot summary deficiencies identified by the court. That court  
143 shall retain jurisdiction over challenges to any revised ballot  
144 summary submitted by the Attorney General, and any challenge to  
145 a revised ballot summary shall be filed within 10 days after the  
146 revised ballot summary is submitted to the court by the Attorney  
147 General.

148 (c)1. If the full text of a proposed amendment or revision  
149 delineates existing text in the State Constitution that will be  
150 removed or replaced if approved by the electors, the full text  
151 shall be presumed to be a clear and unambiguous statement of the  
152 substance and effect of the amendment or revision, providing  
153 fair notice to the electors of the content of the proposal and  
154 sufficiently advising electors of the issue upon which they are  
155 voting.

156 2. In determining whether a ballot summary, the ballot  
157 title, or the full text of a proposed amendment or revision is  
158 legally sufficient, the court shall use the same rules of  
159 construction to interpret language in a proposed constitutional  
160 amendment as it does when interpreting existing constitutional  
161 provisions.

162 (d)1. Any legal action challenging placement on the ballot  
163 of a ballot title, any ballot summary, or the full text of a  
164 proposed amendment or revision embodied in a joint resolution on  
165 constitutional, statutory, or other grounds must be commenced by  
166 filing a complaint or petition with the appropriate court within  
167 30 days after the joint resolution is filed with the Secretary  
168 of State. Furthermore, in any legal action challenging placement

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169 on the ballot of any ballot summary embodied in a joint  
170 resolution, the complaint or petition shall assert all grounds  
171 for challenging the ballot title, each ballot summary embodied  
172 in the joint resolution, and the full text of the proposed  
173 amendment or revision. Any such grounds not asserted within 30  
174 days after the joint resolution is filed with the Secretary of  
175 State shall be deemed waived.

176 2. If a court finds the ballot title, a ballot summary, or  
177 the full text of a proposed amendment defective for purposes of  
178 placement on the ballot, the court shall, in its written order  
179 or judgment, describe each deficiency with specificity in order  
180 to facilitate the Attorney General's preparation of a revised  
181 ballot summary.

182 (e) Legal actions challenging ballot language specified by  
183 a joint resolution proposing an amendment or revision to the  
184 State Constitution shall be accorded priority over other pending  
185 cases by the courts, including any appellate court, and the  
186 courts shall render decisions in such actions as expeditiously  
187 as possible.

188 Section 2. This act applies retroactively to all joint  
189 resolutions adopted by the Legislature during the 2011 Regular  
190 Session, except that any legal action challenging a ballot title  
191 or ballot summary embodied in such joint resolution or  
192 challenging placement on the ballot of the full text of the  
193 proposed amendment or revision to the State Constitution as  
194 specified in such joint resolution must be commenced within 30  
195 days after the effective date of this act or within 30 days  
196 after the joint resolution to which a challenge relates is filed

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197 | with the Secretary of State, whichever occurs later.

198 | Section 3. This act shall take effect upon becoming a law.