

By Senator Bullard

39-01032-13

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1                   A bill to be entitled  
2       An act relating to constitutional amendments; amending  
3       s. 101.161, F.S.; providing that word count  
4       limitations on ballot summaries and ballot titles  
5       apply to constitutional amendments or revisions  
6       proposed by joint resolution; deleting a provision  
7       that permits placing the full text of an amendment or  
8       revision to the State Constitution on the ballot;  
9       deleting the authority of the Attorney General to  
10      prepare a revised ballot title or ballot summary when  
11      all ballot statements embodied in a joint resolution  
12      are defective and no further appeals will be made  
13      concerning the ballot statement; deleting the  
14      authority of the Department of State to furnish  
15      certain administrative duties related to the revised  
16      ballot title or summary; deleting judicial authority  
17      to retain jurisdiction over a revised ballot title or  
18      ballot summary prepared by the Attorney General;  
19      deleting the authorization to place the full text of  
20      an amendment or revision on a ballot; deleting certain  
21      legal presumptions pertaining to the provision of the  
22      full text of an amendment or revision on a ballot;  
23      providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Subsections (1) and (3) of section 101.161,  
28 Florida Statutes, are amended to read:  
29       101.161 Referenda; ballots.—

39-01032-13

2013668

30 (1) Whenever a constitutional amendment or other public  
31 measure is submitted to the vote of the people, a ballot summary  
32 of such amendment or other public measure shall be printed in  
33 clear and unambiguous language on the ballot after the list of  
34 candidates, followed by the word "yes" and also by the word  
35 "no," and shall be styled in such a manner that a "yes" vote  
36 will indicate approval of the proposal and a "no" vote will  
37 indicate rejection. The ballot summary of the amendment or other  
38 public measure and the ballot title to appear on the ballot  
39 shall be embodied in the constitutional revision commission  
40 proposal, constitutional convention proposal, taxation and  
41 budget reform commission proposal, or enabling resolution or  
42 ordinance. The ballot summary of the amendment or other public  
43 measure shall be an explanatory statement, not exceeding 75  
44 words in length, of the chief purpose of the measure. In  
45 addition, for every amendment proposed by initiative, the ballot  
46 shall include, following the ballot summary, a separate  
47 financial impact statement concerning the measure prepared by  
48 the Financial Impact Estimating Conference in accordance with s.  
49 100.371(5). The ballot title shall consist of a caption, not  
50 exceeding 15 words in length, by which the measure is commonly  
51 referred to or spoken of. ~~This subsection does not apply to~~  
52 ~~constitutional amendments or revisions proposed by joint~~  
53 ~~resolution.~~

54 (3) (a) Each joint resolution that proposes a constitutional  
55 amendment or revision shall include one or more ballot  
56 statements set forth in order of priority. Each ballot statement  
57 shall consist of a ballot title, by which the measure is  
58 commonly referred to or spoken of, not exceeding 15 words in

39-01032-13

2013668

59 length, and ~~either~~ a ballot summary that describes the chief  
60 purpose of the amendment or revision in clear and unambiguous  
61 language, ~~or the full text of the amendment or revision.~~ The  
62 Department of State shall furnish a designating number pursuant  
63 to subsection (2) and the appropriate ballot statement to the  
64 supervisor of elections of each county. The ballot statement  
65 shall be printed on the ballot after the list of candidates,  
66 followed by the word "yes" and also by the word "no," and shall  
67 be styled in such a manner that a "yes" vote will indicate  
68 approval of the amendment or revision and a "no" vote will  
69 indicate rejection.

70 (b)1. Any action for a judicial determination that one or  
71 more ballot statements embodied in a joint resolution are  
72 defective must be commenced by filing a complaint or petition  
73 with the appropriate court within 30 days after the joint  
74 resolution is filed with the Secretary of State. The complaint  
75 or petition shall assert all grounds for challenge to each  
76 ballot statement. Any ground not asserted within 30 days after  
77 the joint resolution is filed with the Secretary of State is  
78 waived.

79 2. The court, including any appellate court, shall accord  
80 an action described in subparagraph 1. priority over other  
81 pending cases and render a decision as expeditiously as  
82 possible. ~~If the court finds that all ballot statements embodied~~  
83 ~~in a joint resolution are defective and further appeals are~~  
84 ~~declined, abandoned, or exhausted, unless otherwise provided in~~  
85 ~~the joint resolution, the Attorney General shall, within 10~~  
86 ~~days, prepare and submit to the Department of State a revised~~  
87 ~~ballot title or ballot summary that corrects the deficiencies~~

39-01032-13

2013668\_\_

88 ~~identified by the court, and the Department of State shall~~  
89 ~~furnish a designating number and the revised ballot title or~~  
90 ~~ballot summary to the supervisor of elections of each county for~~  
91 ~~placement on the ballot. The court shall retain jurisdiction~~  
92 ~~over challenges to a revised ballot title or ballot summary~~  
93 ~~prepared by the Attorney General, and any challenge to a revised~~  
94 ~~ballot title or ballot summary must be filed within 10 days~~  
95 ~~after a revised ballot title or ballot summary is submitted to~~  
96 ~~the Department of State.~~

97 ~~3. A ballot statement that consists of the full text of an~~  
98 ~~amendment or revision shall be presumed to be a clear and~~  
99 ~~unambiguous statement of the substance and effect of the~~  
100 ~~amendment or revision, providing fair notice to the electors of~~  
101 ~~the content of the amendment or revision and sufficiently~~  
102 ~~advising electors of the issue upon which they are to vote.~~

103 Section 2. This act shall take effect July 1, 2013.