

HB 397

2013

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:

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29 | 101.161 Referenda; ballots.—

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
55 | constitutional amendment or revision shall include one or more
56 | ballot statements set forth in order of priority. Each ballot

57 | statement shall consist of a ballot title, by which the measure
58 | is commonly referred to or spoken of, not exceeding 15 words in
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~~

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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~~
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.