

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Feeney offered the following:

13 **Amendment**

14 On page 1, line 12,
15 remove from the bill: everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Section 101.161, Florida Statutes, is
19 amended to read:

20 101.161 Referenda; ballots.--

21 (1) Whenever a constitutional amendment or other
22 public measure is submitted to the vote of the people, a
23 ballot title and a ballot summary containing the substance of
24 such amendment or other public measure shall be printed in
25 clear and unambiguous language on the ballot after the list of
26 candidates, followed by the word "yes" and also by the word
27 "no," and shall be styled in such a manner that a "yes" vote
28 will indicate approval of the proposal and a "no" vote will
29 indicate rejection. The wording of the ballot summary
30 ~~substance of the amendment or other public measure~~ and the
31 ballot title to appear on the ballot shall be embodied in the

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1 joint resolution, constitutional revision commission proposal,
2 constitutional convention proposal, taxation and budget reform
3 commission proposal, or enabling resolution or ordinance. The
4 ballot summary substance of the amendment or other public
5 measure shall be an explanatory statement, not exceeding 150
6 75 words in length, of the chief purpose of the measure. The
7 ballot title shall consist of a caption, not exceeding 15
8 words in length, by which the measure is commonly referred to
9 or spoken of.

10 (2) The ballot summary substance and ballot title of a
11 constitutional amendment proposed by initiative shall be
12 prepared by the sponsor and approved by the Secretary of State
13 in accordance with rules adopted pursuant to s. 120.54, and
14 the ballot summary in such case may not exceed 75 words in
15 length.

16 (3) The Department of State shall give each proposed
17 constitutional amendment a designating number for convenient
18 reference. This number designation shall appear on the
19 ballot. Designating numbers shall be assigned in the order of
20 filing or certification of the amendments. The Department of
21 State shall furnish the designating number, the ballot title,
22 and the ballot summary substance of each amendment to the
23 supervisor of elections of each county in which such amendment
24 is to be voted on.

25 Section 2. Section 101.163, Florida Statutes, is
26 created to read:

27 101.163 Review of ballot summaries and titles.--This
28 section provides the exclusive process for review and
29 reformation of ballot summaries and titles for all
30 constitutional amendments submitted to the vote of the people.

31 (1) The following procedure shall apply to review and

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1 reformation of a ballot summary and title of a constitutional
2 amendment proposed by the Legislature, which must be submitted
3 to a vote of the people:

4 After final passage of a measure by the Legislature,
5 the Secretary of State shall submit the proposed ballot
6 summary and title to the Attorney General for review. Within
7 5 business days, the Attorney General shall, in writing,
8 notify the Secretary of State, the President of the Senate,
9 and the Speaker of the House of Representatives as to whether
10 the proposed ballot summary and title clearly and
11 unambiguously express the chief purpose of the measure. The
12 Attorney General shall state with specificity any and all
13 defects found and if necessary, within 10 business days of
14 determining that the proposed ballot summary and title are
15 defective, prepare and file a ballot summary and title which
16 clearly and unambiguously express the chief purpose of the
17 measure.

18 (2) The following procedure shall apply to review and
19 reformation of a ballot summary and title of a constitutional
20 amendment proposed by any other authorized method:

21 (a) After the filing of a constitutional amendment,
22 or, in the case of an initiative, satisfaction of the
23 conditions expressed in s. 15.21, the Secretary of State shall
24 submit the proposed ballot summary and title to the Attorney
25 General for review as to whether the ballot summary and title
26 to the Attorney General for review as to whether the ballot
27 summary and title clearly and unambiguously express the chief
28 purpose of the measure. Within 5 business days after filing
29 or transmission by the Secretary of State in accordance with
30 s. 15.21, the Attorney General shall, in writing, notify the
31 Secretary of State as to whether the proposed ballot summary

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1 and title clearly and unambiguously express the chief purpose
2 of the measure. The Attorney General shall state with
3 specificity any defect found and, if necessary, within 10
4 business days of determining that the proposed ballot summary
5 and title are defective, prepare and file a ballot summary and
6 title which clearly and unambiguously express the chief
7 purpose of the measure.

8 (b) Within 10 business days after completion of the
9 review and any reformation by the Attorney General, the
10 Secretary of State shall, if no petition is filed in the
11 Supreme Court challenging the ballot summary and title,
12 transmit to the county supervisors of elections an attested
13 copy of the measure, including the approved ballot summary and
14 title, and a certification that the requirements of this
15 section have been fulfilled. If a petition is filed with the
16 Supreme Court challenging the ballot summary and title within
17 the time specified in paragraph (c), the Secretary of State
18 shall certify to the county supervisors of elections the
19 ballot summary and title which is finally approved by the
20 Supreme Court.

21 (c) Any elector who claims that a ballot summary and
22 title do not clearly and unambiguously express the chief
23 purpose of the measure must, within 10 days after the same is
24 filed by the Attorney General with the Secretary of State,
25 petition the Supreme Court. Such petition must include a
26 proposed substitute ballot summary and title for the proposed
27 measure. For the petition to be successful, the petitioner
28 must establish, in order, that:

29 1. The substitute ballot summary and title clearly and
30 unambiguously express the chief purpose of the measure; and

31 2. The ballot summary and title approved by the

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1 Attorney General do not clearly and unambiguously express the
2 chief purpose of the measure.

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4 If the petitioner fails to establish the element required in
5 subparagraph 1., the petition shall be dismissed without
6 considering the element in subparagraph 2.

7 (d) In the case of more than one successful
8 petitioner, the court must select the ballot summary and title
9 that most clearly and unambiguously express the chief purpose
10 of the measure.

11 Section 3. Section 16.061, Florida Statutes, is
12 amended to read:

13 16.061 Initiative petitions.--

14 (1) The Attorney General shall, within 30 days after
15 receipt of a proposed revision or amendment to the State
16 Constitution by initiative petition from the Secretary of
17 State, petition the Supreme Court, requesting an advisory
18 opinion regarding the compliance of the text of the proposed
19 amendment or revision with s. 3, Art. XI of the State
20 Constitution ~~and the compliance of the proposed ballot title~~
21 ~~and substance with s. 101.161.~~ The petition may enumerate any
22 specific factual issues which the Attorney General believes
23 would require a judicial determination.

24 (2) A copy of the petition shall be provided to the
25 Secretary of State and the principal officer of the sponsor.

26 Section 4. This act shall take effect upon becoming a
27 law.

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