

By the Committees on Election Reform, Judiciary and
Representatives Byrd and Flanagan

1 A bill to be entitled
2 An act relating to referenda ballots; amending
3 s. 101.161, F.S.; providing that ballot
4 language proposed by joint resolution is
5 presumed to be clear and unambiguous; exempting
6 amendments and ballot language proposed by
7 joint resolution from length restrictions that
8 apply to the ballot statement; revising ballot
9 language used to change the method of selecting
10 circuit and county court judges; providing an
11 effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 101.161, Florida Statutes, is
16 amended to read:

17 101.161 Referenda; ballots.--

18 (1) Whenever a constitutional amendment or other
19 public measure is submitted to the vote of the people, the
20 substance of such amendment or other public measure shall be
21 printed in clear and unambiguous language on the ballot after
22 the list of candidates, followed by the word "yes" and also by
23 the word "no," and shall be styled in such a manner that a
24 "yes" vote will indicate approval of the proposal and a "no"
25 vote will indicate rejection. The substance of the ballot
26 language of a constitutional amendment or other public measure
27 proposed by joint resolution agreed to by three-fifths of the
28 membership of each house of the Legislature shall be deemed to
29 be clear and unambiguous for the purposes of this section.The
30 wording of the substance of the amendment or other public
31 measure and the ballot title to appear on the ballot shall be

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

11 (2) The substance and ballot title of a constitutional
12 amendment proposed by initiative shall be prepared by the
13 sponsor and approved by the Secretary of State in accordance
14 with rules adopted pursuant to s. 120.54. The Department of
15 State shall give each proposed constitutional amendment a
16 designating number for convenient reference. This number
17 designation shall appear on the ballot. Designating numbers
18 shall be assigned in the order of filing or certification of
19 the amendments. The Department of State shall furnish the
20 designating number, the ballot title, and the substance of
21 each amendment to the supervisor of elections of each county
22 in which such amendment is to be voted on.

23 (3)(a) The ballot for the general election in the year
24 2000 must contain a statement allowing voters to determine
25 whether circuit or county court judges will be selected by
26 merit selection and retention as provided in s. 10, Art. V of
27 the State Constitution. The ballot in each circuit must
28 contain the statement in paragraph (c). The ballot in each
29 county must contain the statement in paragraph (e).

30 (b) For any general election in which the Secretary of
31 State, for any circuit, or the supervisor of elections, for

1 any county, has certified the ballot position for an
2 initiative to change the method of selection of judges, the
3 ballot for any circuit must contain the statement in paragraph
4 (c) or paragraph (d) and the ballot for any county must
5 contain the statement in paragraph (e) or paragraph (f).

6 (c) In any circuit where the initiative is to change
7 the selection of circuit court judges to selection by merit
8 selection and retention, the ballot shall state: "Shall the
9 method of selecting circuit court judges in the ...(number of
10 the circuit)... judicial circuit be changed from election by a
11 vote of the people to selection by the judicial nominating
12 commission and appointment by the Governor with subsequent
13 terms determined by a retention vote of the people ~~selected~~
14 ~~through merit selection and retention?~~" This statement must be
15 followed by the word "yes" and also by the word "no."

16 (d) In any circuit where the initiative is to change
17 the selection of circuit court judges to election by the
18 voters, the ballot shall state: "Shall the method of selecting
19 circuit court judges in the ...(number of the circuit)...
20 judicial circuit be changed from selection by the judicial
21 nominating commission and appointment by the Governor with
22 subsequent terms determined by a retention vote of the people
23 to election by a vote of the people ~~selected by vote of the~~
24 ~~electorate of the circuit?"~~ This statement must be followed by
25 the word "yes" and also by the word "no."

26 (e) In any county where the initiative is to change
27 the selection of county court judges to merit selection and
28 retention, the ballot shall state: "Shall the method of
29 selecting county court judges in ...(name of county)... be
30 changed from election by a vote of the people to selection by
31 the judicial nominating commission and appointment by the

1 Governor with subsequent terms determined by a retention vote
2 of the people ~~selected through merit selection and retention?"~~
3 This statement must be followed by the word "yes" and also by
4 the word "no."

5 (f) In any county where the initiative is to change
6 the selection of county court judges to election by the
7 voters, the ballot shall state: "Shall the method of selecting
8 county court judges in ... (name of the county) ... be changed
9 from selection by the judicial nominating commission and
10 appointment by the Governor with subsequent terms determined
11 by a retention vote of the people to election by a vote of the
12 people ~~selected by vote of the electorate of the county?" This~~
13 statement must be followed by the word "yes" and also by the
14 word "no."

15 Section 2. This act shall take effect upon becoming a
16 law.

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