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1 A bill to be entitled

2 An act relating to voter information; creating s. 100.391,  
3 F.S.; requiring the Department of State to prepare a voter  
4 information guide for elections in which a constitutional  
5 amendment or a candidate for retention as a justice is on  
6 the ballot; specifying the information the guide is to  
7 contain; providing requirements for the submission,  
8 review, and adoption of such information; providing for  
9 publication and dissemination of the guide; providing for  
10 assessment of fees to cover certain costs of publication  
11 and dissemination; providing the department rulemaking  
12 authority; providing an effective date.

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

15  
16 Section 1. Section 100.391, Florida Statutes, is created  
17 to read:

18 100.391 Voter information guide.--

19 (1) The Department of State shall prepare a voter  
20 information guide for any general election at which a proposed  
21 constitutional amendment or a question to retain a justice in  
22 office will appear on the ballot. The voter information guide  
23 for such an election shall include:

24 (a) For each proposed constitutional amendment:

25 1. The title and text of the amendment, indicating any  
26 deleted or amended material.

27 2. The form in which the amendment will appear on the  
28 ballot, including the number by which it will be designated.

29 3. Arguments supporting and arguments opposing the  
30 amendment.



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31 4. An economic impact statement for the amendment,  
32 comprised of an estimate of the increase or decrease in any  
33 revenues or costs to state and local governments resulting from  
34 the amendment if adopted.

35 (b) Information relating to the retention of any justice  
36 who qualifies to run for retention in office.

37 (c) Voter registration information, including information  
38 on how to obtain an absentee ballot.

39 (d) A list of the addresses and telephone numbers of all  
40 offices of county supervisors of elections.

41 (2) The arguments supporting and arguments opposing a  
42 proposed constitutional amendment required under subparagraph  
43 (1)(a)3. shall be provided as follows:

44 (a) The sponsor of the amendment shall file with the  
45 department an argument supporting adoption of the amendment, and  
46 any opponent of the amendment shall file with the department an  
47 argument opposing adoption of the amendment. Each argument may  
48 not exceed 500 words. The arguments shall be filed not more than  
49 30 days after the amendment has been approved by the department  
50 for placement on the ballot or on or before July 15 immediately  
51 preceding the election, whichever is later. Rebuttal arguments  
52 not exceeding 250 words may be filed by both the sponsor and the  
53 opponent on or before July 30 or 5 days after the filing of the  
54 argument to be rebutted, whichever is later.

55 (b) For purposes of this subsection, the sponsor of the  
56 amendment shall be:

57 1. If proposed by initiative, the political committee  
58 sponsoring the initiative.

59 2. If proposed by joint resolution, the Legislature, in  
60 which case the supporting argument shall be filed jointly by the



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61 Senate and the House of Representatives in any manner as may be  
62 determined by the President of the Senate and the Speaker of the  
63 House of Representatives.

64 3. If proposed by report of a revision commission,  
65 constitutional convention, or taxation and budget reform  
66 commission, the commission or convention, as applicable.

67 (c) For the purposes of this subsection, the opponent of  
68 the amendment shall be:

69 1. Any legislator. If more than one legislator files an  
70 argument in opposition, the President of the Senate and the  
71 Speaker of the House of Representatives shall jointly select the  
72 argument to be used, provided that if the amendment was proposed  
73 by joint resolution, the argument selected must be one filed by  
74 a legislator who voted against final passage of the resolution.  
75 The decision of the President of the Senate and the Speaker of  
76 the House of Representatives shall be made within 5 days after  
77 the deadline for filing the argument and shall be made in any  
78 manner as they may agree; or

79 2. Any voter, if the amendment was proposed by joint  
80 resolution and no legislator filed an argument in opposition to  
81 it or voted against it. A voter may file an argument in  
82 opposition within 10 days after the original deadline for filing  
83 the argument. If an argument is filed by more than one voter,  
84 the department shall select the argument of the voter that most  
85 clearly and persuasively addresses the issues identified in the  
86 ballot summary. That voter shall be considered the opponent of  
87 the amendment. The decision of the department shall be made  
88 within 5 days after the deadline for filing the argument and  
89 shall not be subject to challenge.



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90       (3) The Revenue Estimating Conference shall prepare the  
91 economic impact statement required under subparagraph (1)(a)4.  
92 for each proposed constitutional amendment, taking into  
93 consideration input from the public, the Office of Economic and  
94 Demographic Research, and any other entities it deems proper.  
95 The voter information guide shall indicate whether there is an  
96 economic impact for each proposed constitutional amendment and  
97 shall abstract the impact statement for such proposal. The  
98 abstract shall appear following the arguments supporting or  
99 opposing the proposed amendment.

100       (4)(a) The information relating to the retention of  
101 justices required under paragraph (1)(b) shall consist of  
102 evaluations and statements of support or opposition.

103       (b) Evaluations of candidates for retention in office as a  
104 justice may be provided by any registered political committee,  
105 The Florida Bar, the Florida House of Representatives, the  
106 Florida Senate, or the Governor. An evaluation shall consist of  
107 a concise estimate, based on either a 100-0 numerical scale or  
108 an A-F letter grade scale, of the provider's assessment of the  
109 justice. Any entity or person providing an evaluation of a  
110 justice shall evaluate each justice by the same scale and  
111 present a concise description of the factors considered and  
112 relative weights given to such factors in the process of  
113 evaluating justices.

114       (c) Statements of support for or opposition to candidates  
115 for retention in office as a justice may be provided by any  
116 registered political committee. However, statements for no more  
117 than five proponents and no more than five opponents may be  
118 included in the voter information guide. The department may  
119 determine by rule the method of selecting proponent and opponent



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120 information, which method may include considerations such as the  
121 relative sizes of the organizations or constituencies  
122 represented by the committees offering the information, the  
123 clarity of the information provided, the relative benefit of  
124 including a diversity of viewpoints in the voter information  
125 guide, and other factors the department determines would make  
126 the guide more informative.

127 (5) At least 75 days prior to the general election, the  
128 department shall publish, on the Internet and by mailing to  
129 every registered political committee, a preliminary draft of the  
130 voter information guide. Any proponent or opponent shall be  
131 allowed to comment, in writing on-line or by mail, on the  
132 accuracy or fairness of the analysis on any issue or the  
133 assessment of any judicial candidate addressed in the guide.  
134 Such comments shall be delivered to the department no later than  
135 the 60th day prior to the general election in such manner as may  
136 be specified in the preliminary draft.

137 (6) Following completion of the voter information guide,  
138 the department shall arrange for its publication and  
139 distribution to every address of legal residence, or mailing  
140 address if different, of one or more active registered electors  
141 in the state. Voter information guides shall be distributed not  
142 later than 15 days prior to the general election. Sample ballots  
143 for both the primary and general elections shall include a  
144 statement that information on how to obtain a voter information  
145 guide is available by contacting the department. The statement  
146 shall include the department's telephone number and mailing  
147 address.

148 (7) The department may assess fees against political  
149 committees offering information included in the voter



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150 information guide not to exceed a proportionate share of the  
151 costs of printing and mailing the guide.

152 (8) The department may adopt rules in accordance with ss.  
153 120.536(1) and 120.54 to implement and administer the provisions  
154 of this section.

155 Section 2. This act shall take effect January 1, 2004.