

By Senators Deutch and Hill

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1 A bill to be entitled
2 An act relating to proposed constitutional amendments
3 or other public measures; amending s. 101.151, F.S.;
4 requiring ballots to include headings for amendments
5 to the State Constitution and for other measures;
6 requiring a financial impact statement to follow each
7 citizen initiative to amend the State Constitution;
8 amending s. 101.161, F.S.; requiring ballot summaries
9 for constitutional amendments and other public
10 measures to be written at the eighth grade reading
11 level; authorizing the Department of State to define
12 the term "eighth grade reading level" by rule;
13 amending s. 100.371, F.S.; deleting provisions
14 relating to financial impact statements for
15 constitutional amendments and revisions proposed by
16 initiative; creating s. 100.375, F.S.; requiring the
17 Financial Impact Estimating Conference to provide a
18 financial impact statement for amendments and
19 revisions proposed by initiative or joint resolution;
20 amending s. 16.061, F.S.; conforming a cross-
21 reference; providing for application of the act to
22 proposed amendments to the State Constitution;
23 providing an effective date.

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

26
27 Section 1. Subsection (2) of section 101.151, Florida
28 Statutes, is amended to read:

29 101.151 Specifications for ballots.—

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30 (2) (a) The ballot shall have headings for elective ~~under~~
31 ~~which shall appear the names of the~~ offices and other measures
32 ~~the names of the candidates for the respective offices~~ in the
33 following order:

34 1. The heading "President and Vice President" followed by
35 ~~and thereunder~~ the names of the candidates for President and
36 Vice President of the United States nominated by the political
37 party that received the highest vote for Governor in the last
38 general election of the Governor in this state. Then shall
39 appear the names of other candidates for President and Vice
40 President of the United States who have been properly nominated.
41 ~~Then shall follow~~

42 2. The heading "Congressional" and thereunder the offices
43 of United States Senator and Representative in Congress. ~~;~~ ~~then~~

44 3. The heading "State" followed by ~~and thereunder~~ the
45 offices of Governor and Lieutenant Governor, Attorney General,
46 Chief Financial Officer, Commissioner of Agriculture, state
47 attorney, and public defender, together with the names of the
48 candidates for each office and the title of the office which
49 they seek. ~~;~~ ~~then~~

50 4. The heading "Legislative" and thereunder the offices of
51 state senator and state representative. ~~;~~ ~~then~~

52 5. The heading "County" followed by the names of the
53 candidates for ~~and thereunder~~ clerk of the circuit court, clerk
54 of the county court (when authorized by law), sheriff, property
55 appraiser, tax collector, district superintendent of schools,
56 and supervisor of elections. Following those county offices, the
57 ballot shall list the candidates for ~~Thereafter follows: members~~
58 ~~of~~ the board of county commissioners, and such other county and

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59 district offices as are involved in the election, in the order
60 fixed by the Department of State, ~~followed, in the year of~~
61 ~~their election, by~~

62 6. The heading "Party Offices," followed by and thereunder
63 the offices of state and county party executive committee
64 members.

65 7. The heading "Constitutional Amendments" followed by the
66 ballot titles and ballot summaries of proposed amendments to the
67 State Constitution in the order that designating numbers are
68 assigned by the Secretary of State. Each amendment proposed by
69 citizen initiative shall be followed by the financial impact
70 statement prepared by the Financial Impact Estimating Conference
71 pursuant to s. 100.375.

72 8. The heading "Other Measures" followed by any measure
73 other than an amendment to the State Constitution.

74 (b) In a general election, in addition to the names printed
75 on the ballot, a blank space shall be provided under each
76 heading for an office for which a write-in candidate has
77 qualified. With respect to write-in candidates, if two or more
78 candidates are seeking election to one office, only one blank
79 space shall be provided.

80 (c) ~~(b)~~ When more than one candidate is nominated for
81 office, the candidates for such office shall qualify and run in
82 a group or district, and the group or district number shall be
83 printed beneath the name of the office. Each nominee of a
84 political party chosen in a primary shall appear on the general
85 election ballot in the same numbered group or district as on the
86 primary election ballot.

87 (d) ~~(e)~~ If in any election all the offices as set forth in

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88 paragraph (a) are not involved, those offices not to be filled
89 shall be omitted and the remaining offices shall be arranged on
90 the ballot in the order named.

91 Section 2. Subsections (1) and (2) of section 101.161,
92 Florida Statutes, are amended and subsection (4) is added to
93 that section to read:

94 101.161 Referenda; ballots.—

95 (1) (a) Whenever a constitutional amendment or other public
96 measure is submitted to a vote of the electors, the ballot shall
97 contain ~~vote of the people~~, the ballot summary and ballot title
98 for the substance of such amendment or other public measure. The
99 ballot summary shall provide an explanatory statement of the
100 chief purpose of the measure written ~~shall be printed~~ in clear
101 and unambiguous language at the eighth grade reading level. The
102 ballot summary on the ballot after the list of candidates,
103 ~~followed by the word "yes" and also by the word "no,"~~ and shall
104 be styled in such a manner that a "yes" vote will indicate
105 approval of the proposal and a "no" vote will indicate
106 rejection. The ballot title shall be a caption by which the
107 measure is commonly known.

108 (b) The ballot title and ballot summary for an ~~wording of~~
109 ~~the substance of the~~ amendment or other public measure ~~and the~~
110 ~~ballot title~~ to appear on the ballot shall be embodied in the
111 joint resolution, constitutional revision commission proposal,
112 constitutional convention proposal, taxation and budget reform
113 commission proposal, or enabling resolution or ordinance.

114 (c) Except for ballot summaries for amendments ~~and ballot~~
115 ~~language~~ proposed by joint resolution, the ballot summary for an
116 ~~substance of the~~ amendment or other public measure may not

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117 ~~exceed shall be an explanatory statement, not exceeding 75 words~~
118 ~~in length, of the chief purpose of the measure. A ballot title~~
119 ~~may not exceed 15 words. In addition, for every amendment~~
120 ~~proposed by initiative, the ballot shall include, following the~~
121 ~~ballot summary, a separate financial impact statement concerning~~
122 ~~the measure prepared by the Financial Impact Estimating~~
123 ~~Conference in accordance with s. 100.371(5). The ballot title~~
124 ~~shall consist of a caption, not exceeding 15 words in length, by~~
125 ~~which the measure is commonly referred to or spoken of.~~

126 (2) (a) The ~~substance and~~ ballot title and ballot summary of
127 a constitutional amendment proposed by initiative shall be
128 prepared by the sponsor and approved by the Secretary of State
129 in accordance with rules adopted pursuant to s. 120.54.

130 (b) The Department of State shall give each proposed
131 constitutional amendment a designating number for convenient
132 reference. This number designation shall appear on the ballot.
133 Designating numbers shall be assigned in the order of filing or
134 certification and in accordance with rules adopted by the
135 Department of State. The Department of State shall furnish the
136 designating number, the ballot title, and the substance of each
137 amendment to the supervisor of elections of each county in which
138 such amendment is to be voted on.

139 (4) The Department of State shall define the term "eight
140 grade reading level" by rule.

141 Section 3. Subsections (5), (6), (7), and (8) of section
142 100.371, Florida Statutes, are amended to read:

143 100.371 Initiatives; procedure for placement on ballot.—

144 ~~(5) (a) Within 45 days after receipt of a proposed revision~~
145 ~~or amendment to the State Constitution by initiative petition~~

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146 ~~from the Secretary of State, the Financial Impact Estimating~~
147 ~~Conference shall complete an analysis and financial impact~~
148 ~~statement to be placed on the ballot of the estimated increase~~
149 ~~or decrease in any revenues or costs to state or local~~
150 ~~governments resulting from the proposed initiative. The~~
151 ~~Financial Impact Estimating Conference shall submit the~~
152 ~~financial impact statement to the Attorney General and Secretary~~
153 ~~of State.~~

154 ~~(b) The Financial Impact Estimating Conference shall~~
155 ~~provide an opportunity for any proponents or opponents of the~~
156 ~~initiative to submit information and may solicit information or~~
157 ~~analysis from any other entities or agencies, including the~~
158 ~~Office of Economic and Demographic Research.~~

159 ~~(c) All meetings of the Financial Impact Estimating~~
160 ~~Conference shall be open to the public. The President of the~~
161 ~~Senate and the Speaker of the House of Representatives, jointly,~~
162 ~~shall be the sole judge for the interpretation, implementation,~~
163 ~~and enforcement of this subsection.~~

164 ~~1. The Financial Impact Estimating Conference is~~
165 ~~established to review, analyze, and estimate the financial~~
166 ~~impact of amendments to or revisions of the State Constitution~~
167 ~~proposed by initiative. The Financial Impact Estimating~~
168 ~~Conference shall consist of four principals: one person from the~~
169 ~~Executive Office of the Governor; the coordinator of the Office~~
170 ~~of Economic and Demographic Research, or his or her designee;~~
171 ~~one person from the professional staff of the Senate; and one~~
172 ~~person from the professional staff of the House of~~
173 ~~Representatives. Each principal shall have appropriate fiscal~~
174 ~~expertise in the subject matter of the initiative. A Financial~~

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175 ~~Impact Estimating Conference may be appointed for each~~
176 ~~initiative.~~

177 ~~2. Principals of the Financial Impact Estimating Conference~~
178 ~~shall reach a consensus or majority concurrence on a clear and~~
179 ~~unambiguous financial impact statement, no more than 75 words in~~
180 ~~length, and immediately submit the statement to the Attorney~~
181 ~~General. Nothing in this subsection prohibits the Financial~~
182 ~~Impact Estimating Conference from setting forth a range of~~
183 ~~potential impacts in the financial impact statement. Any~~
184 ~~financial impact statement that a court finds not to be in~~
185 ~~accordance with this section shall be remanded solely to the~~
186 ~~Financial Impact Estimating Conference for redrafting. The~~
187 ~~Financial Impact Estimating Conference shall redraft the~~
188 ~~financial impact statement within 15 days.~~

189 ~~3. If the members of the Financial Impact Estimating~~
190 ~~Conference are unable to agree on the statement required by this~~
191 ~~subsection, or if the Supreme Court has rejected the initial~~
192 ~~submission by the Financial Impact Estimating Conference and no~~
193 ~~redraft has been approved by the Supreme Court by 5 p.m. on the~~
194 ~~75th day before the election, the following statement shall~~
195 ~~appear on the ballot pursuant to s. 101.161(1): "The financial~~
196 ~~impact of this measure, if any, cannot be reasonably determined~~
197 ~~at this time."~~

198 ~~(d) The financial impact statement must be separately~~
199 ~~contained and be set forth after the ballot summary as required~~
200 ~~in s. 101.161(1).~~

201 ~~(e)1. Any financial impact statement that the Supreme Court~~
202 ~~finds not to be in accordance with this subsection shall be~~
203 ~~remanded solely to the Financial Impact Estimating Conference~~

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204 ~~for redrafting, provided the court's advisory opinion is~~
205 ~~rendered at least 75 days before the election at which the~~
206 ~~question of ratifying the amendment will be presented. The~~
207 ~~Financial Impact Estimating Conference shall prepare and adopt a~~
208 ~~revised financial impact statement no later than 5 p.m. on the~~
209 ~~15th day after the date of the court's opinion.~~

210 ~~2. If, by 5 p.m. on the 75th day before the election, the~~
211 ~~Supreme Court has not issued an advisory opinion on the initial~~
212 ~~financial impact statement prepared by the Financial Impact~~
213 ~~Estimating Conference for an initiative amendment that otherwise~~
214 ~~meets the legal requirements for ballot placement, the financial~~
215 ~~impact statement shall be deemed approved for placement on the~~
216 ~~ballot.~~

217 ~~3. In addition to the financial impact statement required~~
218 ~~by this subsection, the Financial Impact Estimating Conference~~
219 ~~shall draft an initiative financial information statement. The~~
220 ~~initiative financial information statement should describe in~~
221 ~~greater detail than the financial impact statement any projected~~
222 ~~increase or decrease in revenues or costs that the state or~~
223 ~~local governments would likely experience if the ballot measure~~
224 ~~were approved. If appropriate, the initiative financial~~
225 ~~information statement may include both estimated dollar amounts~~
226 ~~and a description placing the estimated dollar amounts into~~
227 ~~context. The initiative financial information statement must~~
228 ~~include both a summary of not more than 500 words and additional~~
229 ~~detailed information that includes the assumptions that were~~
230 ~~made to develop the financial impacts, workpapers, and any other~~
231 ~~information deemed relevant by the Financial Impact Estimating~~
232 ~~Conference.~~

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233 ~~4. The Department of State shall have printed, and shall~~
234 ~~furnish to each supervisor of elections, a copy of the summary~~
235 ~~from the initiative financial information statements. The~~
236 ~~supervisors shall have the summary from the initiative financial~~
237 ~~information statements available at each polling place and at~~
238 ~~the main office of the supervisor of elections upon request.~~

239 ~~5. The Secretary of State and the Office of Economic and~~
240 ~~Demographic Research shall make available on the Internet each~~
241 ~~initiative financial information statement in its entirety. In~~
242 ~~addition, each supervisor of elections whose office has a~~
243 ~~website shall post the summary from each initiative financial~~
244 ~~information statement on the website. Each supervisor shall~~
245 ~~include the Internet addresses for the information statements on~~
246 ~~the Secretary of State's and the Office of Economic and~~
247 ~~Demographic Research's websites in the publication or mailing~~
248 ~~required by s. 101.20.~~

249 (5)~~(6)~~(a) An elector's signature on a petition form may be
250 revoked within 150 days of the date on which he or she signed
251 the petition form by submitting to the appropriate supervisor of
252 elections a signed petition-revocation form.

253 (b) The petition-revocation form and the manner in which
254 signatures are obtained, submitted, and verified shall be
255 subject to the same relevant requirements and timeframes as the
256 corresponding petition form and processes under this code and
257 shall be approved by the Secretary of State before any signature
258 on a petition-revocation form is obtained.

259 (c) In those circumstances in which a petition-revocation
260 form for a corresponding initiative petition has not been
261 submitted and approved, an elector may complete and submit a

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262 standard petition-revocation form directly to the supervisor of
263 elections. All other requirements and processes apply for the
264 submission and verification of the signatures as for initiative
265 petitions.

266 (d) Supervisors of elections shall provide petition-
267 revocation forms to the public at all main and branch offices.

268 (e) The petition-revocation form shall be filed with the
269 supervisor of elections by February 1 preceding the next general
270 election or, if the initiative amendment is not certified for
271 ballot position in that election, by February 1 preceding the
272 next successive general election. The supervisor of elections
273 shall promptly verify the signature on the petition-revocation
274 form and process such revocation upon payment, in advance, of a
275 fee of 10 cents or the actual cost of verifying such signature,
276 whichever is less. The supervisor shall promptly record each
277 valid and verified signature on a petition-revocation form in
278 the manner prescribed by the Secretary of State.

279 (f) The division shall adopt by rule the petition-
280 revocation forms to be used under this subsection.

281 ~~(6)-(7)~~ The Department of State may adopt rules in
282 accordance with s. 120.54 to carry out the provisions of
283 subsections (1)-(5) ~~(1)-(6)~~.

284 ~~(7)-(8)~~ No provision of this code shall be deemed to
285 prohibit a private person exercising lawful control over
286 privately owned property, including property held open to the
287 public for the purposes of a commercial enterprise, from
288 excluding from such property persons seeking to engage in
289 activity supporting or opposing initiative amendments.

290 Section 4. Section 100.375, Florida Statutes, is created to

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291 read:

292 100.375 Financial impact statement for amendments proposed
293 by initiative and joint resolution.-

294 (1) The Financial Impact Estimating Conference shall
295 prepare a financial impact statement for placement on the ballot
296 which states the estimated increase or decrease in any revenues
297 or costs to state or local governments resulting from an
298 amendment to the State Constitution proposed by initiative or
299 joint resolution. The conference must prepare the statement
300 within 45 days after receipt of an amendment or revision
301 proposed by initiative from the Secretary of State. The
302 conference must prepare the statement no later than 30 days
303 after the adjournment of the legislative session in which the
304 Legislature proposes an amendment or revision. The conference
305 shall submit the statement to the Attorney General and Secretary
306 of State upon completion.

307 (2) The Financial Impact Estimating Conference shall
308 provide an opportunity for any proponents or opponents of the
309 initiative to submit information and may solicit information or
310 analysis from any other entities or agencies, including the
311 Office of Economic and Demographic Research.

312 (3) All meetings of the Financial Impact Estimating
313 Conference shall be open to the public. The President of the
314 Senate and the Speaker of the House of Representatives, jointly,
315 shall be the sole judge for the interpretation, implementation,
316 and enforcement of this subsection.

317 (4) The Financial Impact Estimating Conference is
318 established to review, analyze, and estimate the financial
319 impact of amendments to or revisions of the State Constitution

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320 proposed by initiative or joint resolution. The Financial Impact
321 Estimating Conference shall consist of four principals: one
322 person from the Executive Office of the Governor; the
323 coordinator of the Office of Economic and Demographic Research,
324 or his or her designee; one person from the professional staff
325 of the Senate; and one person from the professional staff of the
326 House of Representatives. Each principal shall have appropriate
327 fiscal expertise in the subject matter of the initiative or
328 joint resolution. A Financial Impact Estimating Conference may
329 be appointed for each initiative or joint resolution.

330 (5) Principals of the Financial Impact Estimating
331 Conference shall reach a consensus or majority concurrence on a
332 clear and unambiguous financial impact statement, no more than
333 75 words in length, and immediately submit the statement to the
334 Attorney General. This section does not prohibit the Financial
335 Impact Estimating Conference from setting forth a range of
336 potential impacts in the financial impact statement. A court
337 shall remand any financial impact statement that does not comply
338 with this section to the Financial Impact Estimating Conference,
339 exclusively, for redrafting. The Financial Impact Estimating
340 Conference shall redraft the financial impact statement within
341 15 days after the date of a remand.

342 (6) If the principals of the Financial Impact Estimating
343 Conference are unable to agree on the statement required by this
344 section, or if the Supreme Court rejects the initial submission
345 by the Financial Impact Estimating Conference and no redraft has
346 been approved by the Supreme Court by 5 p.m. on the 75th day
347 before the election, the following statement shall appear on the
348 ballot: "The financial impact of this measure, if any, cannot be

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349 reasonably determined at this time."

350 (7) (a) The Supreme Court shall remand a financial impact
351 statement that does not comply with this section exclusively to
352 the Financial Impact Estimating Conference for redrafting, if
353 the court's opinion is rendered at least 75 days before the
354 election at which the measure will be submitted to the electors.
355 The Financial Impact Estimating Conference shall prepare and
356 adopt a revised financial impact statement no later than 5 p.m.
357 on the 15th day after the date of the court's opinion.

358 (b) If, by 5 p.m. on the 75th day before the election, the
359 Supreme Court has not issued an opinion on the initial financial
360 impact statement prepared by the Financial Impact Estimating
361 Conference, the financial impact statement shall be deemed
362 approved for placement on the ballot.

363 (c) In addition to the financial impact statement, the
364 Financial Impact Estimating Conference shall draft a financial
365 information statement. The financial information statement must
366 provide greater detail than the financial impact statement of
367 any projected increase or decrease in revenues or costs that the
368 state or local governments will likely experience if the ballot
369 measure is approved. If appropriate, the initiative financial
370 information statement may include both estimated dollar amounts
371 and a description placing the estimated dollar amounts into
372 context. The initiative financial information statement must
373 include both a summary of not more than 500 words and additional
374 detailed information that includes the assumptions that were
375 made to develop the financial impacts, workpapers, and any other
376 information deemed relevant by the Financial Impact Estimating
377 Conference.

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378 (d) The Department of State shall have printed, and shall
379 furnish to each supervisor of elections, a copy of the summary
380 from the financial information statements. The supervisors shall
381 have the summary from the initiative financial information
382 statements available at each polling place and at the main
383 office of the supervisor of elections upon request.

384 (e) The Secretary of State and the Office of Economic and
385 Demographic Research shall make available on the Internet each
386 financial information statement in its entirety. In addition,
387 each supervisor of elections whose office has a website shall
388 post the summary from each financial information statement on
389 the website. Each supervisor shall include the Internet
390 addresses for the information statements on the Secretary of
391 State's and the Office of Economic and Demographic Research's
392 websites in the publication or mailing required by s. 101.20.

393 Section 5. Section 16.061, Florida Statutes, is amended to
394 read:

395 16.061 Initiative petitions.—

396 (1) The Attorney General shall, within 30 days after
397 receipt of a proposed revision or amendment to the State
398 Constitution by initiative petition from the Secretary of State,
399 petition the Supreme Court, requesting an advisory opinion
400 regarding the compliance of the text of the proposed amendment
401 or revision with s. 3, Art. XI of the State Constitution and the
402 compliance of the proposed ballot title and substance with s.
403 101.161. The petition may enumerate any specific factual issues
404 that the Attorney General believes would require a judicial
405 determination.

406 (2) A copy of the petition shall be provided to the

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407 Secretary of State and the principal officer of the sponsor.

408 (3) Any fiscal impact statement that the court finds not to
409 be in accordance with s. 100.375 ~~s. 100.371~~ shall be remanded
410 solely to the Financial Impact Estimating Conference for
411 redrafting.

412 Section 6. This act shall take effect July 1, 2009, but
413 does not apply to initiatives for which the signatures are
414 collected before that date or to proposed constitutional
415 amendments that are filed with the Secretary of State before
416 that date for submission to the voters.