

By Senator Deutch

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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) ~~(c)~~ 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 "eighth  
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, 2010, 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.