

CS/HB 1261

2011

1                   A bill to be entitled  
2       An act relating to election ballots; amending s. 101.161,  
3       F.S.; revising terminology; transferring to a new  
4       subsection requirements applicable to joint resolutions;  
5       providing that a joint resolution may include a ballot  
6       summary and alternate ballot summaries; providing that a  
7       joint resolution must specify placement on the ballot of a  
8       ballot summary or the full text of an amendment or  
9       revision; creating a presumption that the full text of an  
10      amendment or revision must be considered a clear and  
11      unambiguous statement of the substance and effect of an  
12      amendment or revision proposed by joint resolution and  
13      sufficient notice to the electors under certain  
14      circumstances; requiring legal challenges to ballot  
15      language specified by joint resolution to be filed within  
16      certain time periods; requiring placement on the ballot of  
17      the full text of an amendment or revision proposed by  
18      joint resolution if the courts find the ballot summary  
19      defective; requiring the courts to accord actions  
20      challenging ballot language specified by a joint  
21      resolution priority over other pending cases and issue  
22      orders as expeditiously as possible; providing retroactive  
23      applicability to joint resolutions passed during the 2011  
24      regular session; providing an effective date.

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

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28       Section 1.   Subsections (1) and (2) of section 101.161,

29 Florida Statutes, are amended, and subsection (4) is added to  
 30 that section, to read:

31 101.161 Referenda; ballots.—

32 (1) Whenever a constitutional amendment or other public  
 33 measure is submitted to the vote of the people, a ballot summary  
 34 ~~the substance~~ of such amendment or other public measure shall be  
 35 printed in clear and unambiguous language on the ballot after  
 36 the list of candidates, followed by the word "yes" and also by  
 37 the word "no," and shall be styled in such a manner that a "yes"  
 38 vote will indicate approval of the proposal and a "no" vote will  
 39 indicate rejection. The ballot summary ~~wording of the substance~~  
 40 of the amendment or other public measure and the ballot title to  
 41 appear on the ballot shall be embodied in the ~~joint resolution,~~  
 42 constitutional revision commission proposal, constitutional  
 43 convention proposal, taxation and budget reform commission  
 44 proposal, or enabling resolution or ordinance. ~~Except for~~  
 45 ~~amendments and ballot language proposed by joint resolution,~~ The  
 46 ballot summary ~~substance~~ of the amendment or other public  
 47 measure shall be an explanatory statement, not exceeding 75  
 48 words in length, of the chief purpose of the measure. In  
 49 addition, for every amendment proposed by initiative, the ballot  
 50 shall include, following the ballot summary, a separate  
 51 financial impact statement concerning the measure prepared by  
 52 the Financial Impact Estimating Conference in accordance with s.  
 53 100.371(5). The ballot title shall consist of a caption, not  
 54 exceeding 15 words in length, by which the measure is commonly  
 55 referred to or spoken of. This subsection does not apply to  
 56 constitutional amendments or revisions proposed by joint

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57 | resolution.

58 |       (2) The ballot summary ~~substance~~ and ballot title of a  
59 | constitutional amendment proposed by initiative shall be  
60 | prepared by the sponsor and approved by the Secretary of State  
61 | in accordance with rules adopted pursuant to s. 120.54. The  
62 | Department of State shall give each proposed constitutional  
63 | amendment a designating number for convenient reference. This  
64 | number designation shall appear on the ballot. Designating  
65 | numbers shall be assigned in the order of filing or  
66 | certification and in accordance with rules adopted by the  
67 | Department of State. The Department of State shall furnish the  
68 | designating number, the ballot title, and the ballot summary  
69 | ~~substance~~ of each amendment, unless otherwise specified in a  
70 | joint resolution, to the supervisor of elections of each county  
71 | in which such amendment is to be voted on.

72 |       (4) (a) Whenever a constitutional amendment or revision is  
73 | proposed by joint resolution, the joint resolution shall include  
74 | a ballot title consisting of a caption, not exceeding 15 words  
75 | in length, by which the measure is commonly referred to or  
76 | spoken of. The joint resolution may include a ballot summary and  
77 | alternate ballot summaries that describe the chief purpose of  
78 | the amendment or revision in clear and unambiguous language. The  
79 | joint resolution shall specify placement on the ballot of a  
80 | ballot title and either a ballot summary embodied in the joint  
81 | resolution or the full text of the proposed amendment or  
82 | revision. As specified by the joint resolution, the ballot title  
83 | and ballot summary, or the ballot title and the full text of the  
84 | proposed amendment or revision, shall be printed on the ballot,

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85 with a designating number assigned by the Secretary of State  
86 pursuant to subsection (2), after the list of candidates,  
87 followed by the word "yes" and also by the word "no," and shall  
88 be styled in such a manner that a "yes" vote will indicate  
89 approval of the proposal and a "no" vote will indicate  
90 rejection. The Department of State shall furnish the designating  
91 number and, as specified by the joint resolution proposing an  
92 amendment or revision, the ballot title and a ballot summary or  
93 the full text of the amendment or revision to the supervisor of  
94 elections of each county in which the amendment or revision is  
95 to be voted on.

96 (b) If a joint resolution specifies placement on the  
97 ballot of the full text of a proposed amendment or revision, and  
98 the full text of the proposed amendment or revision delineates  
99 existing text in the State Constitution that will be removed or  
100 replaced if approved by the electors, the full text shall be  
101 considered a clear and unambiguous statement of the substance  
102 and effect of the amendment or revision, providing fair notice  
103 to the electors of the content of the proposed amendment or  
104 revision and sufficiently advising electors of the issue upon  
105 which they are voting. Any judicial action challenging placement  
106 on the ballot of the full text of a proposed amendment or  
107 revision must be commenced within 30 days after the joint  
108 resolution is filed with the Secretary of State.

109 (c) Any action for a judicial determination that the  
110 ballot title, ballot summary, or alternate ballot summaries  
111 embodied in a joint resolution are inaccurate, misleading, or  
112 otherwise defective must be commenced within 30 days after the

113 joint resolution is filed with the Secretary of State. If the  
114 court determines that each ballot summary embodied in a joint  
115 resolution is defective, the full text of the proposed amendment  
116 or revision shall appear on the ballot in lieu of a ballot  
117 summary. If the full text of the proposed amendment or revision  
118 delineates existing text in the State Constitution that will be  
119 removed or replaced if approved by the electors, the full text  
120 shall be considered a clear and unambiguous statement of the  
121 substance and effect of the amendment or revision, providing  
122 fair notice to the electors of the content of the proposal and  
123 sufficiently advising electors of the issue upon which they are  
124 voting. Any subsequent judicial action challenging placement on  
125 the ballot of the full text of a proposed amendment or revision  
126 must be commenced within 15 days after issuance of the final  
127 order in the matter.

128 (d) Legal actions challenging ballot language specified by  
129 a joint resolution proposing an amendment or revision to the  
130 State Constitution shall be accorded priority over other pending  
131 cases by the courts, including any appellate court, and the  
132 courts shall render decisions in such actions as expeditiously  
133 as possible.

134 Section 2. This act applies retroactively to all joint  
135 resolutions adopted by the Legislature during the 2011 Regular  
136 Session, except that any legal action challenging a ballot title  
137 or ballot summary embodied in such joint resolution or  
138 challenging placement on the ballot of the full text of the  
139 proposed amendment or revision to the State Constitution as  
140 specified in such joint resolution must be commenced within 30

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141 days after the effective date of this act or within 30 days  
142 after the joint resolution to which a challenge relates is filed  
143 with the Secretary of State, whichever occurs later.

144 Section 3. This act shall take effect upon becoming a law.