

Amendment No.

CHAMBER ACTION

Senate

House

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Representatives Legg, Corcoran and Young offered the following:

Amendment (with title amendment)

Remove lines 4131-4132 and insert:

Section 77. Effective upon this act becoming a law, subsections (1) and (2) of section 101.161, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary ~~the substance~~ of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will

821007
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Amendment No.

17 indicate rejection. The ballot summary ~~wording of the substance~~
18 of the amendment or other public measure and the ballot title to
19 appear on the ballot shall be embodied in the ~~joint resolution,~~
20 constitutional revision commission proposal, constitutional
21 convention proposal, taxation and budget reform commission
22 proposal, or enabling resolution or ordinance. ~~Except for~~
23 ~~amendments and ballot language proposed by joint resolution,~~ The
24 ballot summary ~~substance~~ of the amendment or other public
25 measure shall be an explanatory statement, not exceeding 75
26 words in length, of the chief purpose of the measure. In
27 addition, for every amendment proposed by initiative, the ballot
28 shall include, following the ballot summary, a separate
29 financial impact statement concerning the measure prepared by
30 the Financial Impact Estimating Conference in accordance with s.
31 100.371(5). The ballot title shall consist of a caption, not
32 exceeding 15 words in length, by which the measure is commonly
33 referred to or spoken of. This subsection does not apply to
34 constitutional amendments or revisions proposed by joint
35 resolution.

36 (2) The ballot summary ~~substance~~ and ballot title of a
37 constitutional amendment proposed by initiative shall be
38 prepared by the sponsor and approved by the Secretary of State
39 in accordance with rules adopted pursuant to s. 120.54. The
40 Department of State shall give each proposed constitutional
41 amendment a designating number for convenient reference. This
42 number designation shall appear on the ballot. Designating
43 numbers shall be assigned in the order of filing or
44 certification and in accordance with rules adopted by the
821007

Approved For Filing: 4/19/2011 1:07:13 PM

Amendment No.

45 Department of State. The Department of State shall furnish the
46 designating number, the ballot title, and the ballot summary
47 substance of each amendment, unless otherwise specified in a
48 joint resolution, to the supervisor of elections of each county
49 in which such amendment is to be voted on.

50 (4) (a) Whenever a constitutional amendment or revision is
51 proposed by joint resolution, the joint resolution shall include
52 a ballot title consisting of a caption, not exceeding 15 words
53 in length, by which the measure is commonly referred to or
54 spoken of. The joint resolution may include a ballot summary or
55 alternate ballot summaries, listed in order of preference,
56 describing the chief purpose of the amendment or revision in
57 clear and unambiguous language. The joint resolution shall
58 specify placement on the ballot of a ballot title and either a
59 ballot summary embodied in the joint resolution or the full text
60 of the proposed amendment or revision. As specified by the joint
61 resolution, the ballot title and ballot summary, or the ballot
62 title and the full text of the proposed amendment or revision,
63 shall be printed on the ballot, with a designating number
64 assigned by the Secretary of State pursuant to subsection (2),
65 after the list of candidates, followed by the word "yes" and
66 also by the word "no," and shall be styled in such a manner that
67 a "yes" vote will indicate approval of the proposal and a "no"
68 vote will indicate rejection. The Department of State shall
69 furnish the designating number and, as specified by the joint
70 resolution proposing an amendment or revision, the ballot title
71 and a ballot summary or the full text of the amendment or
72 revision to the supervisor of elections of each county.

821007

Approved For Filing: 4/19/2011 1:07:13 PM

Amendment No.

73 (b) If the court determines that each ballot summary
74 embodied in a joint resolution is defective, the full text of
75 the proposed amendment or revision shall appear on the ballot in
76 lieu of a ballot summary unless the Secretary of State certifies
77 to the court that placement of the full text on the ballot is
78 incompatible with voting systems that must be utilized during
79 the election at which the proposed amendment will be presented
80 to voters and that no other available accommodation will enable
81 persons with disabilities to vote on the proposed amendment or
82 revision. If the Secretary of State submits such certification
83 or the court determines that all ballot summaries in the joint
84 resolution are deficient and that the full text of a proposed
85 amendment or revision may not be placed on the ballot, and
86 further appeals are declined, abandoned, or exhausted, unless
87 otherwise provided in the joint resolution, the Attorney General
88 shall prepare and submit within 10 days to the Secretary of
89 State and the court a revised ballot summary that corrects
90 ballot summary deficiencies identified by the court. That court
91 shall retain jurisdiction over challenges to any revised ballot
92 summary submitted by the Attorney General, and any challenge to
93 a revised ballot summary shall be filed within 10 days after the
94 revised ballot summary is submitted to the court by the Attorney
95 General.

96 (c)1. If the full text of a proposed amendment or revision
97 delineates existing text in the State Constitution that will be
98 removed or replaced if approved by the electors, the full text
99 shall be presumed to be a clear and unambiguous statement of the
100 substance and effect of the amendment or revision, providing

821007

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Amendment No.

101 fair notice to the electors of the content of the proposal and
102 sufficiently advising electors of the issue upon which they are
103 voting.

104 2. In determining whether a ballot summary, the ballot
105 title, or the full text of a proposed amendment or revision is
106 legally sufficient, the court shall use the same rules of
107 construction to interpret language in a proposed constitutional
108 amendment as it does when interpreting existing constitutional
109 provisions.

110 (d)1. Any legal action challenging placement on the ballot
111 of a ballot title, any ballot summary, or the full text of a
112 proposed amendment or revision embodied in a joint resolution on
113 constitutional, statutory, or other grounds must be commenced by
114 filing a complaint or petition with the appropriate court within
115 30 days after the joint resolution is filed with the Secretary
116 of State. Furthermore, in any legal action challenging placement
117 on the ballot of any ballot summary embodied in a joint
118 resolution, the complaint or petition shall assert all grounds
119 for challenging the ballot title, each ballot summary embodied
120 in the joint resolution, and the full text of the proposed
121 amendment or revision. Any such grounds not asserted within 30
122 days after the joint resolution is filed with the Secretary of
123 State shall be deemed waived.

124 2. If a court finds the ballot title, a ballot summary, or
125 the full text of a proposed amendment defective for purposes of
126 placement on the ballot, the court shall, in its written order
127 or judgment, describe each deficiency with specificity in order

821007

Approved For Filing: 4/19/2011 1:07:13 PM

Amendment No.

128 to facilitate the Attorney General's preparation of a revised
129 ballot summary.

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

136 Section 78. The amendment of section 101.161, Florida
137 Statutes, by this act applies retroactively to all joint
138 resolutions adopted by the Legislature during the 2011 Regular
139 Session, except that any legal action challenging a ballot title
140 or ballot summary embodied in such joint resolution or
141 challenging placement on the ballot of the full text of the
142 proposed amendment or revision to the State Constitution as
143 specified in such joint resolution must be commenced within 30
144 days after the effective date of the amendment of section
145 101.161, Florida Statutes, by this act or within 30 days after
146 the joint resolution to which a challenge relates is filed with
147 the Secretary of State, whichever occurs later.

148 Section 79. Except as otherwise expressly provided in this
149 act and except for this section, which shall take effect upon
150 this act becoming a law, this act shall take effect July 1,
151 2011.

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T I T L E A M E N D M E N T

821007

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Amendment No.

156 Between lines 426 and 427, insert:
157 amending s. 101.161, F.S.; revising terminology; transferring to
158 a new subsection requirements applicable to joint resolutions;
159 providing that a joint resolution may include a ballot summary
160 and alternate ballot summaries; providing that a joint
161 resolution may include a ballot summary or alternate ballot
162 summaries, listed in order of preference, describing the chief
163 purpose of the amendment or revision in clear and unambiguous
164 language; requiring a joint resolution to specify placement on
165 the ballot of a ballot title and either a ballot summary
166 embodied in the joint resolution or the full text of the
167 proposed amendment or revision; requiring placement on the
168 ballot of the ballot title and ballot summary, or the ballot
169 title and the full text of the proposed amendment or revision,
170 as specified by a joint resolution; requiring placement on the
171 ballot of the full text of an amendment or revision if the court
172 determines that each ballot summary embodied in a joint
173 resolution is defective unless the Secretary of State certifies
174 to the court that placement of the full text on the ballot is
175 incompatible with voting systems that must be utilized during
176 the election at which the proposed amendment will be presented
177 to voters and that no other available accommodation will enable
178 persons with disabilities to vote on the proposed amendment or
179 revision; requiring the Attorney General to revise a ballot
180 summary under certain circumstances; requiring the court to
181 retain jurisdiction over challenges to any revised ballot
182 summary submitted by the Attorney General; requiring challenges
183 to revised ballot summaries to be filed within 10 days after the
821007

Approved For Filing: 4/19/2011 1:07:13 PM

Amendment No.

184 revised ballot summary is submitted to the court by the Attorney
185 General; creating a presumption that the full text of an
186 amendment or revision must be considered a clear and unambiguous
187 statement of the substance and effect of an amendment or
188 revision proposed by joint resolution and sufficient notice to
189 electors under certain circumstances; establishing rules of
190 construction for construing proposed ballot titles, ballot
191 summaries, or the full text of proposed amendments or revisions;
192 requiring legal challenges to ballot language to be filed within
193 certain time periods; requiring complaints or petitions
194 challenging ballot language to assert all grounds for such
195 challenges; providing that any grounds not asserted are waived;
196 requiring the courts to describe with specificity each
197 deficiency in a ballot title, summary, or full text of a
198 proposed amendment or revision; requiring the courts to accord
199 actions challenging ballot language specified by a joint
200 resolution priority over other pending cases and issue orders as
201 expeditiously as possible; providing retroactive applicability
202 to joint resolutions passed during the 2011 regular session;

821007

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