

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Stafford offered the following:

Amendment (with title amendment)

5 Remove lines 15-77 and insert:

6 Section 1. Subsections (1) and (3) of section 101.161,
7 Florida Statutes, are amended to read:

8 101.161 Referenda; ballots.-

9 (1) Whenever a constitutional amendment or other public
10 measure is submitted to the vote of the people, a ballot summary
11 of such amendment or other public measure shall be printed in
12 clear and unambiguous language on the ballot after the list of
13 candidates, followed by the word "yes" and also by the word
14 "no," and shall be styled in such a manner that a "yes" vote
15 will indicate approval of the proposal and a "no" vote will
16 indicate rejection. The ballot summary of the amendment or other
17 public measure and the ballot title to appear on the ballot
18 shall be embodied in the constitutional revision commission
19 proposal, constitutional convention proposal, taxation and

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

33 (3) (a) Each joint resolution that proposes a
34 constitutional amendment or revision shall include one or more
35 ballot statements set forth in order of priority. Each ballot
36 statement shall consist of a ballot title, by which the measure
37 is commonly referred to or spoken of, not exceeding 15 words in
38 length, and ~~either~~ a ballot summary that describes the chief
39 purpose of the amendment or revision in clear and unambiguous
40 language, ~~or the full text of the amendment or revision.~~ The
41 Department of State shall furnish a designating number pursuant
42 to subsection (2) and the appropriate ballot statement to the
43 supervisor of elections of each county. The ballot statement
44 shall be printed on the ballot after the list of candidates,
45 followed by the word "yes" and also by the word "no," and shall
46 be styled in such a manner that a "yes" vote will indicate
47 approval of the amendment or revision and a "no" vote will

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48 indicate rejection.

49 (b)1. Any action for a judicial determination that one or
50 more ballot statements embodied in a joint resolution are
51 defective must be commenced by filing a complaint or petition
52 with the appropriate court within 30 days after the joint
53 resolution is filed with the Secretary of State. The complaint
54 or petition shall assert all grounds for challenge to each
55 ballot statement. Any ground not asserted within 30 days after
56 the joint resolution is filed with the Secretary of State is
57 waived.

58 2. The court, including any appellate court, shall accord
59 an action described in subparagraph 1. priority over other
60 pending cases and render a decision as expeditiously as
61 possible. ~~If the court finds that all ballot statements embodied
62 in a joint resolution are defective and further appeals are
63 declined, abandoned, or exhausted, unless otherwise provided in
64 the joint resolution, the Attorney General shall, within 10
65 days, prepare and submit to the Department of State a revised
66 ballot title or ballot summary that corrects the deficiencies
67 identified by the court, and the Department of State shall
68 furnish a designating number and the revised ballot title or
69 ballot summary to the supervisor of elections of each county for
70 placement on the ballot. The court shall retain jurisdiction
71 over challenges to a revised ballot title or ballot summary
72 prepared by the Attorney General, and any challenge to a revised
73 ballot title or ballot summary must be filed within 10 days
74 after a revised ballot title or ballot summary is submitted to
75 the Department of State.~~

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76 ~~3. A ballot statement that consists of the full text of an~~
77 ~~amendment or revision shall be presumed to be a clear and~~
78 ~~unambiguous statement of the substance and effect of the~~
79 ~~amendment or revision, providing fair notice to the electors of~~
80 ~~the content of the amendment or revision and sufficiently~~
81 ~~advising electors of the issue upon which they are to vote.~~

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83
84 **T I T L E A M E N D M E N T**

85 Remove lines 3-8 and insert:

86 s. 101.161, F.S.; providing that limitations on the
87 number of words of ballot summaries and ballot titles
88 apply to constitutional amendments or revisions
89 proposed by joint resolution; deleting a provision
90 that permits placing the full text of an amendment or
91 revision to the State Constitution on the ballot;
92 deleting the authority of the Attorney General to
93 prepare a revised ballot title or ballot summary when
94 all ballot statements embodied in a joint resolution
95 are defective and no further appeals will be made
96 concerning the ballot statement; deleting the
97 authority of the Department of State to furnish
98 certain administrative duties related to the revised
99 ballot title or summary; deleting judicial authority
100 to retain jurisdiction over a revised ballot title or
101 ballot summary prepared by the Attorney General;
102 deleting certain legal presumptions pertaining to the
103 provision of the full text of an amendment or revision

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7013 (2013)

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104 on a ballot; amending s. 101.657, F.S.; revising the
105 list