

THE VILLAGES REPUBLICAN CLUB

Disclaimer

ATTACHED ARE THE RESEARCH PAPERS FOR THE 13 AMENDMENTS WHICH WILL BE ON THE BALLOT ON NOVEMBER 6, 2018. THIS MATERIAL IS MEANT TO EDUCATION OUR MEMBERSHIP, PERSONS ATTENDING OUR MEETING AND THE VOTERS. WE, AS A CLUB, DO NOT HAVE RECOMMENDATIONS WHETHER TO VOTE YES OR NO ON THE AMENDMENTS. WE HOPE THAT THIS MATERIAL WILL GENERATE UNDERSTANDING OF THE AMENDMENTS AND GIVE THE MEMBERS, GUEST AND VOTERS INFORMATION AND TO ALLOW THEM TO CONDUCT ADDITIONAL RESEARCH, IF THEY WISH TO BE FURTHER INFORMED FOR THE NOVEMBER ELECTION.

AMENDMENT NO.: 1

AMENDMENT TITLE: Homestead Exemption Increase Amendment

AMENDMENT PLACED ON BALLOT BY: Florida Legislature

SPECIAL CONSIDERATION: Amendment must pass by 60% of the vote.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

INCREASED HOMESTEAD PROPERTY TAX EXEMPTION.—Proposing an amendment to the State Constitution to increase the homestead exemption by exempting the assessed valuation of homestead property greater than \$100,000 and up to \$125,000 for all levies other than school district levies. The amendment shall take effect January 1, 2019.

PROS: Voting yes supports exempting the portion of home values between \$100,000 and \$125,000 from property taxes other than school taxes, bringing the maximum homestead exemption up to \$75,000 from \$50,000.

CONS: Florida Counties and Cities get some of their funding from property taxes. By cutting the amount of tax monies the counties get from property taxes, they will have to look at alternative ways to find the monies needed to provide services to their citizens. Especially in the smaller counties such as Sumter County. With an additional \$25,000 reduction in property taxes for each property, counties may have no alternative but to raise taxes to meet the funding short fall.

PLAIN ENGLISH DESCRIPTION: Homes with an assessed value of more than \$100,000 currently receive a homestead exemption of \$50,000. This amendment would provide an additional exemption of up to \$25,000 for property tax levies other than school district levies. If the assessed value is less than \$125,000, then the additional exemption will be less than \$25,000 – it will be the amount of the assessed value over \$100,000. If the assessed value is more than \$125,000, then the additional exemption will be \$25,000.

DETAIL PLAIN ENGLISH DESCRIPTION: Homes with an assessed value of less than \$100,000 would receive no benefit from the amendment. This would change if their assessed value increased above \$100,000 in the future. Homes with an assessed value of more than \$125,000 would receive no more than \$25,000 of additional exemption.

To the extent that the additional exemption reduces the property taxes paid by property owners with homes valued between \$100,000 and \$125,000, IF the county supervisors increase the RATE of property tax to make up for lost revenue, then ALL property owners (including those whose taxes were just reduced) may pay a slightly higher RATE of tax to make up for it. This slightly higher tax rate would apply to ALL property, including property with homestead exemptions. The additional taxes would likely be very small.

The reason for the homestead exemption increase is that over time, inflation increases the value of homes. Generally, older people may be on fixed incomes that do NOT increase as rapidly as their home value does, and the steady increase in value gradually increases their property tax burden. The homestead exemption is one way to mitigate that burden and prevent them from being forced to pay an ever-rising tax. In the extreme case, they may be forced to sell a home they have lived in for 30, 40, 50 years or more because the taxes are too high for them to afford. Businesses and younger, working families are able to increase their incomes much more easily than older, retired families.

AMENDMENT FULL TEXT:

ARTICLE VII - FINANCE AND TAXATION SECTION 6. Homestead exemptions.

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, and on the assessed valuation greater than one hundred thousand dollars and up to one hundred twenty-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll

is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value. (b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property. (c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law. (d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant either or both of the following additional homestead tax exemptions: (1) An exemption not exceeding fifty thousand dollars to a person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age sixty-five, and whose household income, as defined by general law, does not exceed twenty thousand dollars; or (2) An exemption equal to the assessed value of the property to a person who has the legal or equitable title to real estate with a just value less than two hundred and fifty thousand dollars, as determined in the first tax year that the owner applies and is

eligible for the exemption, and who has maintained thereon the permanent residence of the owner for not less than twenty-five years, who has attained age sixty-five, and whose household income does not exceed the income limitation prescribed in paragraph (1).

The general law must allow counties and municipalities to grant these additional exemptions, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living. (e) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection is self-executing and does not require implementing legislation. (f) By general law and subject to conditions and limitations specified therein, the Legislature may provide ad valorem tax relief equal to the total amount or a portion of the ad valorem tax otherwise owed on homestead property to: (1) The surviving spouse of a veteran who died from service connected causes while on active duty as a member of the United States Armed Forces. (2) The surviving spouse of a first responder who died in the line of duty.

(3) A first responder who is totally and permanently disabled as a result of an injury or injuries sustained in the line of duty. Causal connection between a disability and service in the line of duty shall not be presumed but must be determined as provided by general law. For purposes of this paragraph, the term "disability" does not include a chronic condition or chronic disease, unless the injury sustained in the line of duty was the sole cause of the chronic condition or chronic disease. As used in this subsection and as further defined by general law, the term "first responder" means a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, or a paramedic, and the term "in the line of duty" means arising out of and in the actual performance of duty required by employment as a first responder.

ARTICLE XII SCHEDULE SECTION 37. Increased homestead exemption. —This section and the amendment to Section 6 of Article VII increasing the homestead exemption by exempting the assessed valuation of homestead property greater than \$100,000 and up to \$125,000 for all levies other than school district levies shall take effect January 1, 2019.

AMENDMENT NO.: 2

AMENDMENT TITLE: Permanent Cap on Non-homestead Parcel Assessment Increases

AMENDMENT PLACED ON BALLOT BY: The Florida Legislature (CS/HJR 21)

SPECIAL CONSIDERATION: Amendment must pass by 60% of the vote.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Proposing an amendment to the State Constitution to permanently retain provisions currently in effect, which limit property tax assessment increases on specified non-homestead real property, except for school district taxes, to 10 percent each year. If approved, the amendment removes the scheduled repeal of such provisions in 2019 and shall take effect January 1, 2019.

PROS: This will continue to prevent excessive increases (more than 10% per year) in non-homestead property taxes for many Floridians.

CONS: None

PLAIN ENGLISH DESCRIPTION: This amendment creates a permanent 10% cap on non-homestead property tax increases each year, but does not apply to school district taxes.

DETAIL PLAIN ENGLISH DESCRIPTION: Voters passed a 10-year, temporary 10% yearly cap on non-homestead property tax increases in 2008. That cap will expire unless made permanent by the voters through the passage of Amendment 2. The Florida Chamber of Commerce, Florida Realtors, and other pro-business groups are publicly supporting this effort. Those who rent homes or apartments would also benefit greatly from a continued 10% cap.

AMENDMENT FULL TEXT:

ARTICLE XII - SCHEDULE SECTION 27. Property tax exemptions and limitations on property tax assessments.

(a) The amendments to Sections 3, 4, and 6 of Article VII, providing a \$25,000 exemption for tangible personal property, providing an additional \$25,000 homestead exemption, authorizing transfer of the accrued benefit from the limitations on the assessment of homestead property, and this section, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on January 29, 2008, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008, or, if submitted to the electors of this state for approval or rejection at the next general election, shall take effect January 1 of the year following such general election. The amendments to Section 4 of Article VII creating subsections (g) and (h) of that section, creating a limitation on annual assessment increases for specified real property, shall take effect upon approval of the electors and shall first limit assessments beginning January 1, 2009, if approved at a special election

held on January 29, 2008, or shall first limit assessments beginning January 1, 2010, if approved at the general election held in November of 2008.

(b) The amendment to subsection (a) abrogating the scheduled repeal of subsections (g) and (h) of Section 4 of Article VII of the State Constitution as it existed in 2017, shall take effect January 1, 2019.

AMENDMENT NO.: 3

AMENDMENT TITLE: Voter Approval of Casino Gambling Initiative

AMENDMENT PLACED ON BALLOT BY: "Voters in Charge" Initiated Constitutional Amendment

An initiated constitutional amendment is an amendment to a state's constitution that results from petitioning by a state's citizens. By utilizing this initiative process, citizens can propose and vote on constitutional amendments directly, without need of legislative referral.

SPECIAL CONSIDERATION: Amendment must pass by 60% of the vote.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

This amendment ensures that Florida voters shall have the exclusive right to decide whether to authorize casino gambling by requiring that in order for casino gambling to be authorized under Florida law, it must be approved by Florida voters pursuant to Article XI, Section 3 of the Florida Constitution. Affects Articles X and XI. Defines casino gambling and clarifies that this amendment does not conflict with federal law regarding state/tribal compacts.

PROS: Decisions on allowing casino gambling would be made directly by Florida voters.

CONS: This change would make it more difficult to allow additional casino gambling in Florida.

PLAIN ENGLISH DESCRIPTION: This change will take away the ability of the Florida Legislature to expand casino gambling in Florida. By making "citizens' initiatives the exclusive method of authorizing casino gambling," it adds considerably to the threshold necessary for expansion.

DETAIL PLAIN ENGLISH DESCRIPTION: This initiative to limit casino expansion has been primarily funded by Disney and The Seminole Tribe of Florida, according to public campaign finance information available at the Florida Department of State, Division of Elections website. The Seminole Tribe of Florida has a current compact with the State of Florida allowing them to operate casinos, and this initiative will effectively limit any prospective competition.

AMENDMENT FULL TEXT:

ARTICLE X, FLORIDA CONSTITUTION, is amended to include the following new section:

Voter Control of Gambling in Florida.

(a) This amendment ensures that Florida voters shall have the exclusive right to decide whether to authorize casino gambling in the State of Florida. This amendment requires a vote by citizens' initiative pursuant to Article XI, section 3, in order for casino gambling to be authorized under Florida law. This

section amends this Article; and also affects Article XI, by making citizens' initiatives the exclusive method of authorizing casino gambling.

(b) As used in this section, "casino gambling" means any of the types of games typically found in casinos and that are within the definition of Class III gaming in the Federal Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. ("IGRA"), and in 25 C.F.R. §502.4, upon adoption of this amendment, and any that are added to such definition of Class III gaming in the future. This includes, but is not limited to, any house banking game, including but not limited to card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games); any player-banked game that simulates a house banking game, such as California black jack; casino games such as roulette, craps, and keno; any slot machines as defined in 15 U.S.C. 1171(a)(1); and any other game not authorized by Article X, section 15, whether or not defined as a slot machine, in which outcomes are determined by random number generator or are similarly assigned randomly, such as instant or historical racing. As used herein, "casino gambling" includes any electronic gambling devices, simulated gambling devices, video lottery devices, internet sweepstakes devices, and any other form of electronic or electromechanical facsimiles of any game of chance, slot machine, or casino-style game, regardless of how such devices are defined under IGRA. As used herein, "casino gambling" does not include pari-mutuel wagering on horse racing, dog racing, or jai alai exhibitions. For purposes of this section, "gambling" and "gaming" are synonymous.

(c) Nothing herein shall be deemed to limit the right of the Legislature to exercise its authority through general law to restrict, regulate, or tax any gaming or gambling activities. In addition, nothing herein shall be construed to limit the ability of the state or Native American tribes to negotiate gaming compacts pursuant to the Federal Indian Gaming Regulatory Act for the conduct of casino gambling on tribal lands, or to affect any existing gambling on tribal lands pursuant to compacts executed by the state and Native American tribes pursuant to IGRA.

(d) This section is effective upon approval by the voters, is self-executing, and no Legislative implementation is required.

(e) If any part of this section is held invalid for any reason, the remaining portion or portions shall be severed from the invalid portion and given the fullest possible force and effect.

AMENDMENT NO.: 4

AMENDMENT TITLE: Voting Rights Restoration for Felons Initiative

AMENDMENT PLACED ON BALLOT BY: Initiated Constitutional Amendment by Floridians for a Fair Democracy, Inc.

An initiated constitutional amendment is an amendment to a state's constitution that results from petitioning by a state's citizens. By utilizing this initiative process, citizens can propose and vote on constitutional amendments directly, without need of legislative referral.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote.

Florida's current policies for restoring felons voting rights are covered under Rules of Executive Clemency. Under the Florida Constitution, a convicted felon cannot vote, serve on a jury, or hold public office until civil rights have been restored. Clemency is the constitutionally authorized process that provides the means through which convicted felons may be considered for relief from punishment and seek restoration of their civil rights. The clemency function is an act of mercy that absolves an individual from all, or any part, of the punishment that the law imposes. This is a power to grant full or conditional pardons, or commute punishment. If an individual was adjudicated delinquent of an offense as a juvenile and not adjudicated guilty in adult court, that person is not eligible for any form of clemency. There are rules for these procedures, and these powers to grant clemency are vested in the Governor with the agreement of two cabinet members who are also statewide elected officials. The Governor also has the sole power to deny clemency.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

This amendment restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment would not apply to those convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis.

PROS: This will restore voting rights for convicted felons who have completed their sentences.

CONS: While this initiative would not apply to those convicted of murder or sexual offenses, it would still restore voting rights to many convicted of other violent crimes.

PLAIN ENGLISH DESCRIPTION: This is a straightforward change that allows some convicted felons, those who have not committed murder or a sexual offense, to regain their voting rights upon completion of their sentences.

DETAIL PLAIN ENGLISH DESCRIPTION: It is important to note, in this case, who has donated to the POLITICAL ACTION COMMITTEE (PAC) responsible for bringing this to the ballot. The ACLU (American Civil Liberties Union) has contributed over \$3 million to the effort. The entire list of contributions can be viewed at <http://dos.elections.myflorida.com/cgi-bin/contrib.exe>

AMENDMENT FULL TEXT:

Article VI, Section 4. Disqualifications.

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.

(b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.

(c) No person may appear on the ballot for re-election to any of the following offices:

- (1) Florida representative,
- (2) Florida senator,
- (3) Florida Lieutenant governor,
- (4) any office of the Florida cabinet,
- (5) U.S. Representative from Florida, or
- (6) U.S. Senator from Florida

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

AMENDMENT NO.: 5

AMENDMENT TITLE: Two-Thirds Vote of Legislature to Increase Taxes or Fees

AMENDMENT PLACED ON BALLOT BY: Florida Legislation

SPECIAL CONSIDERATION: Amendment must pass by 60% of the vote.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Prohibits the legislature from imposing, authorizing, or raising a state tax or fee except through legislation approved by a two-thirds vote of each house of the legislature in a bill containing no other subject. This proposal does not authorize a state tax or fee otherwise prohibited by the Constitution and does not apply to fees or taxes imposed or authorized to be imposed by a county, municipality, school board, or special district.

PROS: Makes it harder to raise taxes.

CONS: Makes it harder to raise needed taxes.

PLAIN ENGLISH DESCRIPTION: Requires a two-thirds vote (a supermajority) by the legislature to raise state taxes or to impose new state taxes. Applies to state taxes only, NOT to taxes imposed by counties, school boards, special districts, etc. The only subject allowed in the tax bill is the taxes.

DETAIL PLAIN ENGLISH DESCRIPTION:

- Requires a two-thirds vote (a supermajority) by the legislature to raise state taxes or to impose new state taxes. This does not authorize new types of taxes, it simply specifies that if a tax is otherwise allowed under the Constitution, it can only be imposed or raised if two-thirds of the legislators vote to impose it.
- This amendment applies to state taxes only, NOT to taxes imposed by counties, school boards, special districts, etc. Thus, many of the taxes that might be listed along with property taxes will not be affected or limited by this amendment.
- The only subject allowed in a bill that imposes new taxes or raises taxes is the taxes. There are no additional provisions allowed. This may prevent tax increases from being “hidden” in bills dealing with other non-tax issues.

AMENDMENT FULL TEXT:

ARTICLE VII - FINANCE AND TAXATION SECTION 19. Supermajority vote required to impose, authorize, or raise state taxes or fees.

(a) SUPERMAJORITY VOTE REQUIRED TO IMPOSE OR AUTHORIZE NEW STATE TAX OR FEE. No new state tax or fee may be imposed or authorized by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval pursuant to Article III, Section 8.

(b) SUPERMAJORITY VOTE REQUIRED TO RAISE STATE TAXES OR FEES. No state tax or fee may be raised by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval pursuant to Article III, Section 8.

(c) APPLICABILITY. This section does not authorize the imposition of any state tax or fee otherwise prohibited by this Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

(d) DEFINITIONS. As used in this section, the following terms shall have the following meanings:

- “Fee” means any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.
- “Raise” means:
 - o To increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;
 - o To increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or
 - o To decrease or eliminate a state tax or fee exemption or credit.

(e) SINGLE-SUBJECT. A state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.

AMENDMENT NO.: 6

AMENDMENT TITLE: Florida Marsy's Law Crime Victims' Rights,

Judicial Retirement Age

Judicial Interpretation of Laws and Rules

AMENDMENT PLACED ON BALLOT BY: Constitution Revision Commission (CRC)

The 37-member commission, which meets every 20 years to propose changes to the Florida Constitution, is unique amongst the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. The CRC 36 members are appointed by the Governor, State Legislators, and Chief Justice of the Florida Supreme Court. The only elected official on the CRC is the State Attorney General.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote. This Amendment only has one vote for three different parts. You cannot vote yes to one or two part(s) and no to the other part(s). You must vote "Yes" or "No" for the Amendment.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Creates constitutional rights for victims of crime; requires courts to facilitate victims' rights; authorizes victims to enforce their rights throughout criminal and juvenile justice processes. Requires judges and hearing officers to independently interpret statutes and rules rather than deferring to government agency's interpretation. Raises mandatory retirement age of state justices and judges from seventy to seventy-five years; deletes authorization to complete judicial term if one-half of term has been served by retirement age.

PROS:

- Allows judges to serve until age 75 instead of current rule of age 70.
- This Amendment enacts a set of additional victim's rights which may allow them to have more of a voice in the prosecution, release and other matters relating to their accused.
- Amendment 6 would prohibit state courts from deferring to an administrative agency's interpretation of a state statute or rule in lawsuits.

CONS:

- If you think 75 is too old for judges to hear cases.
- If you think the added victim's rights are too much, or are not enough.

- If you think the added victim's rights might impose too much of an additional burden on the court system.
- If you think the courts should defer to an administrative agency's interpretation of the rules they have written.

PLAIN ENGLISH DESCRIPTION:

- Judges will be allowed to sit on the bench and hear cases until they are 75 years old rather than 70 years old (as is the case now).
- Crime victims are granted certain rights to have more participation in and protection during the criminal and juvenile justice process, at all stages. This includes pre-trial release, sentencing, post-conviction events, releases, escapes, clemency and other hearings. Crime victims or their attorneys may enforce these rights in court.
- Courts generally defer to agencies' own interpretations of rules and statutes that apply to them; courts will now be required to independently interpret what the rules and statutes mean.

DETAIL PLAIN ENGLISH DESCRIPTION:

- Judges must currently leave active service on the bench at age 70, with some leeway for serving out the remainder of their term of office. This amendment will allow them to serve until age 75, but will force them out at that age even if their term of office has not yet expired. On balance, judges will be able to serve longer.
- Currently, crime victims are not "represented" in the criminal or juvenile justice process. Prosecutors represent "the state" during such proceedings, and the interests of the state may be very different than those of the crime victim. For example, the state may be more interested in keeping prosecution costs down, rather than holding an accused to answer for a crime. Settling a charged crime on a lesser offense (plea bargaining) may benefit the state, but not give justice to a victim.
 - o This amendment grants crime victims certain rights to have more participation in, and protection during, the criminal and juvenile justice process at all stages. This includes pre-trial release, sentencing, post-conviction events, notification of escapes, parole, clemency and other hearings. Victims will also have the right to a speedy return to them of their property used as evidence in a case. Rather than rely on the state prosecutor to protect these rights, crime victims or their attorneys would be able to enforce these rights in court.
 - o The addition of victims' attorneys to the people able to file papers and statements in court for a criminal or juvenile justice case may add a significant administrative burden to the court system, and may increase the workload of judges who must then read and consider the victims arguments in addition to the prosecution and defense.

- Courts generally defer to agencies' own interpretations of rules and statutes that apply to them. Agencies may sometimes lean in their own favor or preferences when writing rules and regulations rather than strictly following the statutes or what the legislature intended. When applying such rules and regulations, the courts generally do not do a strict analysis of what the agencies have written, but accept the rules as written.
- o Under this amendment, the courts may no longer simply accept the rules and regulations as written. The courts will now be required to independently interpret what the rules and statutes mean.

AMENDMENT FULL TEXT:

ARTICLE I DECLARATION OF RIGHTS SECTION 16. Rights of accused and of victims.

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation, and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may elect in which of those counties the trial will take place. Venue for prosecution of crimes committed beyond the Page 14 Words underlined are additions; words stricken are deletions boundaries of the state shall be fixed by law.

(b) To preserve and protect the right of crime victims to achieve justice, ensure a meaningful role throughout the criminal and juvenile justice systems for crime victims, and ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents, every victim is entitled to the following rights, beginning at the time of his or her victimization:

- (1) The right to due process and to be treated with fairness and respect for the victim's dignity.
- (2) The right to be free from intimidation, harassment, and abuse.
- (3) The right, within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused. However, nothing contained herein is intended to create a special relationship between the crime victim and any law enforcement agency or office absent a special relationship or duty as defined by Florida law.
- (4) The right to have the safety and welfare of the victim and the victim's family considered when setting bail, including setting pretrial release conditions that protect the safety and welfare of the victim and the victim's family.

(5) The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.

(6) A victim shall have the following specific rights upon request:

a. The right to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if the victim will be a witness at the proceeding, notwithstanding any rule to the contrary. A victim shall also be provided reasonable, accurate, and timely notice of any release or escape of the defendant or delinquent, and any proceeding during which a right of the victim is implicated.

b. The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated.

c. The right to confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case.

d. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence investigation or compiling any presentence investigation report, and to have any such information considered in any sentencing recommendations submitted to the court.

e. The right to receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim's right, except for such portions made confidential or exempt by law.

f. The right to be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.

g. The right to be informed of all postconviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.

h. The right to be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender.

(7) The rights of the victim, as provided in subparagraph (6)a., subparagraph (6)b., or subparagraph (6)c., that apply to any first appearance proceeding are satisfied by a reasonable attempt by the appropriate agency to notify the victim and convey the victim's views to the court.

(8) The right to the prompt return of the victim's property when no longer needed as evidence in the case.

(9) The right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct.

(10) The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related postjudgment proceedings.

a. The state attorney may file a good faith demand for a speedy trial and the trial court shall hold a calendar call, with notice, within fifteen days of the filing demand, to schedule a trial to commence on a date at least five days but no more than sixty days after the date of the calendar call unless the trial judge enters an order with specific findings of fact justifying a trial date more than sixty days after the calendar call.

b. All state-level appeals and collateral attacks on any judgment must be complete within two years from the date of appeal in non-capital cases and within five years from the date of appeal in capital cases, unless a court enters an order with specific findings as to why the court was unable to comply with this subparagraph and the circumstances causing the delay. Each year, the chief judge of any district court of appeal or the chief justice of the supreme court shall report on a case-by-case basis to the speaker of the house of representatives and the president of the senate all cases where the court entered an order regarding inability to comply with this subparagraph. The legislature may enact legislation to implement this subparagraph (11) The right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights. This information shall be made available to the general public and provided to all crime victims in the form of a card or by other means intended to effectively advise the victim of their rights under this section.

c. The victim, the retained attorney of the victim, a lawful representative of the victim, or the office of the state attorney upon request of the victim, may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of a victim's right shall be clearly stated on the record.

d. The granting of the rights enumerated in this section to victims may not be construed to deny or impair any other rights possessed by victims. The provisions of this section apply throughout criminal and juvenile justice processes, are self-executing, and do not require implementing legislation. This section may not be construed to create any cause of action for damages against the state or a political subdivision of the state, or any officer, employee, or agent of the state or its political subdivisions.

e. As used in this section, a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term "victim" includes the victim's lawful

representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term “victim” does not include the accused. The terms “crime” and “criminal” include delinquent acts and conduct. Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

ARTICLE V - JUDICIARY SECTION 8. Eligibility.

No person shall be eligible for office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court. No justice or judge shall serve after attaining the age of seventy-five seventy years except upon temporary assignment or to complete a term, one-half of which has been served. No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless the person is, and has been for the preceding ten years, a member of the bar of Florida. No person is eligible for the office of circuit judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, no person is eligible for the office of county court judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a person shall be eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if the person is a member in good standing of the bar of Florida.

SECTION 21. Judicial interpretation of statutes and rules.—In interpreting a state statute or rule, a state court or an officer hearing an administrative action pursuant to general law may not defer to an administrative agency’s interpretation of such statute or rule, and must instead interpret such statute or rule de novo.

ARTICLE XII - SCHEDULE Eligibility of justices and judges.

The amendment to Section 8 of Article V, which increases the age at which a justice or judge is no longer eligible to serve in judicial office except upon temporary assignment, shall take effect July 1, 2019.

AMENDMENT NO.: 7

AMENDMENT TITLE: Florida First Responder and Military Member Survivor Benefits

Supermajority Board Votes for College Fees

State College System

AMENDMENT PLACED ON BALLOT BY: Constitution Revision Commission (CRC)

The 37-member commission, which meets every 20 years to propose changes to the Florida Constitution, is unique amongst the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. The CRC 36 members are appointed by the Governor, State Legislators, and Chief Justice of the Florida Supreme Court. The only elected official on the CRC is the State Attorney General.

As the ballot measure is a package of three constitutional amendments, voters cannot approve or reject some, but not all, of the amendments. Voting "yes" on the ballot measure is a vote to pass the three constitutional amendments. Voting "no" on the ballot measure is a vote to reject the three constitutional amendments.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote. This Amendment only has one vote for three different parts. You cannot vote yes for one or two part(s) and no to the other part(s). You must vote "Yes" or "No" for the Amendment.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Grants mandatory payment of death benefits and waiver of certain educational expenses to qualifying survivors of certain first responders and military members who die performing official duties. Requires supermajority votes by university trustees and state university system board of governors to raise or impose all legislatively authorized fees if law requires approval by those bodies. Establishes existing state college system as constitutional entity; provides governance structure.

PROS:

- Educational fee increases (not tuition) for State Universities and State Colleges would be more difficult to pass. This Amendment would require a nine-member vote of the board of trustees and 12-member vote of the board of governors to increase a college fee.
- Amendment also, would place the current structure of the State's College system of higher education in the Florida Constitution.
- The families of first responders who die on the job and families of military service members who die while serving will receive an unspecified death benefit and waiver of certain educational expenses up through the graduate school level.

CONS:

- If you think college fees should not be difficult to raise, if needed.
- The death and educational benefits to be paid to first responders and military families are unspecified, and may be set and changed by the legislature at will.
 - o The state legislature may set the benefit and fee waiver levels, and local agencies will be obligated to pay them, without any ability to control their costs.
- Military service members whose death would entitle their families to benefits need not be Florida residents, but may merely have their duty station listed as Florida.

PLAIN ENGLISH DESCRIPTION:

- Requires the state board overseeing higher education, and each of the local college boards of trustees, to have a supermajority in order to raise certain fees (excluding tuition).
- Requires agencies that employ first responders to provide a death benefit in case of accidental or intentional death while on the job. Requires the state to provide a death benefit for any active duty Florida military service members who die on active service.
- Provides a waiver of unspecified educational expenses (from vocational/career up through graduate school) for children and spouses of first responders who die on the job, and of active duty service members who die while serving.
 - o The amount of such death benefits and educational expenses are left to the legislature to set.

DETAIL PLAIN ENGLISH DESCRIPTION:

- Requires the state board overseeing higher education, and each of the local college boards of trustees, to have a supermajority in order to raise certain fees. Tuition may still be raised with a simple majority vote.
- This amendment requires agencies that employ first responders to provide a death benefit in case of accidental or intentional death while on the job. It also requires the state to provide a death benefit for any active duty Florida military service members who die on active service. The amount of such death benefits will be set by the state legislature, but the burden of paying them will be borne by the employing agencies. If the agency is local (e.g., local police force, fire department, EMS provider, Community Development District), then the local agency will be responsible for the payment. If the agency is a state-level agency, then the state itself will be responsible for payment.
 - o First responders must be working for an agency in the state at the time of death. Service members must either be Florida residents, or, their duty station must be in Florida at the time of death.

Thus, it is possible that many non-Florida residents may become eligible for benefits due to the Florida duty station of an out-of-state service member.

- The amendment also provides a waiver of unspecified educational expenses for children and spouses of first responders who die on the job, and active duty service members who die while serving. The fees may be those charged by vocational/career up through graduate schools. The waiver presumably applies only to fees charged by Florida state institutions.

- o The amount of such death benefits and educational expenses are left to the legislature to set. It is unclear why this provision needs to be a Constitutional Amendment if the legislature must implement it anyway.

AMENDMENT FULL TEXT:

ARTICLE IX - EDUCATION SECTION 7. State University System.

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the

senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

(e) FEES. Any proposal or action of a constituent university to raise, impose, or authorize any fee, as authorized by law, must be approved by at least nine affirmative votes of the members of the board of trustees of the constituent university, if approval by the board of trustees is required by general law, and at least twelve affirmative votes of the members of the board of governors, if approval by the board of governors is required by general law, in order to take effect. A fee under this subsection shall not include tuition.

SECTION 8. State College System.

(a) PURPOSES. In order to achieve excellence and to provide access to undergraduate education to the students of this state; to originate articulated pathways to a baccalaureate degree; to ensure superior commitment to teaching and learning; and to respond quickly and efficiently to meet the demand of communities by aligning certificate and degree programs with local and regional workforce needs, the people hereby establish a system of governance for the state college system of Florida.

(b) STATE COLLEGE SYSTEM. There shall be a single state college system comprised of all public community and state colleges. A local board of trustees shall govern each state college system institution and the state board of education shall supervise the state college system.

(c) LOCAL BOARDS OF TRUSTEES. Each state college system institution shall be governed by a local board of trustees dedicated to the purposes of the state college system. A member of a board of trustees must be a resident of the service delivery area of the college. The powers and duties of the boards of trustees shall be provided by law. Each member shall be appointed by the governor to staggered 4-year terms, subject to confirmation by the senate.

(d) ROLE OF THE STATE BOARD OF EDUCATION. The state board of education shall supervise the state college system as provided by law.

ARTICLE X – MISCELLANEOUS - Death benefits for survivors of first responders and military members.

(a) A death benefit shall be paid by the employing agency when a firefighter; a paramedic; an emergency medical technician; a law enforcement, correctional, or correctional probation officer; or a member of the Florida National Guard, while engaged in the performance of their official duties, is:

(1) Accidentally killed or receives accidental bodily injury which results in the loss of the individual's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted; or

(2) Unlawfully and intentionally killed or dies as a result of such unlawful and intentional act or is killed during active duty.

(b) A death benefit shall be paid by funds from general revenue when an active duty member of the United States Armed Forces is:

(1) Accidentally killed or receives accidental bodily injury which results in the loss of the individual's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted; or

(2) Unlawfully and intentionally killed or dies as a result of such unlawful and intentional act or is killed during active duty.

(c) If a firefighter; a paramedic; an emergency medical technician; a law enforcement, correctional, or correctional probation officer; or an active duty member of the Florida National Guard or United States Armed Forces is accidentally killed as specified in paragraphs (a)(1) and (b)(1), or unlawfully and intentionally killed as specified in paragraphs (a)(2) and (b)(2), the state shall waive certain educational expenses that the child or spouse of the deceased first responder or military member incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education.

(d) An eligible first responder must have been working for the State of Florida or any of its political subdivisions or agencies at the time of death. An eligible military member must have been a resident of this state or his or her duty post must have been within this state at the time of death.

(e) The legislature shall implement this section by general law.

(f) This section shall take effect on July 1, 2019.

AMENDMENT NO.: 7

AMENDMENT TITLE: Florida First Responder and Military Member Survivor Benefits

Supermajority Board Votes for College Fees

State College System

AMENDMENT PLACED ON BALLOT BY: Constitution Revision Commission (CRC)

The 37-member commission, which meets every 20 years to propose changes to the Florida Constitution, is unique amongst the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. The CRC 36 members are appointed by the Governor, State Legislators, and Chief Justice of the Florida Supreme Court. The only elected official on the CRC is the State Attorney General.

As the ballot measure is a package of three constitutional amendments, voters cannot approve or reject some, but not all, of the amendments. Voting "yes" on the ballot measure is a vote to pass the three constitutional amendments. Voting "no" on the ballot measure is a vote to reject the three constitutional amendments.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote. This Amendment only has one vote for three different parts. You cannot vote yes for one or two part(s) and no to the other part(s). You must vote "Yes" or "No" for the Amendment.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Grants mandatory payment of death benefits and waiver of certain educational expenses to qualifying survivors of certain first responders and military members who die performing official duties. Requires supermajority votes by university trustees and state university system board of governors to raise or impose all legislatively authorized fees if law requires approval by those bodies. Establishes existing state college system as constitutional entity; provides governance structure.

PROS:

- Educational fee increases (not tuition) for State Universities and State Colleges would be more difficult to pass. This Amendment would require a nine-member vote of the board of trustees and 12-member vote of the board of governors to increase a college fee.
- Amendment also, would place the current structure of the State's College system of higher education in the Florida Constitution.
- The families of first responders who die on the job and families of military service members who die while serving will receive an unspecified death benefit and waiver of certain educational expenses up through the graduate school level.

CONS:

- If you think college fees should not be difficult to raise, if needed.
- The death and educational benefits to be paid to first responders and military families are unspecified, and may be set and changed by the legislature at will.
 - o The state legislature may set the benefit and fee waiver levels, and local agencies will be obligated to pay them, without any ability to control their costs.
- Military service members whose death would entitle their families to benefits need not be Florida residents, but may merely have their duty station listed as Florida.

PLAIN ENGLISH DESCRIPTION:

- Requires the state board overseeing higher education, and each of the local college boards of trustees, to have a supermajority in order to raise certain fees (excluding tuition).
- Requires agencies that employ first responders to provide a death benefit in case of accidental or intentional death while on the job. Requires the state to provide a death benefit for any active duty Florida military service members who die on active service.
- Provides a waiver of unspecified educational expenses (from vocational/career up through graduate school) for children and spouses of first responders who die on the job, and of active duty service members who die while serving.
 - o The amount of such death benefits and educational expenses are left to the legislature to set.

DETAIL PLAIN ENGLISH DESCRIPTION:

- Requires the state board overseeing higher education, and each of the local college boards of trustees, to have a supermajority in order to raise certain fees. Tuition may still be raised with a simple majority vote.
- This amendment requires agencies that employ first responders to provide a death benefit in case of accidental or intentional death while on the job. It also requires the state to provide a death benefit for any active duty Florida military service members who die on active service. The amount of such death benefits will be set by the state legislature, but the burden of paying them will be borne by the employing agencies. If the agency is local (e.g., local police force, fire department, EMS provider, Community Development District), then the local agency will be responsible for the payment. If the agency is a state-level agency, then the state itself will be responsible for payment.
 - o First responders must be working for an agency in the state at the time of death. Service members must either be Florida residents, or, their duty station must be in Florida at the time of death.

Thus, it is possible that many non-Florida residents may become eligible for benefits due to the Florida duty station of an out-of-state service member.

- The amendment also provides a waiver of unspecified educational expenses for children and spouses of first responders who die on the job, and active duty service members who die while serving. The fees may be those charged by vocational/career up through graduate schools. The waiver presumably applies only to fees charged by Florida state institutions.

- o The amount of such death benefits and educational expenses are left to the legislature to set. It is unclear why this provision needs to be a Constitutional Amendment if the legislature must implement it anyway.

AMENDMENT FULL TEXT:

ARTICLE IX - EDUCATION SECTION 7. State University System.

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the

senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

(e) FEES. Any proposal or action of a constituent university to raise, impose, or authorize any fee, as authorized by law, must be approved by at least nine affirmative votes of the members of the board of trustees of the constituent university, if approval by the board of trustees is required by general law, and at least twelve affirmative votes of the members of the board of governors, if approval by the board of governors is required by general law, in order to take effect. A fee under this subsection shall not include tuition.

SECTION 8. State College System.

(a) PURPOSES. In order to achieve excellence and to provide access to undergraduate education to the students of this state; to originate articulated pathways to a baccalaureate degree; to ensure superior commitment to teaching and learning; and to respond quickly and efficiently to meet the demand of communities by aligning certificate and degree programs with local and regional workforce needs, the people hereby establish a system of governance for the state college system of Florida.

(b) STATE COLLEGE SYSTEM. There shall be a single state college system comprised of all public community and state colleges. A local board of trustees shall govern each state college system institution and the state board of education shall supervise the state college system.

(c) LOCAL BOARDS OF TRUSTEES. Each state college system institution shall be governed by a local board of trustees dedicated to the purposes of the state college system. A member of a board of trustees must be a resident of the service delivery area of the college. The powers and duties of the boards of trustees shall be provided by law. Each member shall be appointed by the governor to staggered 4-year terms, subject to confirmation by the senate.

(d) ROLE OF THE STATE BOARD OF EDUCATION. The state board of education shall supervise the state college system as provided by law.

ARTICLE X – MISCELLANEOUS - Death benefits for survivors of first responders and military members.

(a) A death benefit shall be paid by the employing agency when a firefighter; a paramedic; an emergency medical technician; a law enforcement, correctional, or correctional probation officer; or a member of the Florida National Guard, while engaged in the performance of their official duties, is:

(1) Accidentally killed or receives accidental bodily injury which results in the loss of the individual's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted; or

(2) Unlawfully and intentionally killed or dies as a result of such unlawful and intentional act or is killed during active duty.

(b) A death benefit shall be paid by funds from general revenue when an active duty member of the United States Armed Forces is:

(1) Accidentally killed or receives accidental bodily injury which results in the loss of the individual's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted; or

(2) Unlawfully and intentionally killed or dies as a result of such unlawful and intentional act or is killed during active duty.

(c) If a firefighter; a paramedic; an emergency medical technician; a law enforcement, correctional, or correctional probation officer; or an active duty member of the Florida National Guard or United States Armed Forces is accidentally killed as specified in paragraphs (a)(1) and (b)(1), or unlawfully and intentionally killed as specified in paragraphs (a)(2) and (b)(2), the state shall waive certain educational expenses that the child or spouse of the deceased first responder or military member incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education.

(d) An eligible first responder must have been working for the State of Florida or any of its political subdivisions or agencies at the time of death. An eligible military member must have been a resident of this state or his or her duty post must have been within this state at the time of death.

(e) The legislature shall implement this section by general law.

(f) This section shall take effect on July 1, 2019.

AMENDMENT NO.: 9

AMENDMENT TITLE: Prohibits Offshore Oil and Gas Drilling

Prohibits Vaping in Enclosed Indoor Workplaces

AMENDMENT PLACED ON BALLOT BY: Constitution Revision Commission

The 37-member commission, which meets every 20 years to propose changes to the Florida Constitution, is unique amongst the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. The CRC 36 members are appointed by the Governor, State Legislators, and Chief Justice of the Florida Supreme Court. The only elected official on the CRC is the State Attorney General.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote. This Amendment only has one vote for two different parts. You cannot vote yes to one part and no to the other part. You must vote "Yes" or "No" for the Amendment.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Prohibits drilling for the exploration or extraction of oil and natural gas beneath all state-owned waters between the mean high water line and the state's outermost territorial boundaries. Adds use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces with exceptions; permits more restrictive local vapor ordinances.

PROS:

- Would ban the use of vapor-generating electronic devices, such as electronic cigarettes, in enclosed indoor workplaces as nicotine is still an addictive drug. While not all e-cigarettes contain nicotine, most do. Electronic cigarettes still emit carcinogens. The measure would make exceptions for the use of vapor-generating electronic devices in (1) private residences that are not being used for commercial childcare, adult care, or healthcare; (2) in retail tobacco and vapor-generating electronic device shops; (3) designed smoking guest rooms in hotels; and (4) stand-alone bars; and
- Would ban offshore drilling for oil and natural gas on lands beneath all state waters as the environmental issues and hurricanes could cause devastating disasters.

CONS:

- Would not ban the use of vapor-generating electronic devices, such as electronic cigarettes, in enclosed indoor workplaces. The measure would make exceptions for the use of vapor-generating

electronic devices in (1) private residences that are not being used for commercial childcare, adult care, or healthcare; (2) in retail tobacco and vapor-generating electronic device shops; (3) designed smoking guest rooms in hotels; and (4) stand-alone bars.

- Would not ban offshore drilling for oil and natural gas on lands beneath all state waters, could create jobs and oil drilling could improve the economy of the people and the country as a whole. With the development of new technologies, it has been stated that drilling can be done without damaging the environment and disturbing the plant

PLAIN ENGLISH DESCRIPTION:

- Adds use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces with exceptions; permits more restrictive local ordinances.
- Prohibits drilling for the exploration or extraction of oil and natural gas beneath all state-owned waters between the mean high water line and the state's outermost territorial boundaries. The intent is to prevent any environmental issues of an oil spill or hurricanes in the waters and beaches of Florida.

DETAIL PLAIN ENGLISH DESCRIPTION:

- Prohibiting E-Cigarettes, as well as similar products like E-Cigars in indoor workplaces, restaurants, is the intent of this amendment. It adds use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces with exceptions; permits more restrictive local ordinances. The measure would make exceptions for the use of vapor-generating electronic devices in (1) private residences that are not being used for commercial childcare, adult care, or healthcare; (2) in retail tobacco and vapor-generating electronic device shops; (3) designed smoking guest rooms in hotels; and (4) stand-alone bars.
- This Amendment prohibits drilling for the exploration or extraction of oil and natural gas beneath all state-owned waters between the mean high water line and the state's outermost territorial boundaries. The drilling process will disturb the organisms (plants and animals) living in those areas. The success rate of oil drilling is also very low, meaning that it takes lots of time and the outcome is unpredictable. The intent is to prevent any environmental issues of an oil spill or hurricanes in the

waters and beaches of Florida. The financial impact of the Florida tourism of people not coming to the waters and beaches would be phenomenal.

- Florida's outermost territorial boundaries generally extend out only about 12 miles or so into the Gulf (west-coast), and about 3 miles or so into the Atlantic (east-coast, measured to the edge of the continental shelf).

AMENDMENT FULL TEXT:

ARTICLE II GENERAL PROVISIONS SECTION 7. Natural resources and scenic beauty.

(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources.

(b) Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area or the Everglades Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution. For the purposes of this subsection, the terms "Everglades Protection Area" and "Everglades Agricultural Area" shall have the meanings as defined in statutes in effect on January 1, 1996.

(c) To protect the people of Florida and their environment, drilling for exploration or extraction of oil or natural gas is prohibited on lands beneath all state waters which have not been alienated and that lie between the mean high water line and the outermost boundaries of the state's territorial seas. This prohibition does not apply to the transportation of oil and gas products produced outside of such waters. This subsection is self-executing.

ARTICLE X MISCELLANEOUS SECTION 20. Workplaces without tobacco smoke or vapor.

(a) PROHIBITION. As a Florida health initiative to protect people from the health hazards of second-hand tobacco smoke and vapor, tobacco smoking and the use of vapor-generating electronic devices are prohibited in enclosed indoor workplaces. This section does not preclude the adoption of ordinances that impose more restrictive regulation on the use of vapor-generating electronic devices than is provided in this section.

(b) EXCEPTIONS. As further explained in the definitions below, tobacco smoking and the use of vapor-generating electronic devices may be permitted in private residences whenever they are not being used commercially to provide child care, adult care, or health care, or any combination thereof; and further may be permitted in retail tobacco shops, vapor-generating electronic device retailers, designated smoking guest rooms at hotels and other public lodging establishments; and stand-alone bars. However, nothing in this section or in its implementing legislation or regulations shall prohibit the

owner, lessee, or other person in control of the use of an enclosed indoor workplace from further prohibiting or limiting smoking or the use of vapor-generating electronic devices therein.

(c) DEFINITIONS. For purposes of this section, the following words and terms shall have the stated meanings:

(1) "Smoking" means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.

(2) "Second-hand smoke," also known as environmental tobacco smoke (ETS), means smoke emitted from lighted, smoldering, or burning tobacco when the smoker is not inhaling; smoke emitted at the mouthpiece during puff drawing; and smoke exhaled by the smoker.

(3) "Work" means any person's providing any employment or employment-type service for or at the request of another individual or individuals or any public or private entity, whether for compensation or not, whether full or part-time, whether legally or not. "Work" includes, without limitation, any such service performed by an employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant, volunteer, and the like.

(4) "Enclosed indoor workplace" means any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include uncovered openings, screened or otherwise partially covered openings; or open or closed windows, жалousies, doors, or the like. This section applies to all such enclosed indoor workplaces without regard to whether work is occurring at any given time.

(5) "Commercial" use of a private residence means any time during which the owner, lessee, or other person occupying or controlling the use of the private residence is furnishing in the private residence, or causing or allowing to be furnished in the private residence, child care, adult care, or health care, or any combination thereof, and receiving or expecting to receive compensation therefor.

(6) "Retail tobacco shop" means any enclosed indoor workplace dedicated to or predominantly for the retail sale of tobacco, tobacco products, and accessories for such products, in which the sale of other products or services is merely incidental.

(7) "Designated smoking guest rooms at public lodging establishments" means the sleeping rooms and directly associated private areas, such as bathrooms, living rooms, and kitchen areas, if any, rented to guests for their exclusive transient occupancy in public lodging establishments including hotels, motels, resort condominiums, transient apartments, transient lodging establishments, rooming houses, boarding houses, resort dwellings, bed and breakfast inns, and the like; and designated by the person or persons having management authority over such public lodging establishment as rooms in which smoking may be permitted.

(8) "Stand-alone bar" means any place of business devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises; in which the serving of food, if any, is

merely incidental to the consumption of any such beverage; and that is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue.

(9) "Vapor-generating electronic device" means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

(10) "Vapor-generating electronic device retailer" means any enclosed indoor workplace dedicated to or predominantly for the retail sale of vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental.

(d) LEGISLATION. In the next regular legislative session occurring after voter approval of this section or any amendment to this section amendment, the Florida legislature shall adopt legislation to implement this section and any amendment to this section amendment in a manner consistent with its broad purpose and stated terms, and having an effective date no later than July 1 of the year following voter approval. Such legislation shall include, without limitation, civil penalties for violations of this section; provisions for administrative enforcement; and the requirement and authorization of agency rules for implementation and enforcement. This section does not Nothing herein shall preclude the legislature from enacting any law constituting or allowing a more restrictive regulation of tobacco smoking or the use of vapor-generating electronic devices than is provided in this section.

AMENDMENT NO.: 10

AMENDMENT TITLE: Florida State and Local Government Structure

AMENDMENT PLACED ON BALLOT BY: Constitution Revision Commission (CRC)

The 37-member commission, which meets every 20 years to propose changes to the Florida Constitution, is unique amongst the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. The CRC 36 members are appointed by the Governor, State Legislators, and Chief Justice of the Florida Supreme Court. The only elected official on the CRC is the State Attorney General.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote. This Amendment only has one vote for four different parts. You cannot vote yes to one, two or three part(s) and no to the other part(s). You must vote "Yes" or "No" for the entire Amendment.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Requires legislature to retain department of veterans' affairs. Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices. Changes annual legislative session commencement date in even- numbered years from March to January; removes legislature's authorization to fix another date. Creates office of domestic security and counterterrorism within department of law enforcement.

PROS:

- Would require, rather than authorize, the legislature to provide for a state Department of Veterans Affairs. In 1988, the voters approved a constitutional amendment creating the Department of Veteran Affairs. The amendment, however, did not require the legislature to establish the department. It only authorized the legislature to establish the department. This Amendment would require the legislature to establish the department and prescribe its duties by general law;
- Require the legislature to convene regular session on the second Tuesday of January of even-numbered years. Currently a regular session of the legislature shall convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year;
- Prohibit counties from abolishing state constitutional local offices—sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court and require elections for these offices; and
- Create a state Office of Domestic Security and Counter-Terrorism within the Department of Law Enforcement and would provide support for prosecutors and federal, state, and local law enforcement agencies.

CONS:

- Would not add the existing state Department of Veterans Affairs to the Florida Constitution;
- Would not require the legislature to convene regular session on the second Tuesday of January of even-numbered years;
- Would not prohibit counties from abolishing certain local offices or require elections for these offices; and
- Would not require the creation of a state Office of Domestic Security and Counter-Terrorism.

PLAIN ENGLISH DESCRIPTION:

- Requires legislature to retain Department of Veterans' Affairs.
- Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices.
- Changes annual legislative session commencement date in even-numbered years from March to January; removes legislature's authorization to fix another date.
- Creates office of domestic security and counterterrorism within department of law enforcement.

DETAIL PLAIN ENGLISH DESCRIPTION:

- Requires legislature to retain Department of Veterans' Affairs and would require the legislature to establish the department and prescribe its duties by general law. This would prohibit the legislature from making any changes with the Department of Veterans Affairs.
- Presently the voters in charter counties have the authority by county charter or special law approved by vote of the electors of the county that any county officer may be chosen in another manner. The measure would prohibit counties from abolishing certain local offices—sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court—and requiring elections for these offices.
- Changes annual legislative session commencement date in even-numbered years from March to January; removes legislature's authorization to fix another date.
- The Office of Domestic Security and Counterterrorism will be created within the Department of Law Enforcement and shall provide support for prosecutors and federal, state, and local law enforcement agencies and would prohibit the legislature from making any changes with the Department.

AMENDMENT FULL TEXT:

ARTICLE III LEGISLATURE SECTION 3 - Sessions of the legislature

(a) ORGANIZATION SESSIONS

On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) REGULAR SESSIONS

A regular session of the legislature shall convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the second Tuesday after the first Monday in January of each even-numbered year.

(c) SPECIAL SESSIONS

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) LENGTH OF SESSIONS. A regular session of the legislature shall not exceed sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) ADJOURNMENT. Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) ADJOURNMENT BY GOVERNOR. If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, and while neither house is in recess, each house shall be given formal written notice of the governor's intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

ARTICLE IV - EXECUTIVE SECTION 4 - Cabinet

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(g) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement. The Office of Domestic Security and Counterterrorism is created within the Department of Law Enforcement. The Office of Domestic Security and Counterterrorism shall provide support for prosecutors and federal, state, and local law enforcement agencies that investigate or analyze information relating to attempts or acts of terrorism or that prosecute terrorism, and shall perform any other duties that are provided by law.

SECTION 11, Department of Veterans' Affairs

The legislature, by general law, shall provide for a Department of Veterans' Affairs and prescribe its duties. The head of the department is the governor and cabinet.

ARTICLE VIII LOCAL GOVERNMENT SECTION 1. Counties

(a) POLITICAL SUBDIVISIONS

The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS

The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT

Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS

There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court.

Unless otherwise provided by special law approved by vote of the electors or pursuant to Article V, section 16, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds. Notwithstanding subsection 6(e) of this article, a county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of the county.

(e) COMMISSIONERS

Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT

Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT

Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) TAXES; LIMITATION

Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES

Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES

Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT

In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

SECTION 6. Schedule to Article VIII.

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS

The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) OFFICERS TO CONTINUE IN OFFICE

Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) ORDINANCES

Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) CONSOLIDATION AND HOME RULE

Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES

To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) SELECTION AND DUTIES OF COUNTY OFFICERS.

(1) Except as provided in this subsection, the amendment to Section 1 of this article, relating to the selection and duties of county officers, shall take effect January 5, 2021, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2020.

(2) For Miami-Dade County and Broward County, the amendment to Section 1 of this article, relating to the selection and duties of county officers, shall take effect January 7, 2025, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2024.

(h) DELETION OF OBSOLETE SCHEDULE ITEMS

The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

AMENDMENT NO.: 11

AMENDMENT TITLE: Property Rights; Removal of Obsolete Provision; Criminal Statute

AMENDMENT PLACED ON BALLOT BY: Constitution Revision Commission

The 37-member commission, which meets every 20 years to propose changes to the Florida Constitution, is unique among the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. The CRC 36 members are appointed by the Governor, State Legislators, and Chief Justice of the Florida Supreme Court. The only elected official on the CRC is the State Attorney General.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote. This Amendment only has one vote for three different parts. You cannot vote yes to one or two part(s) and no to the other part(s). You must vote "Yes" or "No" for the entire Amendment.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Removes discriminatory language related to real property rights. Removes obsolete language repealed by voters. Deletes provision that amendment of a criminal statute will not affect prosecution or penalties for a crime committed before the amendment; retains current provision allowing prosecution of a crime committed before the repeal of a criminal statute.

PROS:

- Would repeal constitutional provision prohibiting foreign-born persons ineligible for citizenship from owning, inheriting, disposing of, and possessing property;
- Delete the constitutional provision that an amendment to a criminal statute does not affect the prosecution of a crime committed before the statute's amendment; and
- Repeal an obsolete constitutional provision stating that a high-speed ground transportation system be developed in Florida.

CONS:

- Would retain the constitutional provision prohibiting foreign-born persons ineligible for citizenship from owning, inheriting, disposing of, and possessing property;
- Would retain the constitutional provision that an amendment to a criminal statute does not affect the prosecution of a crime committed before the statute's amendment; and
- Retain an obsolete constitutional provision stating that a high-speed ground transportation system be developed in Florida.

PLAIN ENGLISH DESCRIPTION:

- Would remove language that prohibits “aliens ineligible for citizenship” from owning, inheriting, disposing, and possession property.
- This part of the amendment would affect criminal defendants. Currently, if someone is arrested for a crime, they’ll be prosecuted under the statute that is in effect when the alleged crime was committed. This amendment would ensure that criminal defendants are prosecuted under the most current laws on the books.
- The third part of this amendment deletes language about high-speed transportation. In 2000, Floridians approved an amendment that mandated building some type of high-speed ground transportation. Four years later, voters overturned that amendment but the language about high-speed transportation wasn’t removed from the Constitution.

DETAIL PLAIN ENGLISH DESCRIPTION:

- Florida’s Constitution currently has a clause that allows the Florida Legislature to pass laws restricting the property rights of “aliens ineligible for citizenship.” In other words, the Legislature has the authority to prevent non-citizens from owning, inheriting, buying or selling property. Known as “Alien Land Laws,” these restrictions swept the nation in the early 20th century, largely out of fear of the Japanese. Florida’s land-ownership amendment was approved by voters in 1926, but the state currently has no laws on the books restricting the property rights of non-citizens. In 2008, Florida voters rejected an amendment that would have done away with the ownership restrictions, partly because of confusion over its meaning and anti-immigrant sentiment. Amendment 11 is a second attempt to repeal these property-rights restrictions
- This part of the amendment would affect criminal defendants. Currently, if someone is arrested for a crime, they’ll be prosecuted under the statute that is in effect when the alleged crime was committed. Say a person is arrested on June 30 for a drug crime. Even if a new law took effect the following day that reduced the sentence for the crime, the defendant would be subject to the stricter sentence under the old law. This amendment would ensure that criminal defendants are prosecuted under the most current laws on the books. However, this question does not alter the Constitution’s mandate that if a law is repealed altogether, a person arrested before that repeal could still face prosecution for the crime.
- The third part of this amendment deletes language about high-speed transportation. In 2000, Floridians approved an amendment that mandated building some type of high-speed ground transportation. Four years later, voters overturned that amendment but the language about high-speed transportation wasn’t removed from the Constitution. This amendment would do that.

AMENDMENT FULL TEXT:

ARTICLE I - DECLARATION OF RIGHTS SECTION 2. Basic rights.

All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

ARTICLE X - MISCELLANEOUS SECTION 9. Repeal of criminal statutes.

Repeal of a criminal statute shall not affect prosecution for any crime committed before such repeal.

SECTION 19.

Repealed

AMENDMENT NO.: 12

AMENDMENT TITLE: Lobbying and Abuse of Office by Public Officers

AMENDMENT PLACED ON BALLOT BY: Constitution Revision Commission

The 37-member commission, which meets every 20 years to propose changes to the Florida Constitution, is unique amongst the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. The CRC 36 members are appointed by the Governor, State Legislators, and Chief Justice of the Florida Supreme Court. The only elected official on the CRC is the State Attorney General.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote. This Amendment only has one vote for what may appear to have two different parts. You cannot vote yes to one part and no to the other part. You must vote "Yes" or "No" for the entire Amendment.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Expands current restrictions on lobbying for compensation by former public officers; creates restrictions on lobbying for compensation by serving public officers and former justices and judges; provides exceptions; prohibits abuse of a public position by public officers and employees to obtain a personal benefit.

PROS:

- Prohibiting public officials from lobbying for compensation during the official's term in office and for six years after the official leaves office;
- Prohibiting public officials from using the office to obtain a disproportionate benefit.

CONS:

- Would leave the current 2-year lobbying ban in effect
- Also the current ethics standards of using their offices to obtain a disproportionate set of benefits.

PLAIN ENGLISH DESCRIPTION: Expands ethics rules for elected officials and government employees, notably by expanding from two to six years the time that many officials would have to wait before they could lobby state government. Also create a new ethics standard that prohibits public officers and public employees from abusing their public position to obtain a disproportionate benefit for themselves, specified family members, an employer, or business entities associated with the public officer or public employee.

DETAIL PLAIN ENGLISH DESCRIPTION:

- Provides for elected officials and government employees, notably by expanding from two to six years the time that many officials would have to wait before they could lobby state government. Also create a new ethics standard that prohibits public officers and public employees from abusing their public position to obtain a disproportionate benefit for themselves, specified family members, an employer, or business entities associated with the public officer or public employee.
- Under this proposal, elected officials and government employees, including local governments officials, could not lobby any part of state government until six years after leaving office.
 - o In addition to those changes, the proposed amendment would add some new provisions, including a six-year lobbying ban for state agency department heads who leave their jobs; a total ban on paid lobbying by local elected officials while they're in office, along with a six-year ban on lobbying their former governing body after they leave; and a ban on judges lobbying state government for six years after they leave the bench.
- This Amendment also create a new ethics standard that prohibits public officers and public employees from abusing their public position to obtain a disproportionate benefit for themselves, specified family members, an employer, or business entities associated with the public officer or public employee.

AMENDMENT FULL TEXT:

ARTICLE II GENERAL PROVISIONS - SECTION 8. Ethics in government.

A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

- (a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.
- (b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.
- (c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.
- (d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual

was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term

of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) (1) For purposes of this subsection, the term “public officer” means a statewide elected officer, a member of the legislature, a county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, an elected special district officer in a special district with ad valorem taxing authority, or a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government.

(2) A public officer shall not lobby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office.

(3) A public officer shall not lobby for compensation on issues of policy, appropriations, or procurement for a period of six years after vacation of public position, as follows:

a. A statewide elected officer or member of the legislature shall not lobby the legislature or any state government body or agency.

b. A person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government shall not lobby the legislature, the governor, the executive office of the governor, members of the cabinet, a department that is headed by a member of the cabinet, or his or her former department.

c. A county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, or an elected special district officer in a special district with ad valorem taxing authority shall not lobby his or her former agency or governing body.

(4) This subsection shall not be construed to prohibit a public officer from carrying out the duties of his or her public office.

(5) The legislature may enact legislation to implement this subsection, including, but not limited to, defining terms and providing penalties for violations. Any such law shall not contain provisions on any other subject. (g)(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(h) (1) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

(2) A public officer or public employee shall not abuse his or her public position in order to obtain a disproportionate benefit for himself or herself; his or her spouse, children, or employer; or for any business with which he or she contracts; in which he or she is an officer, a partner, a director, or a proprietor; or in which he or she owns an interest. The Florida Commission on Ethics shall, by rule in accordance with statutory procedures governing administrative rulemaking, define the term “disproportionate benefit” and prescribe the requisite intent for finding a violation of this prohibition for purposes of enforcing this paragraph. Appropriate penalties shall be prescribed by law.

(i) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(j) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the custodian of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person’s most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (g), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to paragraph (1).

(3) The independent commission provided for in subsection (g) shall mean the Florida Commission on Ethics.

ARTICLE V - JUDICIARY SECTION 13. Ethics in the judiciary

(a) All justices and judges shall devote full time to their judicial duties. A justice or judge shall not engage in the practice of law or hold office in any political party.

(b) A former justice or former judge shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislative or executive branches of state government for a period of six years after he or she vacates his or her judicial position. The legislature may enact legislation to implement this subsection, including, but not limited to, defining terms and providing penalties for violations. Any such law shall not contain provisions on any other subject.

ARTICLE XII - SCHEDULE

Prohibitions regarding lobbying for compensation and abuse of public position by public officers and public employees.

The amendments to Section 8 of Article II and Section 13 of Article V shall take effect December 31, 2022; except that the amendments to Section 8(h) of Article II shall take effect December 31, 2020, and:

(a) The Florida Commission on Ethics shall, by rule, define the term “disproportionate benefit” and prescribe the requisite intent for finding a violation of the prohibition against abuse of public position by October 1, 2019, as specified in Section 8(h) of Article II.

(b) Following the adoption of rules pursuant to subsection (a), the legislature shall enact implementing legislation establishing penalties for violations of the prohibition against abuse of public position to take effect December 31, 2020.

AMENDMENT NO.: 13

AMENDMENT TITLE: Ban on Wagering on Dog Races

AMENDMENT PLACED ON BALLOT BY: Constitution Revision Commission (CRC)

The 37-member commission, which meets every 20 years to propose changes to the Florida Constitution, is unique among the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. The CRC 36 members are appointed by the Governor, State Legislators, and Chief Justice of the Florida Supreme Court. The only elected official on the CRC is the State Attorney General.

SPECIAL CONSIDERATIONS: Amendment must pass by 60% of the vote.

HOW AMENDMENT WILL APPEAR ON THE NOVEMBER BALLOT:

Phases out commercial dog racing in connection with wagering by 2020. Other gaming activities are not affected.

PROS: Ban all dog racing in Florida by 31 December 2020. This would prevent the dogs from being injured while racing and being moved from track to track and being kept in cages while not racing.

CONS: The workers and support personnel at the track would lose their jobs along with the breeders and trainers. Also, it would be a loss of revenue.

PLAIN ENGLISH DESCRIPTION: Bans wagering on any type of dog racing, notably greyhounds, as of Dec. 31, 2020, while continuing to allow dog tracks to continue offering other types of gambling, including poker rooms. These gaming activities are not affected.

DETAIL PLAIN ENGLISH DESCRIPTION: This amendment would ban wagering on dog racing in Florida. Dog racing – usually greyhounds – is one of several “pari-mutuel” wagering sports in Florida. Others include horse racing and jai-alai. Florida has 12 of the nation’s 18 dog-racing tracks. Under Amendment 13, dog tracks would be allowed to use their permits to host other pari-mutuel sports. Also, the amendment waives a state requirement that tracks hold greyhound races in order to continue operating poker rooms or slot machines as part of their pari-mutuel licenses. The amendment requires the Legislature to set criminal and civil penalties for violating the dog-racing ban. The Department of Business and Professional Regulation, which regulates pari-mutuels, estimated an annual loss of \$1 million in tax revenue if voters approve the ban. If approved, the amendment takes effect immediately but allows greyhound racing to continue until Dec. 31, 2020.

AMENDMENT FULL TEXT:

ARTICLE X MISCELLANEOUS

Prohibition on racing of and wagering on greyhounds or other dogs.-The humane treatment of animals is a fundamental value of the people of the State of Florida. After December 31, 2020, a

person authorized to conduct gaming or pari-mutuel operations may not race greyhounds or any member of the *Canis Familiaris* subspecies in connection with any wager for money or any other thing of value in this state, and persons in this state may not wager money or any other thing of value on the outcome of a live dog race occurring in this state. The failure to conduct greyhound racing or wagering on greyhound racing after December 31, 2018, does not constitute grounds to revoke or deny renewal of other related gaming licenses held by a person who is a licensed greyhound permit holder on January 1, 2018, and does not affect the eligibility of such permit holder, or such permit holder's facility, to conduct other pari-mutuel activities authorized by general law. By general law, the legislature shall specify civil or criminal penalties for violations of this section and for activities that aid or abet violations of this section.

ARTICLE XII SCHEDULE

Prohibition on racing of or wagering on greyhounds or other dogs.-The amendment to Article X, which prohibits the racing of or wagering on greyhound and other dogs, and the creation of this section, shall take effect upon the approval of the electors.

Links to Constitutional Amendments

<https://dos.myflorida.com/media/699824/constitutional-amendments-2018-general-election-english.pdf>

www.libertyfirstnetwork.com