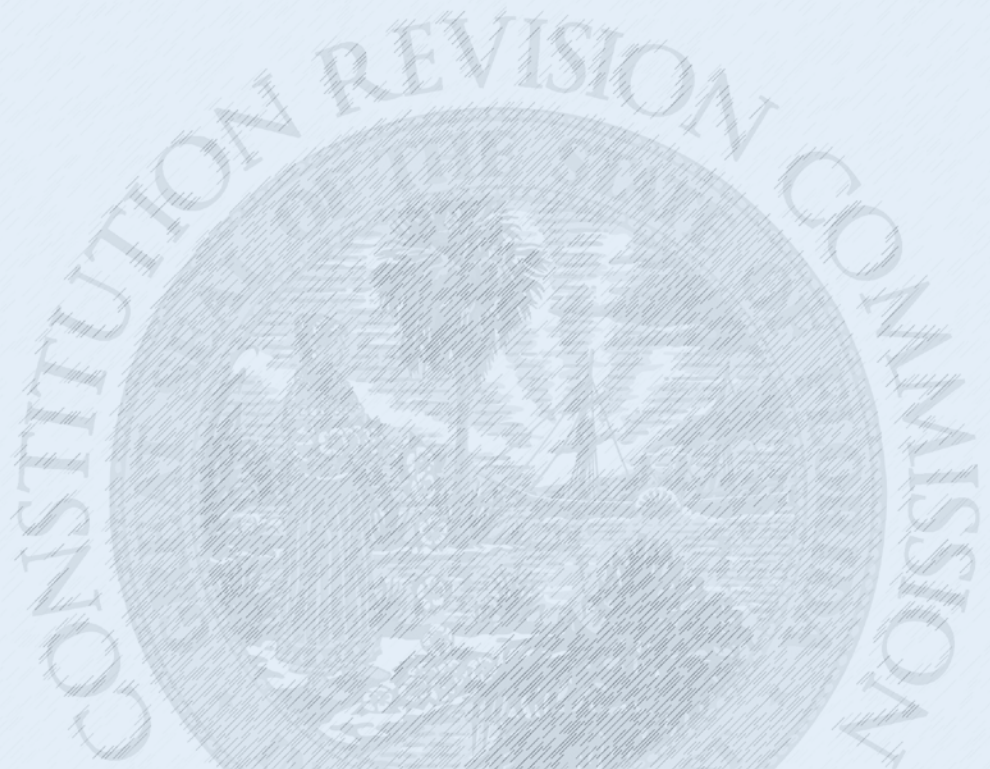




CONSTITUTION REVISION COMMISSION

2017 - 2018



Final Report

May 9, 2018



CONSTITUTION REVISION COMMISSION

— 2017 - 2018 —

May 9, 2018

The Honorable Ken Detzner
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

The Constitution Revision Commission, pursuant to Article XI, Section 2 of the Florida Constitution, submits its proposed revisions of the 1968 Constitution, as subsequently amended, to the electors for their approval or rejection at the general election on November 6, 2018.

The proposed revisions of the Florida Constitution, as well as the ballot language and order, have been adopted by the Constitution Revision Commission in accordance with the Constitution and the Commission's rules. The proposed revisions consist of eight separate ballot items. A revision number has been assigned to each ballot item, and they are listed in the order in which the Commission requests they be placed on the ballot.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Carlos Beruff".

Carlos Beruff
Chairman
Constitution Revision Commission



MEMBERS

Carlos Beruff, Chairman

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Chris Spowls

John Stargel

John Stemberger

Pam Stewart

Jacqui Thurlow-Lippisch

Carolyn Timmann

Nicole Washington



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REVISION 1

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to crime victims and
judges; amending Section 16 of Article I of the State
Constitution to revise and establish additional rights
of victims of crime; amending Section 8 of Article V
and creating a new section in Article XII of the State
Constitution to increase the age after which a justice
or judge may no longer serve in a judicial office; and
creating Section 21 of Article V of the State
Constitution to require a state court or an officer
hearing an administrative action to interpret a state
statute or rule de novo in litigation between an
administrative agency and a private party.

Be It Proposed by the Constitution Revision Commission of
Florida:

Section 16 of Article I of the State Constitution is
amended to read:

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

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30 right to have compulsory process for witnesses, to confront at
31 trial adverse witnesses, to be heard in person, by counsel or
32 both, and to have a speedy and public trial by impartial jury in
33 the county where the crime was committed. If the county is not
34 known, the indictment or information may charge venue in two or
35 more counties conjunctively and proof that the crime was
36 committed in that area shall be sufficient; but before pleading
37 the accused may elect in which of those counties the trial will
38 take place. Venue for prosecution of crimes committed beyond the
39 boundaries of the state shall be fixed by law.

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

48 (1) The right to due process and to be treated with
49 fairness and respect for the victim's dignity.

50 (2) The right to be free from intimidation, harassment, and
51 abuse.

52 (3) The right, within the judicial process, to be
53 reasonably protected from the accused and any person acting on
54 behalf of the accused. However, nothing contained herein is
55 intended to create a special relationship between the crime
56 victim and any law enforcement agency or office absent a special
57 relationship or duty as defined by Florida law.

58 (4) The right to have the safety and welfare of the victim

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59 and the victim's family considered when setting bail, including
60 setting pretrial release conditions that protect the safety and
61 welfare of the victim and the victim's family.

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

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

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

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

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

85 d. The right to provide information regarding the impact of
86 the offender's conduct on the victim and the victim's family to
87 the individual responsible for conducting any presentence

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88 investigation or compiling any presentence investigation report,
89 and to have any such information considered in any sentencing
90 recommendations submitted to the court.

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

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

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

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

113 (7) The rights of the victim, as provided in subparagraph
114 (6)a., subparagraph (6)b., or subparagraph (6)c., that apply to
115 any first appearance proceeding are satisfied by a reasonable
116 attempt by the appropriate agency to notify the victim and

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117 convey the victim's views to the court.

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

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

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

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

135 b. All state-level appeals and collateral attacks on any
136 judgment must be complete within two years from the date of
137 appeal in non-capital cases and within five years from the date
138 of appeal in capital cases, unless a court enters an order with
139 specific findings as to why the court was unable to comply with
140 this subparagraph and the circumstances causing the delay. Each
141 year, the chief judge of any district court of appeal or the
142 chief justice of the supreme court shall report on a case-by-
143 case basis to the speaker of the house of representatives and
144 the president of the senate all cases where the court entered an
145 order regarding inability to comply with this subparagraph. The

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146 legislature may enact legislation to implement this
147 subparagraph.

148 (11) The right to be informed of these rights, and to be
149 informed that victims can seek the advice of an attorney with
150 respect to their rights. This information shall be made
151 available to the general public and provided to all crime
152 victims in the form of a card or by other means intended to
153 effectively advise the victim of their rights under this
154 section.

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

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

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175 political subdivisions.

176 (e) As used in this section, a "victim" is a person who
177 suffers direct or threatened physical, psychological, or
178 financial harm as a result of the commission or attempted
179 commission of a crime or delinquent act or against whom the
180 crime or delinquent act is committed. The term "victim" includes
181 the victim's lawful representative, the parent or guardian of a
182 minor, or the next of kin of a homicide victim, except upon a
183 showing that the interest of such individual would be in actual
184 or potential conflict with the interests of the victim. The term
185 "victim" does not include the accused. The terms "crime" and
186 "criminal" include delinquent acts and conduct ~~Victims of crime~~
187 ~~or their lawful representatives, including the next of kin of~~
188 ~~homicide victims, are entitled to the right to be informed, to~~
189 ~~be present, and to be heard when relevant, at all crucial stages~~
190 ~~of criminal proceedings, to the extent that these rights do not~~
191 ~~interfere with the constitutional rights of the accused.~~

192
193 Section 8 of Article V of the State Constitution is
194 amended, and section 21 is added to that article, to read:

195 ARTICLE V

196 JUDICIARY

197 SECTION 8. Eligibility.—No person shall be eligible for
198 office of justice or judge of any court unless the person is an
199 elector of the state and resides in the territorial jurisdiction
200 of the court. No justice or judge shall serve after attaining
201 the age of seventy-five ~~seventy~~ years except upon temporary
202 assignment ~~or to complete a term, one-half of which has been~~
203 ~~served~~. No person is eligible for the office of justice of the

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204 supreme court or judge of a district court of appeal unless the
205 person is, and has been for the preceding ten years, a member of
206 the bar of Florida. No person is eligible for the office of
207 circuit judge unless the person is, and has been for the
208 preceding five years, a member of the bar of Florida. Unless
209 otherwise provided by general law, no person is eligible for the
210 office of county court judge unless the person is, and has been
211 for the preceding five years, a member of the bar of Florida.
212 Unless otherwise provided by general law, a person shall be
213 eligible for election or appointment to the office of county
214 court judge in a county having a population of 40,000 or less if
215 the person is a member in good standing of the bar of Florida.

216 SECTION 21. Judicial interpretation of statutes and rules.-
217 In interpreting a state statute or rule, a state court or an
218 officer hearing an administrative action pursuant to general law
219 may not defer to an administrative agency's interpretation of
220 such statute or rule, and must instead interpret such statute or
221 rule de novo.

222
223 A new section is added to Article XII of the State
224 Constitution to read:

225 ARTICLE XII

226 SCHEDULE

227 Eligibility of justices and judges.-The amendment to
228 Section 8 of Article V, which increases the age at which a
229 justice or judge is no longer eligible to serve in judicial
230 office except upon temporary assignment, shall take effect July
231 1, 2019.
232

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233 BE IT FURTHER PROPOSED that the following statement be placed on
234 the ballot:

235

236 CONSTITUTIONAL AMENDMENT

237 ARTICLE I, SECTION 16

238 ARTICLE V, SECTIONS 8, 21

239 ARTICLE XII, NEW SECTION

240 RIGHTS OF CRIME VICTIMS; JUDGES.—Creates constitutional
241 rights for victims of crime; requires courts to facilitate
242 victims' rights; authorizes victims to enforce their rights
243 throughout criminal and juvenile justice processes. Requires
244 judges and hearing officers to independently interpret statutes
245 and rules rather than deferring to government agency's
246 interpretation. Raises mandatory retirement age of state
247 justices and judges from seventy to seventy-five years; deletes
248 authorization to complete judicial term if one-half of term has
249 been served by retirement age.

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REVISION 2

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to higher education;
amending Section 7 of Article IX of the State
Constitution to establish minimum vote thresholds for
university boards of trustees and the board of
governors to impose or authorize a new fee or increase
an existing fee, as authorized by law; creating
Section 8 of Article IX of the State Constitution to
specify the purposes of the State College System and
to provide for the governance structure of the system;
and creating a new section in Article X of the State
Constitution to establish the right of survivors of
specified first responders and military members to
death benefits.

Be It Proposed by the Constitution Revision Commission of
Florida:

Section 7 of Article IX of the State Constitution is
amended, and section 8 is added to that article, to read:

ARTICLE IX

EDUCATION

SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through
teaching students, advancing research and providing public

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30 service for the benefit of Florida's citizens, their communities
31 and economies, the people hereby establish a system of
32 governance for the state university system of Florida.

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

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

49 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors
50 shall be a body corporate consisting of seventeen members. The
51 board shall operate, regulate, control, and be fully responsible
52 for the management of the whole university system. These
53 responsibilities shall include, but not be limited to, defining
54 the distinctive mission of each constituent university and its
55 articulation with free public schools and community colleges,
56 ensuring the well-planned coordination and operation of the
57 system, and avoiding wasteful duplication of facilities or
58 programs. The board's management shall be subject to the powers

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59 of the legislature to appropriate for the expenditure of funds,
60 and the board shall account for such expenditures as provided by
61 law. The governor shall appoint to the board fourteen citizens
62 dedicated to the purposes of the state university system. The
63 appointed members shall be confirmed by the senate and serve
64 staggered terms of seven years as provided by law. The
65 commissioner of education, the chair of the advisory council of
66 faculty senates, or the equivalent, and the president of the
67 Florida student association, or the equivalent, shall also be
68 members of the board.

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

78 SECTION 8. State College System.—

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

87 (b) STATE COLLEGE SYSTEM. There shall be a single state

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88 college system comprised of all public community and state
89 colleges. A local board of trustees shall govern each state
90 college system institution and the state board of education
91 shall supervise the state college system.

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

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

103

104 A new section is added to Article X of the State
105 Constitution to read:

106

ARTICLE X

107

MISCELLANEOUS

108

Death benefits for survivors of first responders and
109 military members.-

110

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

115

(1) Accidentally killed or receives accidental bodily
116 injury which results in the loss of the individual's life,

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117 provided that such killing is not the result of suicide and that
118 such bodily injury is not intentionally self-inflicted; or

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

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

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

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

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

143 (d) An eligible first responder must have been working for
144 the State of Florida or any of its political subdivisions or
145 agencies at the time of death. An eligible military member must

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146 have been a resident of this state or his or her duty post must
147 have been within this state at the time of death.

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

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

151

152 BE IT FURTHER PROPOSED that the following statement be placed on
153 the ballot:

154

155 CONSTITUTIONAL AMENDMENT

156 ARTICLE IX, SECTIONS 7, 8

157 ARTICLE X, NEW SECTION

158 FIRST RESPONDER AND MILITARY MEMBER SURVIVOR BENEFITS;
159 PUBLIC COLLEGES AND UNIVERSITIES.—Grants mandatory payment of
160 death benefits and waiver of certain educational expenses to
161 qualifying survivors of certain first responders and military
162 members who die performing official duties. Requires
163 supermajority votes by university trustees and state university
164 system board of governors to raise or impose all legislatively
165 authorized fees if law requires approval by those bodies.
166 Establishes existing state college system as constitutional
167 entity; provides governance structure.

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REVISION 3

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to education; amending
Section 4 of Article IX and creating a new section in
Article XII of the State Constitution to establish a
limitation on the period for which a person may serve
as a member of a district school board; amending
Section 4 of Article IX of the State Constitution to
specify which schools are operated, controlled, and
supervised by a school board; and creating a new
section in Article IX of the State Constitution to
require the Legislature to provide for the promotion
of civic literacy in public education.

Be It Proposed by the Constitution Revision Commission of
Florida:

Section 4 of Article IX of the State Constitution is
amended, and a new section is added to that article, to read:

ARTICLE IX
EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district;
provided, two or more contiguous counties, upon vote of the
electors of each county pursuant to law, may be combined into
one school district. In each school district there shall be a

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30 school board composed of five or more members chosen by vote of
31 the electors in a nonpartisan election for appropriately
32 staggered terms of four years, as provided by law. A person may
33 not appear on the ballot for re-election to the office of school
34 board if, by the end of the current term of office, the person
35 would have served, or but for resignation would have served, in
36 that office for eight consecutive years.

37 (b) The school board shall operate, control, and supervise
38 all free public schools established by the district school board
39 within the school district and determine the rate of school
40 district taxes within the limits prescribed herein. Two or more
41 school districts may operate and finance joint educational
42 programs.

43 SECTION . Civic literacy.-As education is essential to the
44 preservation of the rights and liberties of the people, the
45 legislature shall provide by law for the promotion of civic
46 literacy in order to ensure that students enrolled in public
47 education understand and are prepared to exercise their rights
48 and responsibilities as citizens of a constitutional republic.

49
50 A new section is added to Article XII of the State
51 Constitution to read:

52 ARTICLE XII

53 SCHEDULE

54 Limitation on terms of office for members of a district
55 school board.-This section and the amendment to Section 4 of
56 Article IX imposing term limits for the terms of office for
57 members of a district school board shall take effect on the date
58 it is approved by the electorate, but no service in a term of

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59 office which commenced prior to November 6, 2018, will be
60 counted against the limitation imposed by this amendment.

61

62 BE IT FURTHER PROPOSED that the following statement be placed on
63 the ballot:

64

65 CONSTITUTIONAL AMENDMENT

66 ARTICLE IX, SECTION 4, NEW SECTION

67 ARTICLE XII, NEW SECTION

68 SCHOOL BOARD TERM LIMITS AND DUTIES; PUBLIC SCHOOLS.—

69 Creates a term limit of eight consecutive years for school board
70 members and requires the legislature to provide for the
71 promotion of civic literacy in public schools. Currently,
72 district school boards have a constitutional duty to operate,
73 control, and supervise all public schools. The amendment
74 maintains a school board's duties to public schools it
75 establishes, but permits the state to operate, control, and
76 supervise public schools not established by the school board.

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REVISION 4

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to environmental health;
amending Section 7 of Article II of the State
Constitution to prohibit the drilling for exploration
or extraction of oil and natural gas in specified
state waters; and amending Section 20 of Article X of
the State Constitution to establish a general
prohibition on the use of vapor-generating electronic
devices in enclosed indoor workplaces.

Be It Proposed by the Constitution Revision Commission of
Florida:

Section 7 of Article II of the State Constitution is
amended to read:

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

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30 Everglades Agricultural Area shall be primarily responsible for
31 paying the costs of the abatement of that pollution. For the
32 purposes of this subsection, the terms "Everglades Protection
33 Area" and "Everglades Agricultural Area" shall have the meanings
34 as defined in statutes in effect on January 1, 1996.

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

43

44 Section 20 of Article X of the State Constitution is
45 amended to read:

46

ARTICLE X

47

MISCELLANEOUS

48

SECTION 20. Workplaces without tobacco smoke or vapor.—

49

50

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

57

58

(b) EXCEPTIONS. As further explained in the definitions
below, tobacco smoking and the use of vapor-generating

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59 electronic devices may be permitted in private residences
60 whenever they are not being used commercially to provide child
61 care, adult care, or health care, or any combination thereof;
62 and further may be permitted in retail tobacco shops, vapor-
63 generating electronic device retailers, designated smoking guest
64 rooms at hotels and other public lodging establishments; and
65 stand-alone bars. However, nothing in this section or in its
66 implementing legislation or regulations shall prohibit the
67 owner, lessee, or other person in control of the use of an
68 enclosed indoor workplace from further prohibiting or limiting
69 smoking or the use of vapor-generating electronic devices
70 therein.

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

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

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

81 (3) "Work" means any person's providing any employment or
82 employment-type service for or at the request of another
83 individual or individuals or any public or private entity,
84 whether for compensation or not, whether full or part-time,
85 whether legally or not. "Work" includes, without limitation, any
86 such service performed by an employee, independent contractor,
87 agent, partner, proprietor, manager, officer, director,

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88 apprentice, trainee, associate, servant, volunteer, and the
89 like.

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

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

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

111 (7) "Designated smoking guest rooms at public lodging
112 establishments" means the sleeping rooms and directly associated
113 private areas, such as bathrooms, living rooms, and kitchen
114 areas, if any, rented to guests for their exclusive transient
115 occupancy in public lodging establishments including hotels,
116 motels, resort condominiums, transient apartments, transient

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117 lodging establishments, rooming houses, boarding houses, resort
118 dwellings, bed and breakfast inns, and the like; and designated
119 by the person or persons having management authority over such
120 public lodging establishment as rooms in which smoking may be
121 permitted.

122 (8) "Stand-alone bar" means any place of business devoted
123 during any time of operation predominantly or totally to serving
124 alcoholic beverages, intoxicating beverages, or intoxicating
125 liquors, or any combination thereof, for consumption on the
126 licensed premises; in which the serving of food, if any, is
127 merely incidental to the consumption of any such beverage; and
128 that is not located within, and does not share any common
129 entryway or common indoor area with, any other enclosed indoor
130 workplace including any business for which the sale of food or
131 any other product or service is more than an incidental source
132 of gross revenue.

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

143 (10) "Vapor-generating electronic device retailer" means
144 any enclosed indoor workplace dedicated to or predominantly for
145 the retail sale of vapor-generating electronic devices and

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146 components, parts, and accessories for such products, in which
147 the sale of other products or services is merely incidental.

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

163
164 BE IT FURTHER PROPOSED that the following statement be placed on
165 the ballot:

166
167 CONSTITUTIONAL AMENDMENT

168 ARTICLE II, SECTION 7

169 ARTICLE X, SECTION 20

170 PROHIBITS OFFSHORE OIL AND GAS DRILLING; PROHIBITS VAPING
171 IN ENCLOSED INDOOR WORKPLACES.—Prohibits drilling for the
172 exploration or extraction of oil and natural gas beneath all
173 state-owned waters between the mean high water line and the
174 state's outermost territorial boundaries. Adds use of vapor-

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175 generating electronic devices to current prohibition of tobacco
176 smoking in enclosed indoor workplaces with exceptions; permits
177 more restrictive local vapor ordinances.

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REVISION 5

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to state and local government; amending Section 3 of Article III of the State Constitution to provide that the Legislature convene for regular session on the second Tuesday after the first Monday in January of each even-numbered year; amending Section 4 of Article IV of the State Constitution to establish the Office of Domestic Security and Counterterrorism within the Department of Law Enforcement; amending Section 11 of Article IV of the State Constitution to require, rather than authorize, the Legislature to provide for the Department of Veterans' Affairs and prescribe its duties by general law and to specify that the head of the department is the Governor and Cabinet; and amending Sections 1 and 6 of Article VIII of the State Constitution to remove the authority of a county charter or a special law to provide for choosing county officers in a manner other than election and to prohibit a county charter from abolishing county officers, transferring the duties of a county officer to another officer or office, changing the length of terms of county officers, or establishing any manner of selection of county officers other than by election.

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Be It Proposed by the Constitution Revision Commission of
Florida:

Section 3 of Article III of the State Constitution is
amended to read:

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 ~~first~~ Tuesday
after the first Monday in January ~~March, or such other date as~~
~~may be fixed by law,~~ 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

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59 extended beyond such limit by a three-fifths vote of each house.
60 During such an extension no new business may be taken up in
61 either house without the consent of two-thirds of its
62 membership.

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

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

75

76 Sections 4 and 11 of Article IV of the State Constitution
77 are amended to read:

78

ARTICLE IV

79

EXECUTIVE

80

SECTION 4. Cabinet.—

81

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

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

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

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

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

114 (f) The governor as chair, the chief financial officer, the
115 attorney general, and the commissioner of agriculture shall
116 constitute the trustees of the internal improvement trust fund

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117 and the land acquisition trust fund as provided by law.

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

128 SECTION 11. Department of Veterans' ~~Veterans~~ Affairs.—The
129 legislature, by general law, shall provide for a ~~may provide for~~
130 ~~the establishment of the~~ Department of Veterans' ~~Veterans~~
131 Affairs and prescribe its duties. The head of the department is
132 the governor and cabinet.

133

134 Sections 1 and 6 of Article VIII of the State Constitution
135 are amended to read:

136

ARTICLE VIII

137

LOCAL GOVERNMENT

138

SECTION 1. Counties.—

139

(a) POLITICAL SUBDIVISIONS. The state shall be divided by
140 law into political subdivisions called counties. Counties may be
141 created, abolished or changed by law, with provision for payment
142 or apportionment of the public debt.

143

(b) COUNTY FUNDS. The care, custody and method of
144 disbursing county funds shall be provided by general law.

145

(c) GOVERNMENT. Pursuant to general or special law, a

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

149 (d) COUNTY OFFICERS. There shall be elected by the electors
150 of each county, for terms of four years, a sheriff, a tax
151 collector, a property appraiser, a supervisor of elections, and
152 a clerk of the circuit court; ~~except, when provided by county~~
153 ~~charter or special law approved by vote of the electors of the~~
154 ~~county, any county officer may be chosen in another manner~~
155 ~~therein specified, or any county office may be abolished when~~
156 ~~all the duties of the office prescribed by general law are~~
157 ~~transferred to another office. Unless~~ ~~When not~~ otherwise
158 provided by ~~county charter or~~ special law approved by vote of
159 the electors or pursuant to Article V, section 16, the clerk of
160 the circuit court shall be ex officio clerk of the board of
161 county commissioners, auditor, recorder and custodian of all
162 county funds. Notwithstanding subsection 6(e) of this article, a
163 county charter may not abolish the office of a sheriff, a tax
164 collector, a property appraiser, a supervisor of elections, or a
165 clerk of the circuit court; transfer the duties of those
166 officers to another officer or office; change the length of the
167 four-year term of office; or establish any manner of selection
168 other than by election by the electors of the county.

169 (e) COMMISSIONERS. Except when otherwise provided by county
170 charter, the governing body of each county shall be a board of
171 county commissioners composed of five or seven members serving
172 staggered terms of four years. After each decennial census the
173 board of county commissioners shall divide the county into
174 districts of contiguous territory as nearly equal in population

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175 as practicable. One commissioner residing in each district shall
176 be elected as provided by law.

177 (f) NON-CHARTER GOVERNMENT. Counties not operating under
178 county charters shall have such power of self-government as is
179 provided by general or special law. The board of county
180 commissioners of a county not operating under a charter may
181 enact, in a manner prescribed by general law, county ordinances
182 not inconsistent with general or special law, but an ordinance
183 in conflict with a municipal ordinance shall not be effective
184 within the municipality to the extent of such conflict.

185 (g) CHARTER GOVERNMENT. Counties operating under county
186 charters shall have all powers of local self-government not
187 inconsistent with general law, or with special law approved by
188 vote of the electors. The governing body of a county operating
189 under a charter may enact county ordinances not inconsistent
190 with general law. The charter shall provide which shall prevail
191 in the event of conflict between county and municipal
192 ordinances.

193 (h) TAXES; LIMITATION. Property situate within
194 municipalities shall not be subject to taxation for services
195 rendered by the county exclusively for the benefit of the
196 property or residents in unincorporated areas.

197 (i) COUNTY ORDINANCES. Each county ordinance shall be filed
198 with the custodian of state records and shall become effective
199 at such time thereafter as is provided by general law.

200 (j) VIOLATION OF ORDINANCES. Persons violating county
201 ordinances shall be prosecuted and punished as provided by law.

202 (k) COUNTY SEAT. In every county there shall be a county
203 seat at which shall be located the principal offices and

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204 permanent records of all county officers. The county seat may
205 not be moved except as provided by general law. Branch offices
206 for the conduct of county business may be established elsewhere
207 in the county by resolution of the governing body of the county
208 in the manner prescribed by law. No instrument shall be deemed
209 recorded until filed at the county seat, or a branch office
210 designated by the governing body of the county for the recording
211 of instruments, according to law.

212 SECTION 6. Schedule to Article VIII.—

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

216 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The
217 status of the following items as they exist on the date this
218 article becomes effective is recognized and shall be continued
219 until changed in accordance with law: the counties of the state;
220 their status with respect to the legality of the sale of
221 intoxicating liquors, wines and beers; the method of selection
222 of county officers; the performance of municipal functions by
223 county officers; the county seats; and the municipalities and
224 special districts of the state, their powers, jurisdiction and
225 government.

226 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
227 office when this article becomes effective shall continue in
228 office for the remainder of the term if that office is not
229 abolished. If the office is abolished the incumbent shall be
230 paid adequate compensation, to be fixed by law, for the loss of
231 emoluments for the remainder of the term.

232 (d) ORDINANCES. Local laws relating only to unincorporated

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233 areas of a county on the effective date of this article may be
234 amended or repealed by county ordinance.

235 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
236 10, 11 and 24, of the Constitution of 1885, as amended, shall
237 remain in full force and effect as to each county affected, as
238 if this article had not been adopted, until that county shall
239 expressly adopt a charter or home rule plan pursuant to this
240 article. All provisions of the Metropolitan Dade County Home
241 Rule Charter, heretofore or hereafter adopted by the electors of
242 Dade County pursuant to Article VIII, Section 11, of the
243 Constitution of 1885, as amended, shall be valid, and any
244 amendments to such charter shall be valid; provided that the
245 said provisions of such charter and the said amendments thereto
246 are authorized under said Article VIII, Section 11, of the
247 Constitution of 1885, as amended.

248 (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To
249 the extent not inconsistent with the powers of existing
250 municipalities or general law, the Metropolitan Government of
251 Dade County may exercise all the powers conferred now or
252 hereafter by general law upon municipalities.

253 (g) SELECTION AND DUTIES OF COUNTY OFFICERS.-

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

260 (2) For Miami-Dade County and Broward County, the amendment
261 to Section 1 of this article, relating to the selection and

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262 duties of county officers, shall take effect January 7, 2025,
263 but shall govern with respect to the qualifying for and the
264 holding of the primary and general elections for county
265 constitutional officers in 2024.

266 (h)~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
267 shall have power, by joint resolution, to delete from this
268 article any subsection of this Section 6, including this
269 subsection, when all events to which the subsection to be
270 deleted is or could become applicable have occurred. A
271 legislative determination of fact made as a basis for
272 application of this subsection shall be subject to judicial
273 review.

274
275 BE IT FURTHER PROPOSED that the following statement be placed on
276 the ballot:

277
278 CONSTITUTIONAL AMENDMENT
279 ARTICLE III, SECTION 3
280 ARTICLE IV, SECTIONS 4, 11
281 ARTICLE VIII, SECTIONS 1, 6

282 STATE AND LOCAL GOVERNMENT STRUCTURE AND OPERATION.—
283 Requires legislature to retain department of veterans' affairs.
284 Ensures election of sheriffs, property appraisers, supervisors
285 of elections, tax collectors, and clerks of court in all
286 counties; removes county charters' ability to abolish, change
287 term, transfer duties, or eliminate election of these offices.
288 Changes annual legislative session commencement date in even-
289 numbered years from March to January; removes legislature's
290 authorization to fix another date. Creates office of domestic

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291 security and counterterrorism within department of law
292 enforcement.

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REVISION 6

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to the removal of
discriminatory and obsolete provisions; amending
Section 2 of Article I of the State Constitution to
remove a provision authorizing laws that regulate or
prohibit the ownership, inheritance, disposition, and
possession of real property by aliens ineligible for
citizenship; amending Section 9 of Article X of the
State Constitution to remove prohibition on the
retroactive application of changes in criminal laws to
the punishment of previously committed crimes; and
amending Section 19 of Article X of the State
Constitution to delete an obsolete provision regarding
the development of a high speed ground transportation
system.

Be It Proposed by the Constitution Revision Commission of
Florida:

Section 2 of Article I of the State Constitution is amended
to read:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 2. Basic rights.—All natural persons, female and
male alike, are equal before the law and have inalienable

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30 rights, among which are the right to enjoy and defend life and
31 liberty, to pursue happiness, to be rewarded for industry, and
32 to acquire, possess and protect property; ~~except that the~~
33 ~~ownership, inheritance, disposition and possession of real~~
34 ~~property by aliens ineligible for citizenship may be regulated~~
35 ~~or prohibited by law.~~ No person shall be deprived of any right
36 because of race, religion, national origin, or physical
37 disability.

38

39 Sections 9 and 19 of Article X of the State Constitution
40 are amended to read:

41

ARTICLE X

42

MISCELLANEOUS

43

44 SECTION 9. Repeal of criminal statutes. ~~Repeal or amendment~~
45 of a criminal statute shall not affect prosecution ~~or punishment~~
46 for any crime ~~previously~~ committed before such repeal.

47

48 SECTION 19. Repealed ~~High speed ground transportation~~
49 ~~system. To reduce traffic congestion and provide alternatives to~~
50 ~~the traveling public, it is hereby declared to be in the public~~
51 ~~interest that a high speed ground transportation system~~
52 ~~consisting of a monorail, fixed guideway or magnetic levitation~~
53 ~~system, capable of speeds in excess of 120 miles per hour, be~~
54 ~~developed and operated in the State of Florida to provide high~~
55 ~~speed ground transportation by innovative, efficient and~~
56 ~~effective technologies consisting of dedicated rails or~~
57 ~~guideways separated from motor vehicular traffic that will link~~
58 ~~the five largest urban areas of the State as determined by the~~
~~Legislature and provide for access to existing air and ground~~
~~transportation facilities and services. The Legislature, the~~

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59 ~~Cabinet and the Governor are hereby directed to proceed with the~~
60 ~~development of such a system by the State and/or by a private~~
61 ~~entity pursuant to state approval and authorization, including~~
62 ~~the acquisition of right of way, the financing of design and~~
63 ~~construction of the system, and the operation of the system, as~~
64 ~~provided by specific appropriation and by law, with construction~~
65 ~~to begin on or before November 1, 2003.~~

66

67 BE IT FURTHER PROPOSED that the following statement be placed on
68 the ballot:

69

70 CONSTITUTIONAL AMENDMENT

71 ARTICLE I, SECTION 2

72 ARTICLE X, SECTIONS 9, 19

73 PROPERTY RIGHTS; REMOVAL OF OBSOLETE PROVISION; CRIMINAL
74 STATUTES.—Removes discriminatory language related to real
75 property rights. Removes obsolete language repealed by voters.
76 Deletes provision that amendment of a criminal statute will not
77 affect prosecution or penalties for a crime committed before the
78 amendment; retains current provision allowing prosecution of a
79 crime committed before the repeal of a criminal statute.

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REVISION 7

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to ethics in government;
amending Section 8 of Article II and Section 13 of
Article V of the State Constitution, and creating a
new section in Article XII of the State Constitution,
to establish certain restrictions for specified public
officers and the judiciary regarding lobbying for
compensation of another person or entity before
certain government bodies and to prohibit the abuse of
a public position by public officers and employees.

Be It Proposed by the Constitution Revision Commission of
Florida:

Section 8 of Article II of the State Constitution is
amended to read:

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.

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30 (b) All elected public officers and candidates for such
31 offices shall file full and public disclosure of their campaign
32 finances.

33 (c) Any public officer or employee who breaches the public
34 trust for private gain and any person or entity inducing such
35 breach shall be liable to the state for all financial benefits
36 obtained by such actions. The manner of recovery and additional
37 damages may be provided by law.

38 (d) Any public officer or employee who is convicted of a
39 felony involving a breach of public trust shall be subject to
40 forfeiture of rights and privileges under a public retirement
41 system or pension plan in such manner as may be provided by law.

42 (e) No member of the legislature or statewide elected
43 officer shall personally represent another person or entity for
44 compensation before the government body or agency of which the
45 individual was an officer or member for a period of two years
46 following vacation of office. No member of the legislature shall
47 personally represent another person or entity for compensation
48 during term of office before any state agency other than
49 judicial tribunals. Similar restrictions on other public
50 officers and employees may be established by law.

51 (f) (1) For purposes of this subsection, the term "public
52 officer" means a statewide elected officer, a member of the
53 legislature, a county commissioner, a county officer pursuant to
54 Article VIII or county charter, a school board member, a
55 superintendent of schools, an elected municipal officer, an
56 elected special district officer in a special district with ad
57 valorem taxing authority, or a person serving as a secretary, an
58 executive director, or other agency head of a department of the

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59 executive branch of state government.

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

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

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

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

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

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

86 (5) The legislature may enact legislation to implement this
87 subsection, including, but not limited to, defining terms and

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88 providing penalties for violations. Any such law shall not
89 contain provisions on any other subject.

90 (g) ~~(f)~~ There shall be an independent commission to conduct
91 investigations and make public reports on all complaints
92 concerning breach of public trust by public officers or
93 employees not within the jurisdiction of the judicial
94 qualifications commission.

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

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

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

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

116 (1) Full and public disclosure of financial interests shall

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117 mean filing with the custodian of state records by July 1 of
118 each year a sworn statement showing net worth and identifying
119 each asset and liability in excess of \$1,000 and its value
120 together with one of the following:

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

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

129 (2) Persons holding statewide elective offices shall also
130 file disclosure of their financial interests pursuant to
131 paragraph (1) ~~subsection (i)(1)~~.

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

134
135 Section 13 of Article V of the State Constitution is
136 amended to read:

137 ARTICLE V

138 JUDICIARY

139 SECTION 13. Ethics in the judiciary ~~Prohibited activities.~~

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

143 (b) A former justice or former judge shall not lobby for
144 compensation on issues of policy, appropriations, or procurement
145 before the legislative or executive branches of state government

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146 for a period of six years after he or she vacates his or her
147 judicial position. The legislature may enact legislation to
148 implement this subsection, including, but not limited to,
149 defining terms and providing penalties for violations. Any such
150 law shall not contain provisions on any other subject.

151

152 A new section is added to Article XII of the State
153 Constitution to read:

154

ARTICLE XII

155

SCHEDULE

156

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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:

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(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.

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(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.

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BE IT FURTHER PROPOSED that the following statement be placed on
the ballot:

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175 CONSTITUTIONAL AMENDMENT
176 ARTICLE II, SECTION 8
177 ARTICLE V, SECTION 13
178 ARTICLE XII, NEW SECTION
179 LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS.—Expands
180 current restrictions on lobbying for compensation by former
181 public officers; creates restrictions on lobbying for
182 compensation by serving public officers and former justices and
183 judges; provides exceptions; prohibits abuse of a public
184 position by public officers and employees to obtain a personal
185 benefit.

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REVISION 8

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to ending dog racing;
creating new sections in Article X and Article XII of
the State Constitution to prohibit the racing of, and
wagering on, greyhounds and other dogs after a
specified date.

Be It Proposed by the Constitution Revision Commission of
Florida:

A new section is added to Article X of the State
Constitution to read:

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

20176012er

30 or deny renewal of other related gaming licenses held by a
31 person who is a licensed greyhound permitholder on January 1,
32 2018, and does not affect the eligibility of such permitholder,
33 or such permitholder's facility, to conduct other pari-mutuel
34 activities authorized by general law. By general law, the
35 legislature shall specify civil or criminal penalties for
36 violations of this section and for activities that aid or abet
37 violations of this section.

38

39 A new section is added to Article XII of the State
40 Constitution to read:

41

ARTICLE XII

42

SCHEDULE

43

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

48

49 BE IT FURTHER PROPOSED that the following statement be
50 placed on the ballot:

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CONSTITUTIONAL AMENDMENT

53

ARTICLE X, NEW SECTION

54

ARTICLE XII, NEW SECTION

55

56

57

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