



2018 Florida Constitutional Amendment Voter Guide

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Introduction:

The voter is always ultimately responsible for their vote. I do not take responsibility for anyone's vote; we will all answer individually one day for our choices. With that in mind, be sure that you VOTE YOUR CONSCIENCE!

As a general rule, I am opposed to Constitutional Amendments, unless it is a truly Constitutional issue, meaning it concerns a fundamental right or the structure of government. Our Constitution is supposed to be the Supreme Law of the State, establishing guidelines for government, fundamental rights belonging to Floridians, and principles by which we are to govern. Statutes, on the other hand, are supposed to be the instrument we use to enact laws through legislation in our republican form of government. Florida has gotten very lazy about these distinctions and as ignorance of the principles of representative government increases, we devolve further toward a pure democracy – a form of government that is destructive to the rights and liberties of the people.

I had hoped we had learned about cluttering up our Constitution when we passed the “pregnant pig” and the “super train” amendments. With those two examples in mind, I would like those who view this guide to keep in mind a few things:

When you vote YES and pass a Constitutional Amendment you are creating a constitutionally protected RIGHT to something which includes the appropriate protections and assignments or a legally required mandate with which those in government must comply.

Constitutionally protected rights must be provided under equal access of the law to all citizens of the state, without discrimination, and denies any excuse for deprivation.

If you vote YES and later realize that there are unforeseen negative consequences, the only way to fix that amendment is through another Constitutional Amendment.

The amendment process represents a great expense to the taxpayers. Laws should be passed by LEGISLATORS and put into statutes. That is how Republican Governments work. Repealing or amending statutory laws are part of the everyday legislative process. If legislators forget to put something in a law or the law turns out to be a bad idea, the legislators simply amend or repeal the law through proper legislative measures. The Constitution provides the basis for the Legislature to create these laws consistent with the Constitution with language such as “The Legislature may, by general law, enact...”

NEARLY EVERY ONE OF THE AMENDMENTS ON THIS BALLOT SHOULD HAVE BEEN RESERVED TO STATUTORY LAW AND NOT CONSTITUTIONAL LAW.

Why would our legislators want to use the amendment process rather than the proper legislative process? In some of these instances, they tried the legislative process, but the legislation failed. As a result, they are cluttering up our Constitution to compensate for failed legislation. Perhaps in other instances, by enacting a law through the constitutional amendment process, they can mitigate their responsibility for the law; after all, it was the “will of the people.” Our legislators need to be reminded are a republic, not a democracy.

If the Legislators insist on using the amendment process instead of the proper legislative process, I frankly see very little need to continue having legislators. We could simply move to a pure democracy, fire all those who feel too burdened to do their job and save some money.



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The purpose of this guide is to inform the voter. I am not telling you how to vote, but this is how I will likely be voting. You may have a sincere and honest disagreement with my reasoning, vote in a way that your conscience is clear.

Amendment 1	NO	Taxation is a legislative issue not a constitutional one. Legislators should be forced to do their jobs.
Amendment 2	NO	Taxation is a legislative issue not a constitutional one. Legislators should be forced to do their jobs.
Amendment 3	NO	This amendment supports a pure democracy rather than the representative government that is the foundation of Florida. Legislators who bow to special interests should be removed from office.
Amendment 4	YES	This is a constitutional step in the right direction to restore sanity to the criminal justice system and ensure punishment fits the crime rather than creating lifelong second class citizens.
Amendment 5	???	This amendment is a constitutional matter. My concern is that we do not have a problem with how taxes are passed. We have a problem with the legislators who are passing them. Is Amending the Constitution the proper solution? I am undecided.
Amendment 6	NO	Amendments should not be bundled together
Amendment 7	NO	Amendments should not be bundled together
Amendment 9	NO	Amendments should not be bundled together
Amendment 10	NO	Amendments should not be bundled together
Amendment 11	NO	This Amendment should not be bundled and 3 rd portion is an atrocious afront to Liberty
Amendment 12	YES	This is a constitutional matter governing the function of constitutionally created officers. Legislators becoming lobbyists creates a serious conflict of interest.
Amendment 13	NO	I do not believe in constitutional prohibitions on private enterprise.

Florida 2018 Constitutional Amendment Ballot Initiatives

Amendment 1 Homestead Exemption Increase Amendment (2018) (This measure would amend Section 6(a) of the Constitution add another section to the Constitution – Article XII

Amendment 1 exemplifies the argument against legislation through constitutional amendments.

Because this taxation clause is in the Constitution, every adjustment that needs to be made hereafter, will have to be made by an Amendment to the Constitution. The principle of taxation, from the foundation of America was an element of government to be managed through representation. Our legislators have altered the way our system is supposed to work and one can only assume this is to avoid accountability and responsibility. I can only suspect that this must an amendment that some politician will take credit for in order to curry favor with voters. Taxation is not to be handled by “majority” vote but through equal representation. When the majority can vote to tax the minority, there is no equal application of government and no property is secure. All taxes sources should be handled through the legislature and local municipalities.

A YES VOTE FOR AMENDMENT 1 Would create a Constitutional Mandate:

For exempting the assessed valuation of homestead property greater than \$100,000 and up to 125,000

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 1, Homestead Exemption Increase Amendment \(2018\)](https://ballotpedia.org/Florida_Amendment_1,_Homestead_Exemption_Increase_Amendment_(2018))

Amendment 2. Permanent Cap on Non-homestead Parcel Assessment Increases Amendment (2018) (This amendment will add another section to the Constitution – Article X section 29)

Author’s Note: Again, Amendment 2 exemplifies the argument against legislation through constitutional amendments. If our Florida legislators were maintaining their responsibility to represent the people of Florida in a functional Republic, this would be handled through proper legislative procedures and not through Constitutional Amendments. This amendment was added in 2008 and with a sunset provisions and now seeks to be made permanent.

A YES VOTE FOR AMENDMENT 2 Would create a Constitutional Mandate:

- For the legislators to make a permanent cap of 10% on the annual non-homestead parcel assessments. The 10% cap on this assessment is set to expire on January 1, 2019.
- This issue would never again come before the people for review- whether to increase or decrease, unless brought up individually as a new constitutional amendment ballot measure.

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 2, Permanent Cap on Nonhomestead Parcel Assessment Increases Amendment \(2018\)](https://ballotpedia.org/Florida_Amendment_2,_Permanent_Cap_on_Nonhomestead_Parcel_Assessment_Increases_Amendment_(2018))

Amendment 3 Voter Approval of Casino Gambling Initiative (2018) (This amendment will add another section to the Constitution – section 29 of Article X)

Author’s Note This is an example of the legislators driving the system away from representative government toward pure democracy because of their decisions to serve the interests of big-money lobbyists instead of the interests of the people. When legislators are more responsive to special interest than to the voters, then the voters lose faith and feel that they must take matters into their own hands, thereby eroding the representative system.

A vote YES on Amendment 3 Would Create a Constitutional Mandate:

- For casino gambling only to be authorized through citizen initiatives (requiring 60% voter support) and not by the legislature

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 3, Voter Approval of Casino Gambling Initiative \(2018\)](https://ballotpedia.org/Florida_Amendment_3,_Voter_Approval_of_Casino_Gambling_Initiative_(2018))

Amendment 4 Voting Rights Restoration for Felons Initiative (2018) (This measure will NOT add another section to the Constitution. This measure will amend section 4 Article V)

This is one of the few measures on this ballot that could truly be classified as a Constitutional issue. Most Floridians do not understand the extent of the classification of “felon” in Florida and the long-term ramifications for this overused classification. This practice is particularly egregious when non-violent crimes result in stripping away someone’s fundamental rights. For example, in Florida someone can be a convicted felon for driving with a suspended driver’s license 3 or more times. Most people would reasonably agree that such a crime does not warrant the permanent loss of civil rights. This amendment would be a step in the proper constitutional direction for all Floridians. This amendment would not preclude other advancements for the restoration of civil rights in the future.

A vote YES on Amendment 4 Would Create a Constitutional Right:

- For citizens convicted of certain felonies to have their voting rights restored after a certain period of time.

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 4, Voting Rights Restoration for Felons Initiative \(2018\)](https://ballotpedia.org/Florida_Amendment_4,_Voting_Rights_Restoration_for_Felons_Initiative_(2018))
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Amendment 5 Two-Thirds Vote of Legislature to Increase Taxes or Fees

Amendment (2018) (This measure will add another section to the Constitution; Section 19, Article VII)

Amendment 5 concerns the structure and operation of government and therefore addresses a Constitutional, rather than legislative issue. The amendment would set the legislative bar higher by requiring a supermajority vote (two-thirds) in both houses in order to increase taxes. As of 2018, fifteen (15) states require a supermajority vote for at least some statewide tax increases, and one state (Colorado) requires voter approval for tax increases. This section is referring to tax increases at the state level and does not include requirements for local tax increases.

A vote YES on Amendment 5 Would Create a Constitutional Mandate:

- That all state level tax increases must be passed by a super majority of 2/3 thirds of both houses of the Florida Legislature.

Full Text of the Amendment: [https://ballotpedia.org/Florida_Amendment_5_Two-Thirds_Vote_of_Legislature_to_Increase_Taxes_or_Fees_Amendment_\(2018\)](https://ballotpedia.org/Florida_Amendment_5_Two-Thirds_Vote_of_Legislature_to_Increase_Taxes_or_Fees_Amendment_(2018))

Amendment 6 Marsy's Law Crime Victims Rights, Judicial Retirement Age, and Judicial Interpretation of Laws and Rules Amendment (2018)

(This measure will add another section to the Constitution; a new section to Article XII. The measure will also amend section 16 Article I & sections 8 and 21 of Article V)

This measure would:

- add specific rights of crime victims, together known as a Marsy's Law, to the Florida Constitution;
- increase the judicial retirement age from 70 to 75 years of age; and
- prohibit state courts from deferring to an administrative agency's interpretation of a state statute or rule in lawsuits.

Author's Note: While a citizen group or the legislature is required by law to keep the amendments single-issue, the Constitution Revision Committee is allowed to disregard this sound and sensible principle and "bundle" amendments to require the voter to give a single answer to multiple, unrelated propositions. In a State that operated by any semblance of reason, these should be 3 separate ballot measures. To bootstrap these topics about which the voter could have three distinct opinions, into one ballot measure simply because they are all "judicially" related is at best lazy, at worst a lawless disregard of the public trust. If one is in favor of codifying the rights of victims, why should one also have to agree to increase the retirement age for judges to 75? The third provision requires judges hearing an administrative action to interpret a state statute "de novo" or "afresh" instead of deferring to executive agency interpretation. No option is given for a judge to look to legislative intent, which is in fact the American legal standard. "De novo" can be thought of as "make it up as you go along." Makes you wonder why we would bother with writing laws at all.

Again, it is unclear why these unrelated issues should be combined into one measure.

A vote YES on Amendment 6 Would Create a Constitutional Mandate:

- To establish a list of specific victim's rights added to the Florida Constitution
- The retirement age of judges be raised to 75 years.
- Prohibit State courts from deferring to administrative interpretation of a state statute or rule on lawsuits, functionally putting the courts in the roll of the legislative body.

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 6, Marsy%27s Law Crime Victims Rights, Judicial Retirement Age, and Judicial Interpretation of Laws and Rules Amendment \(2018\)](https://ballotpedia.org/Florida_Amendment_6,_Marsy%27s_Law_Crime_Victims_Rights,_Judicial_Retirement_Age,_and_Judicial_Interpretation_of_Laws_and_Rules_Amendment_(2018))

Amendment 7 First Responder and Military Member Survivor Benefits, Supermajority Board Votes for College Fees, and State College System

Amendment (2018) (This measure will add another section to the Constitution; a new section to Article X. The measure will also amend sections 7 & 8 Article IX)

This measure would:

- Require employers to provide death benefits, as the state legislature defines, to the surviving spouses of first responders while engaged in official duties;
- Require the state to provide death benefits, as the state legislature defines, to the surviving spouses of active-duty U.S. Armed Forces members who are accidentally killed or unlawfully and intentionally killed;
- Require a nine-member vote of the board of trustees and 12-member vote of the board of governors to increase a college fee; and
- Place the current structure of the state's system of higher education in the Florida Constitution.

Author's Note: While a citizen group or the legislature is required by law to keep the amendments single-issue, the Constitution Revision Committee is allowed to disregard this sound and sensible principle and "bundle" amendments to require the voter to give a single answer to multiple, unrelated propositions. In a state that operated by any semblance of reason, these would be separate amendments. For example, if I am in favor of providing more benefits to first responders & veterans, why should I also have to support a constitutionally mandated change in collecting college fees & incorporating the current structure of colleges into the Constitution?

1. The issue of tax payer benefits to first responders and veterans is another **legislative issue NOT a constitutional issue**, that brings about a myriad of potential problems by placing it into the Constitution, most of which have been previously mentioned in this voter guide.
2. Changing the voting process for raising college fees has nothing to do with veterans and first responders and needs to be addressed separately.
3. Adding the state's current system of higher education is not related to first responders & veterans. Additionally, making this system a constitutional amendment would forever write this system; good, bad, or imperfect,- in stone, to only be changed by yet another constitutional amendment.

Again, it is unclear why these unrelated issues should be combined into one measure.

A vote YES on Amendment 7 Would Create a Constitutional Mandate:

- Requiring employers to provide death benefits, as the state legislature defines, to the surviving spouses of first responders while engaged in official duties;
- Requiring the state to provide death benefits, as the state legislature defines, to the surviving spouses of active-duty U.S. Armed Forces members who are accidentally killed or unlawfully and intentionally killed;
- Requiring a nine-member vote of the board of trustees and 12-member vote of the board of governors to increase a college fee; and
- Placing the current structure of the state's system of higher education in the Florida Constitution.

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 7, First Responder and Military Member Survivor Benefits, Supermajority Board Votes for College Fees, and State College System Amendment \(2018\)](https://ballotpedia.org/Florida_Amendment_7,_First_Responder_and_Military_Member_Survivor_Benefits,_Supermajority_Board_Votes_for_College_Fees,_and_State_College_System_Amendment_(2018))

****Amendment 8 There is NO Amendment 8 on the Florida Ballot****

Amendment 9 Ban Offshore Oil and Gas Drilling and Ban Vaping in Enclosed Indoor Workplaces Amendment (2018) (This measure will NOT add another section to the Constitution; The measure will amend sections 7 Article II)

This measure would:

- ban offshore drilling for oil and natural gas on lands beneath all state waters and
- ban the use of vapor-generating electronic devices, such as electronic cigarettes, in enclosed indoor workplaces.

Author's Note: While a citizen group or the legislature is required by law to keep the amendments single-issue, the Constitution Revision Committee is allowed to disregard this sound and sensible principle and "bundle" amendments to require the voter to give a single answer to multiple, unrelated propositions. In a state that operated by any semblance of reason, these would be separate amendments. How are the issues of offshore drilling and indoor vaping related? They are not. It is reasonable to believe that someone could be opposed to one and in favor of the other.

Again, it is unclear why these unrelated issues should be combined into one measure.

A vote YES on Amendment 9 Would Create a Constitutional Mandate:

- A ban offshore drilling for oil and natural gas on lands beneath all state waters and
- A ban the use of vapor-generating electronic devices, such as electronic cigarettes, in enclosed indoor workplaces.

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 9, Ban Offshore Oil and Gas Drilling and Ban Vaping in Enclosed Indoor Workplaces Amendment \(2018\)](https://ballotpedia.org/Florida_Amendment_9,_Ban_Offshore_Oil_and_Gas_Drilling_and_Ban_Vaping_in_Enclosed_Indoor_Workplaces_Amendment_(2018))

Amendment 10 State and Local Government Structure Amendment (2018) (This measure will NOT add another section to the Constitution. The measure will amend section 3 Article III and section 6 Article VIII)

This measure would:

- require, rather than authorize, the legislature to provide for a state Department of Veterans Affairs;
- create a state Office of Domestic Security and Counter-Terrorism;
- require the legislature to convene regular session on the second Tuesday of January of even-numbered years; and
- 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.

Author’s Note: While a citizen group or the legislature is required by law to keep the amendments single-issue, the Constitution Revision Committee is allowed to disregard this sound and sensible principle and “bundle” amendments to require the voter to give a single answer to multiple, unrelated propositions. In a state that operated by any semblance of reason, these would be separate amendments. For example, if I am in favor requiring a State Department of Veteran’s Affairs, why should I also have to support an infringement upon local voters to have control over their local officers? Additionally, the sheriff is a constitutionally established office in Florida. No local referendum ought to be permitted to abolish this office without amending the Florida Constitution otherwise.

Questions unanswered by these measures:

1. Does the creation of the Office of Domestic Security and Counter-Terrorism supersede the authority of the Sheriff to be the constitutional officer empowered to be the highest protection of the people as his duty requires?
2. Seems that the provision of the Office of Domestic Security and Counter-Terrorism, if it does not provide for a separate and autonomous exception to the power of the Sheriff, actually functionally nullifies that last provision of this amendment to prohibit the abolition of the office of the Sheriff.

Again, it is unclear why these unrelated issues should be combined into one measure.

A vote YES on Amendment 10 Would Create a Constitutional Mandate:

- The legislature to provide for a State Department of Veterans Affairs;
- The creation of a state Office of Domestic Security and Counter-Terrorism;
- Requiring the [legislature](#) to convene regular session on the second Tuesday of January of even-numbered years; and
- Prohibiting 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.

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 10, State and Local Government Structure Amendment \(2018\)](https://ballotpedia.org/Florida_Amendment_10,_State_and_Local_Government_Structure_Amendment_(2018))

Amendment 11 Repeal Prohibition on Aliens' Property Ownership, Delete Obsolete Provision on High-Speed Rail, and Repeal of Criminal Statutes' Effect on Prosecution Amendment (2018)

(This measure will NOT add another section to the Constitution. The measure will amend sections 2 Article I & sections 9 & 19 Article X)

This measure would:

- repeal constitutional provision prohibiting foreign-born persons ineligible for citizenship from owning, inheriting, disposing of, and possessing property;
- repeal the constitutional provision mandating a high-speed ground transportation system be developed in Florida; and
- 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.

Author's Note: Once again, these should be 3 separate ballot measures. I do not normally tell you how to vote, but **for Amendment 11 I am recommending an unequivocal NO because the third proffered amendment in 11 is potentially very dangerous to liberty & due process.** I will explain further below.

1. While this measure attempts to protect the property rights for those who are legally in this country, but not citizens, like those with green cards, or temporary visas, the broad & ill-defined language could be misconstrued to confer the benefits of citizenship upon those who have not obtained proper authorization under the federal Uniform Rules of Naturalization. Thoroughgoing representative debate is precisely what is called for in order to fully define terms and explore consequences. This is a prime example of why our Representatives should not shirk their duties by pawning off legislative issues into ballot initiatives.
2. The second measure exemplifies why these unnecessary constitutional ballot initiatives are dangerous to representative government. When the Florida voters ratified the high speed rail amendment, they did so with absolutely no legislative plan to fund it. This constitutional amendment became financially impossible to fund, thereby making it impossible to enforce. This is why this particular measure classifies the high speed rail amendment as "obsolete." Yet it is an amendment and by constitution is a mandate upon the legislature to carry through. Because this high speed rail should have never been a constitutional amendment but should have been carried through by the legislature Floridians created a reality where the Florida legislators could autonomously ignore an entire section of the Florida Constitution with no consequences. This creates a very, very dangerous precedent and mindset.
3. The third provision of this measure removes language from criminal statute that establishes that amendments to criminal statutes will affect prosecution of a crime committed BEFORE the amendment. This could work out to the benefit of the defendant, but more dangerously it could very possibly create the reality of ex post fact law. What this means, is that someone who commits a crime under the current law, if the legislature amends that law, the nature and even elements of that crime may change, functionally creating a new crime and making that person criminally accountable for something that was not illegal at the time of the crime. That is an ex post fact law and is an offense of the highest order to all sensibilities of Liberty and due process. This transports us to a pre-revolutionary system of Star-chamber justice, from which our forefathers fought to free us.

Again, it is unclear why these unrelated issues should be combined into one measure.

A vote YES on Amendment 11 Would Create a Constitutional Mandate:

- A repeal of the constitutional provision prohibiting foreign-born persons ineligible for citizenship from owning, inheriting, disposing, and possession property;
- A repeal of the constitutional provision stating that a high-speed ground transportation system be developed in Florida; and
- The deletion of the constitutional provision that an amendment to a criminal statute does not affect the prosecution of a crime committed before the statute's amendment, opening up the possibility of enforcement of ex post facto laws.

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 11, Repeal Prohibition on Aliens%E2%80%99 Property Ownership, Delete Obsolete Provision on High-Speed Rail, and Repeal of Criminal Statutes%27 Effect on Prosecution Amendment \(2018\)](https://ballotpedia.org/Florida_Amendment_11,_Repeal_Prohibition_on_Aliens%E2%80%99_Property_Ownership,_Delete_Obsolete_Provision_on_High-Speed_Rail,_and_Repeal_of_Criminal_Statutes%27_Effect_on_Prosecution_Amendment_(2018))

Amendment 12 Lobbying Restrictions Amendment (2018) (This measure will add another section to the Constitution; a new section to Article X. The measure will also amend sections 7 & 8 Article IX)

This measure would bar public officials from lobbying for compensation during the official's term in office and for six years after the official leaves office and prohibiting public officials from using the office to obtain a disproportionate benefit.

This is properly a constitutional amendment measure as it deals with controlling the political and legal operations of constitutionally established offices of government.

A vote YES on Amendment 12 Would Create a Constitutional Mandate:

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

Full Text of the Amendment:

[https://ballotpedia.org/Florida Amendment 12, Lobbying Restrictions Amendment \(2018\)](https://ballotpedia.org/Florida_Amendment_12,_Lobbying_Restrictions_Amendment_(2018))

Amendment 13 Ban on Wagering on Dog Races Amendment (2018) (This measure will add another section to the Constitution; a new sections to Article X and Article XII)

This measure would prohibit wagering on live dog races, including greyhound races, held in Florida and banning dog races in Florida on which there is wagering.

This is not properly a constitutional amendment measure and ought to be something handled through the representative process of legislation so that adjustments can be made as appropriate without additional constitutional amendments.

A vote YES on Amendment 13 Would Create a Constitutional Mandate:

The Prohibition of wagering on live dog races, including greyhound races, held in Florida and banning dog races in Florida on which there is wagering.

Full Text of the Amendment:

[https://ballotpedia.org/Florida_Amendment_13,_Ban_on_Wagering_on_Dog_Races_Amendment_\(2018\)](https://ballotpedia.org/Florida_Amendment_13,_Ban_on_Wagering_on_Dog_Races_Amendment_(2018))