



CONSTITUTION REVISION COMMISSION

2017 - 2018

COMMISSIONER ROBERTO MARTINEZ

COMMITTEES:
Judicial, *Commissioner*
Style and Drafting,
Commissioner

April 13, 2018

Dear Commissioners:

I am writing to request the CRC to unbundle the groups of ballot summaries to allow the electors to vote on each ballot question separately. Separating each question will make it possible for the voters to clearly understand what it is they are voting for, allowing them to make an informed decision.

Each ballot summary and title were individually drafted, with the advice of expert outside counsel, to comply with the legal standard that they fairly inform the voters of the chief purpose of the proposed amendment and not be misleading.ⁱ

Our outside legal experts were not asked to review and approve the groups for their legal sufficiency, as there is no legal standard governing the grouping of the title and ballot summaries. Nonetheless, it makes sense that each group should also comply with that same public policy: to fairly inform the voters what they are being asked to vote on and not mislead.

Bundling the ballot titles and summaries into groups, however, can undermine that public policy by putting together summaries which contain unrelated provisions, even if they are within the same general category of government - some of which the voters may like and some which they may not. This practice has the effect of "logrolling," wherein separate issues are rolled into a single group causing the approval of an otherwise unpopular issue.

Bundling will confuse the voters, causing them to spend more time in the voting booth merely to understand each summary within a group and its relation to the others. That will prolong the time in the voting booth, causing the very problem that the groups were presumably intended to eliminate. However, if we separate the ballot summaries that still will allow for a reasonable ballot length and avoid the confusion caused by bundling, thus avoiding the need to group the ballot summaries.

I am attaching two lists of the ballot summaries: Exhibit A, the referral by the Style and Drafting Committee to the CRC, containing six (6) groups of ballot summaries and six standalone summaries: and, Exhibit B, with all the ballot summaries unbundled from the groups, except for the one group containing the technical correction to delete repealed and obsolete provisions of Florida law and practice.ⁱⁱ

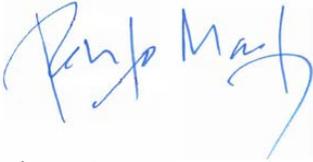
Both exhibits contain the same ballot summaries, and, of course, the same number of words. The only difference in the word count between the two is 23, made necessary by putting a title on each summary.

As can be seen, unbundling the summaries will not substantially lengthen the ballot, nor the time spent in the voting booth, and, in fact, may shorten it, by making the questions significantly easier to understand. It will also accomplish the paramount purpose of the voting process: to allow the voters to clearly understand what it is they are voting for, so that they can make an informed decision.

I have been instructed by our excellent staff that for the CRC to unbundle the groups at this stage of the process, a motion must be made on the floor next week separately on each group requesting the CRC commit back that group to the Style and Drafting Committee with an explicit instruction for the respective group to be unbundled and sent back to the CRC. That work by the Style and Drafting Committee can be accomplished quickly, over the lunch break. It will also allow the proposals to be voted on individually by the CRC, likely reducing the number of proposals sent to the voters.

I intend to make the motion orally on the floor on Monday as to each group, except for the one relating to the obsolete provisions. I respectfully ask that you seriously consider supporting my motion.

Thank you,



Bob Martinez

ⁱ I want to take a brief moment to commend the hard work, diligence, and integrity of my fellow commissioners on the Style and Drafting Committee and our excellent staff, particularly the work of the Chair of the committee, Brecht Heuchan. Chair Heuchan has gone out of his way to ensure that the work of the committee fully complies with the law and that all interested parties be given an opportunity to be heard. He discharged his responsibilities fully and honestly. My disagreement with the grouping is not a criticism of the work of the committee, nor should it be construed as such.

ⁱⁱ The font style and size are the same used on the Miami-Dade County ballot.

EXHIBIT A

Rights of Crime Victims; Judges

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

First Responder and Military Member Survivor Benefits; Public Colleges and Universities

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

School Board Term Limits and Duties; Public Schools

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

Prohibits Offshore Oil and Gas Drilling; Prohibits Vaping in Enclosed Indoor Workplaces

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

State and Local Government Structure and Operation

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

Property Rights; Removal of Obsolete Provision; Criminal Statutes

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

Lobbying and Abuse of Office by Public Officers

Expands current restrictions on lobbying for compensation by former public officers; created restrictions on lobbying for compensation by serving public officers; provides exceptions; prohibits certain abuses of public office for personal benefit.

Innovation School Districts

Requires legislature to create process to designate high-performing school districts as innovation school districts; school boards may seek designation; permits flexibility from certain laws.

Primary Elections

Currently, all qualified voters, regardless of party affiliation, may vote in primary elections when all candidates have the same party affiliation and there is no opposition, including write-in candidates, in the general election. This amendment provides that the presence of write-in candidates on the ballot will not prevent all qualified voters from voting in primary elections.

Employment Eligibility Verification

Requires legislature to establish an employment eligibility verification process and to enact a random auditing program to enforce the existing prohibition on unauthorized aliens working in Florida in violation of federal immigration law.

Restrictions on Naming Of Government Programs and Property

Prohibits governmental programs and government-owned facilities and land from being named for a sitting elected state or local official; prohibits a naming law or ordinance from containing any other subject.

Dog Racing

Prohibits gaming or pari-mutuel entities from racing dogs in connection with wagering; eligibility of such entities to conduct other authorized pari-mutuel and gaming activities is not affected; prohibits wagering on outcome of in-state live dog races.

EXHIBIT B

Rights of Crime Victims

Creates Constitutional rights for victims of crime; requires courts to facilitate victims' rights; authorizes victims to enforce their rights throughout criminal and juvenile justice processes.

Judges

Requires judges and hearing officers to independently interpret statutes and rules rather than deferring to government agency's interpretation.

Judges

Raises mandatory retirement age of state judges from seventy to seventy-five years; deletes authorization for judges to complete term if one-half of term has been served by retirement age.

First Responder and Military Member Survivor Benefits

Creates mandatory payment of education and compensation benefits to qualifying survivors of certain first responders and military members who die performing official duties.

Public Colleges

Requires supermajority votes by university trustees and state university system board of governors to raise or impose all legislatively authorized fees if law requires approval by those bodies.

Universities

Establishes existing state college system as constitutional entity; provides governance structure.

School Board Term Limits and Duties

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