

**The Constitution Revision Commission**  
**COMMITTEE MEETING EXPANDED AGENDA**

**DECLARATION OF RIGHTS**  
**Commissioner Carlton, Chair**  
**Commissioner Stemberger, Vice Chair**

**MEETING DATE:** Tuesday, October 3, 2017  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** 110 Senate Office Building, Tallahassee, Florida

**MEMBERS:** Commissioner Carlton, Chair; Commissioner Stemberger, Vice Chair; Commissioners Donalds, Gainey, Johnson, Joyner, and Lester

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on Shaping the Florida Constitution by Mary E. Adkins, Master Legal Skills Professor and the Director of Legal Writing and Appellate Advocacy at the University of Florida Levin College of Law		Presented
2	Article I Public Proposals		Discussed
3	Article I Technical Revisions		Discussed
4	Other Related Meeting Documents		

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## Declaration of Rights

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# CONSTITUTION REVISION COMMISSION

2017 - 2018

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## PRESENTER BIOGRAPHY



### MARY E. ADKINS

Master Legal Skills Professor  
Director, Legal Writing and Appellate Advocacy  
University of Florida Levin College of Law

Mary E. Adkins is a Master Legal Skills Professor and the Director of Legal Writing and Appellate Advocacy at the University of Florida Levin College of Law. In the world of legal writing and appellate advocacy, Professor Adkins is faculty advisor to the Florida Moot Court Team, and has presented nationally and regionally on assessment methods in legal writing; the use of teaching assistants in legal writing instruction; and innovative teaching methods. She serves on national committees of the Association of Legal Writing Directors and the Legal Writing Institute.

An accomplished historian, Professor Adkins has also conducted numerous oral history interviews of Florida legal, political and historical figures and is the secretary of the Florida Supreme Court Historical Society. She recently published *Making Modern Florida: How the Spirit of Reform Shaped a New Constitution* (University Press of Florida, 2016), a book that details her extensive research of the 1968 Florida Constitution and its revisions. She has given presentations on the topic at a number of Florida universities and colleges, as well as professional and community organizations.

Prior to joining UF Law Professor Adkins worked in private practice. She earned her B.S.J., M.A., and J.D. from the University of Florida.



# MAKING



# MODERN



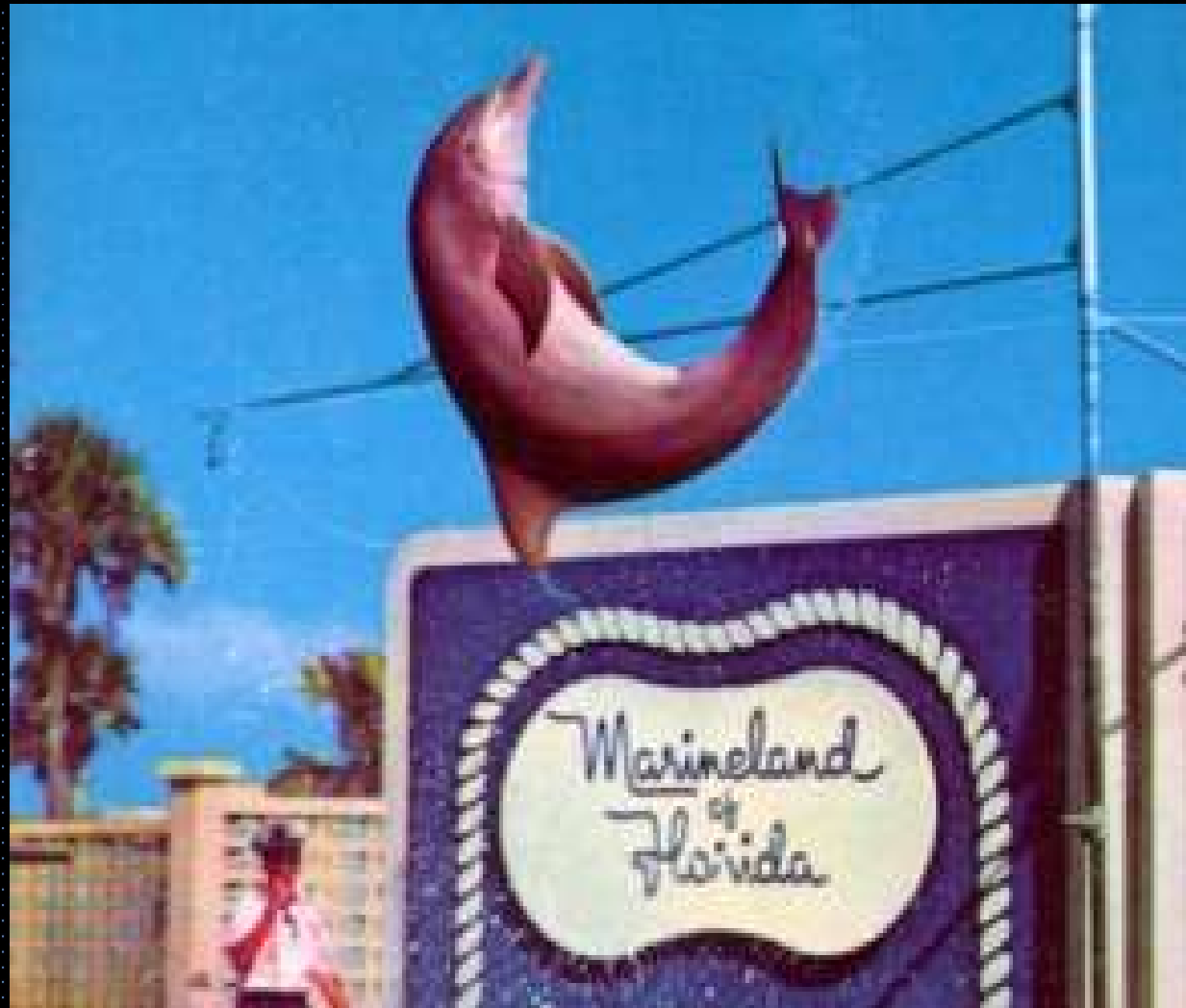
# FLORIDA

*How the Spirit of Reform Shaped a New State Constitution*

Mary E. Adkins





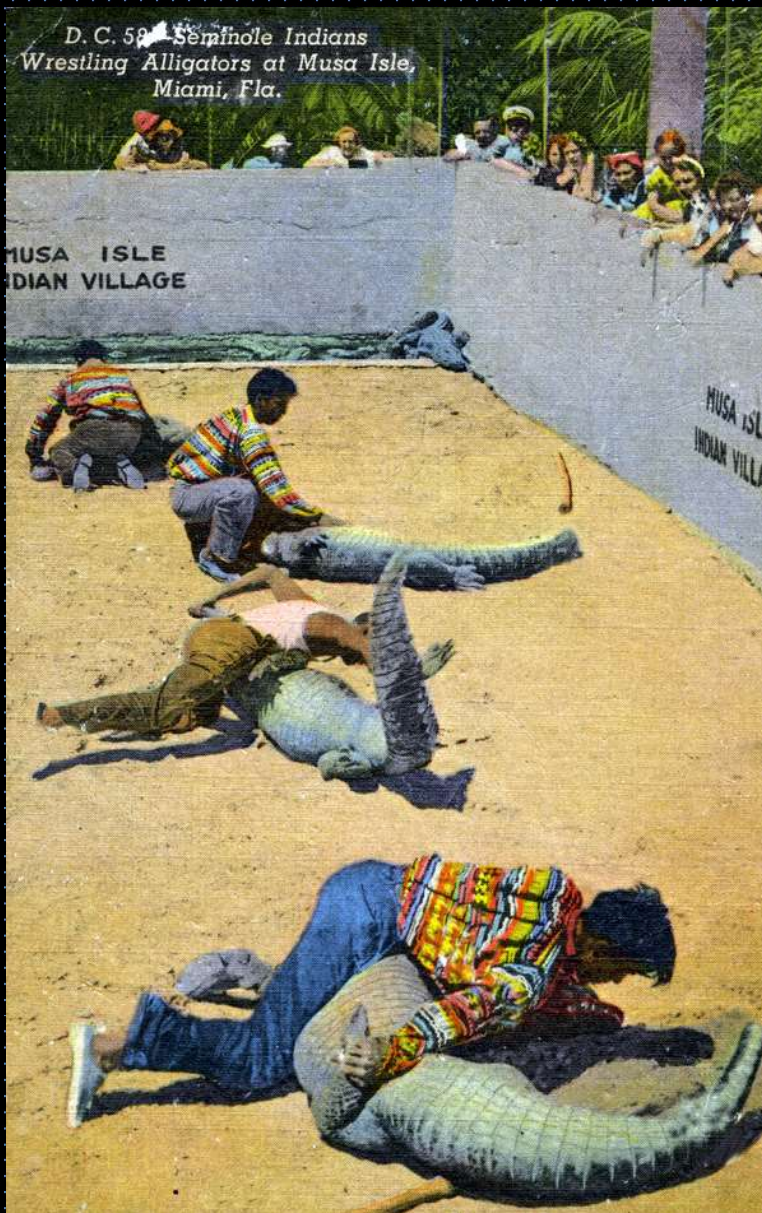


Classy Cottage, Lake Umbagog, Maine, 1900





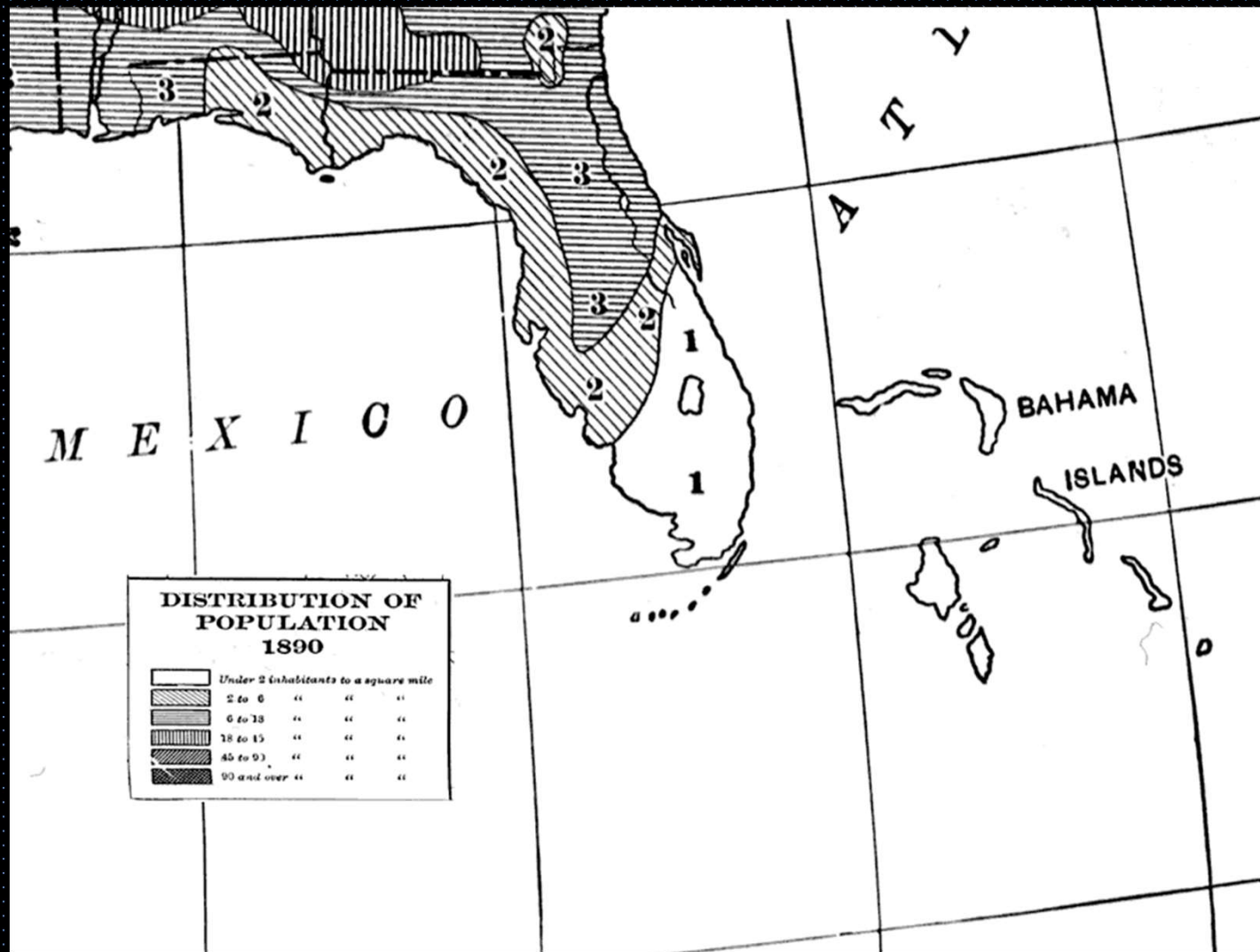








# 1890 Population Map



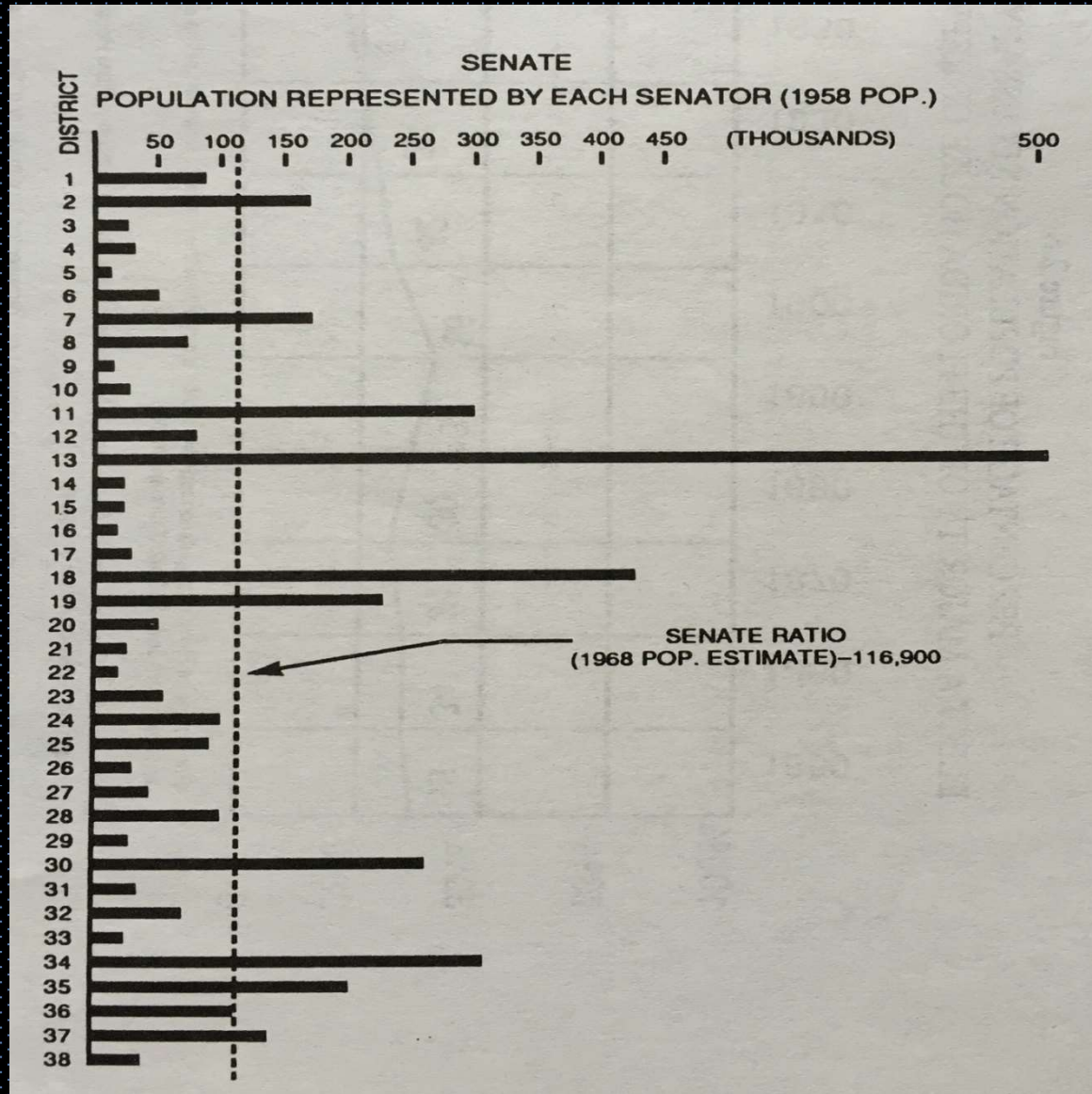








# Senate District Size Chart, 1958



Governor  
LeRoy  
Collins













# MAKING



# MODERN



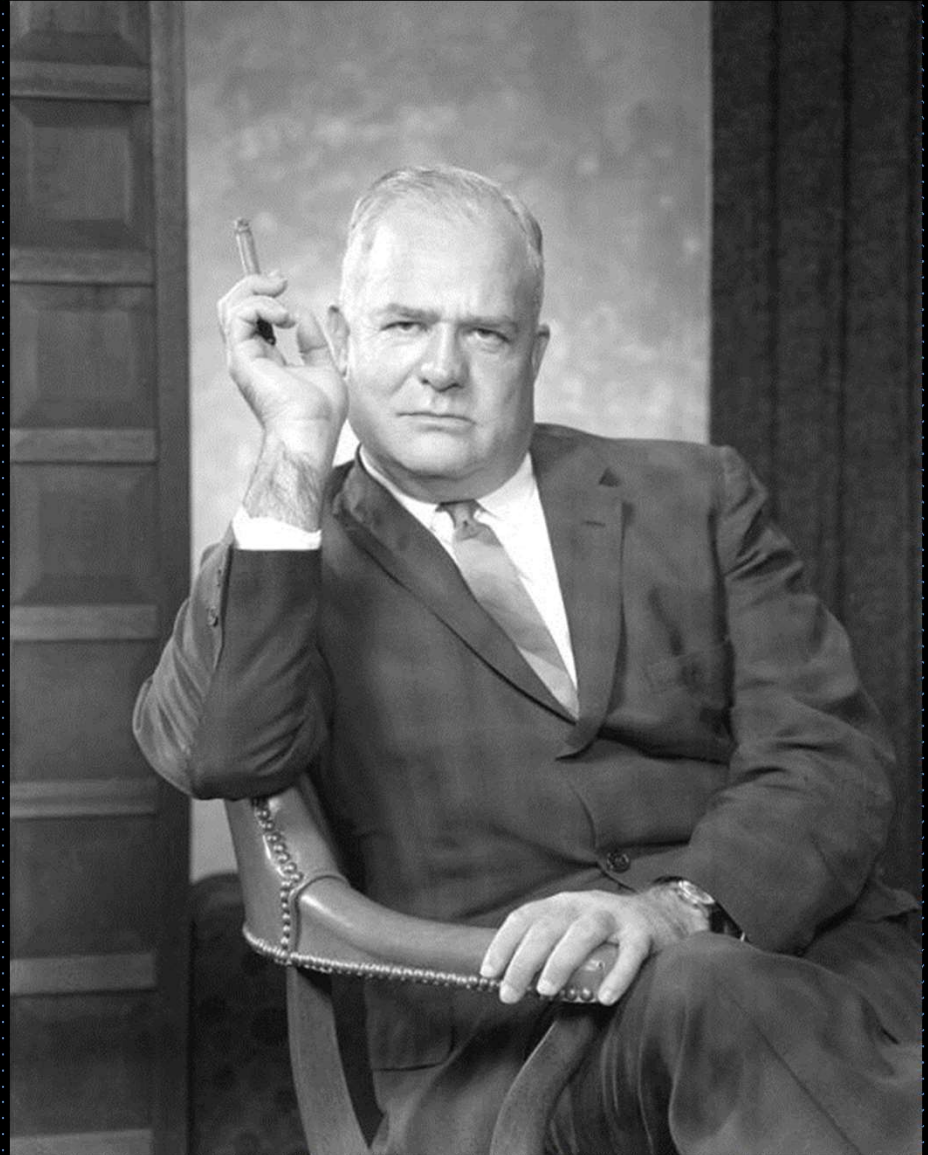
# FLORIDA

*How the Spirit of Reform Shaped a New State Constitution*

Mary E. Adkins



- Chesterfield Smith,  
CRC Chair,  
1966







Claude R. Kirk, Jr.  
Florida's Governor, 1967-71







# Reubin Askew (with Claude Kirk)









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# FLORIDA

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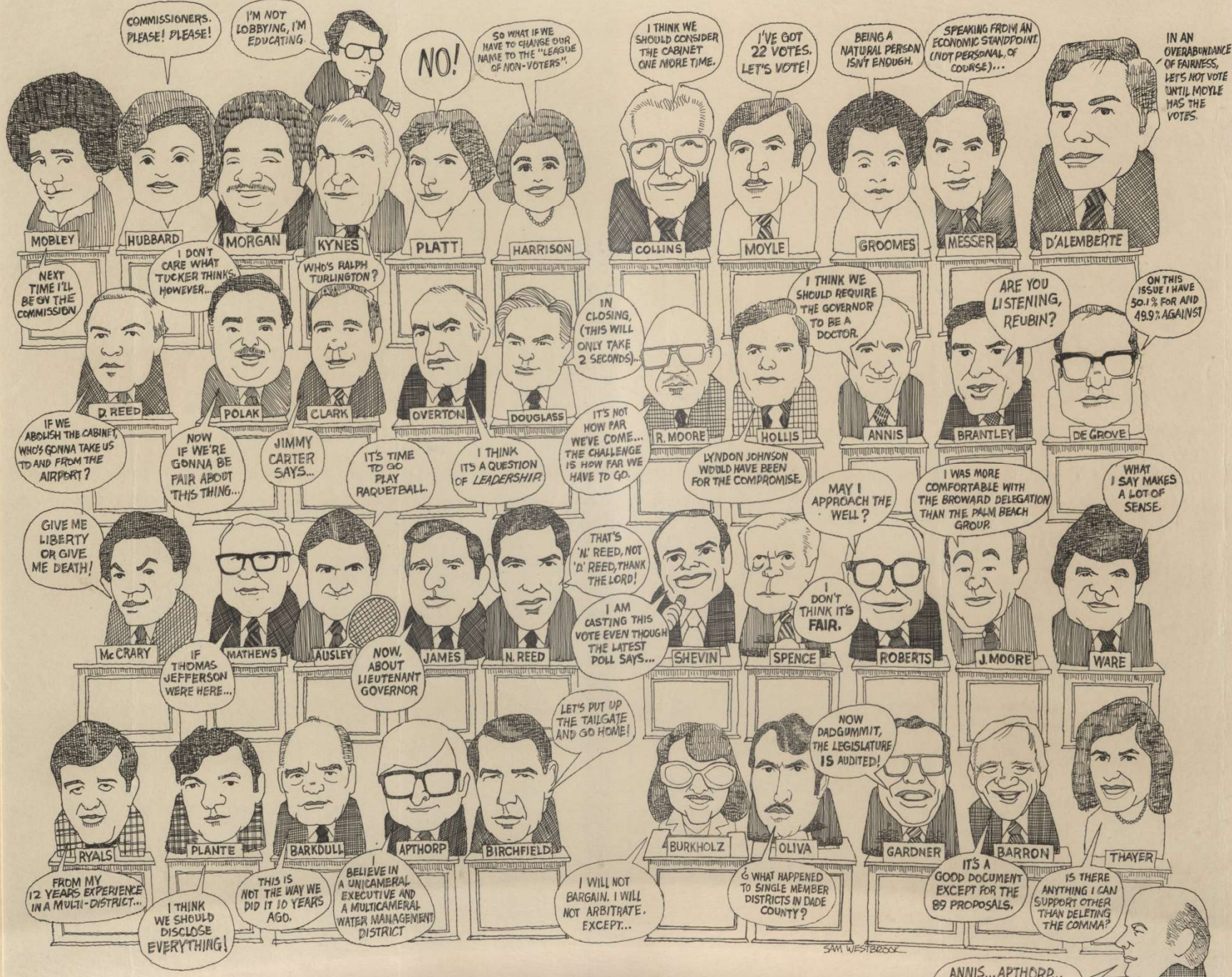


# D'Alemberte, Reno, Barron









COMMISSIONERS.  
PLEASE! PLEASE!

I'M NOT  
LOBBYING, I'M  
EDUCATING

NO!

SO WHAT IF WE  
HAVE TO CHANGE OUR  
NAME TO THE "LEAGUE  
OF NON-VOTERS"!

I THINK WE  
SHOULD CONSIDER  
THE CABINET  
ONE MORE TIME.

I'VE GOT  
22 VOTES.  
LET'S VOTE!

BEING A  
NATURAL PERSON  
ISN'T ENOUGH.

SPEAKING FROM AN  
ECONOMIC STANDPOINT  
(NOT PERSONAL, OF  
COURSE)...

IN AN  
OVERABUNDANCE  
OF FAIRNESS,  
LET'S NOT VOTE  
UNTIL MOYLE  
HAS THE  
VOTES.

NEXT  
TIME I'LL  
BE IN THE  
COMMISSION

I DON'T  
CARE WHAT  
TUCKER THINKS.  
HOWEVER...

WHO'S RALPH  
TURLINGTON?

IN  
CLOSING,  
(THIS WILL  
ONLY TAKE  
2 SECONDS)...

I THINK WE  
SHOULD REQUIRE  
THE GOVERNOR  
TO BE A  
DOCTOR.

ARE YOU  
LISTENING,  
REUBIN?

ON THIS  
ISSUE I HAVE  
50.1% FOR AND  
49.9% AGAINST

IF WE  
ABOLISH THE CABINET,  
WHO'S GONNA TAKE US  
TO AND FROM THE  
AIRPORT?

NOW  
IF WE'RE  
GONNA BE  
FAIR ABOUT  
THIS THING...

JIMMY  
CARTER  
SAYS...

IT'S TIME  
TO GO  
PLAY  
RAQUETBALL.

I THINK  
IT'S A QUESTION  
OF LEADERSHIP.

IT'S NOT  
HOW FAR  
WE'VE COME...  
THE CHALLENGE  
IS HOW FAR WE  
HAVE TO GO.

LYNDON JOHNSON  
WOULD HAVE BEEN  
FOR THE COMPROMISE.

MAY I  
APPROACH THE  
WELL?

I WAS MORE  
COMFORTABLE WITH  
THE BROWARD DELEGATION  
THAN THE PALM BEACH  
GROUP.

WHAT  
I SAY MAKES  
A LOT OF  
SENSE.

GIVE ME  
LIBERTY  
OR GIVE  
ME DEATH!

McCRARY

IF  
THOMAS  
JEFFERSON  
WERE HERE...

MATHEWS

AUSLEY

NOW,  
ABOUT  
LIEUTENANT  
GOVERNOR

JAMES

N. REED

THAT'S  
'N' REED, NOT  
'D' REED, THANK  
THE LORD!

I AM  
CASTING THIS  
VOTE EVEN THOUGH  
THE LATEST  
POLL SAYS...

SHEVIN

SPENCE

I DON'T  
THINK IT'S  
FAIR.

ROBERTS

J. MOORE

WARE

RYALS

PLANTE

BARKDULL

APTHORP

BIRCHFIELD

I BELIEVE IN  
A UNICAMERAL  
EXECUTIVE AND  
A MULTICAMERAL  
WATER MANAGEMENT  
DISTRICT

LET'S PUT UP  
THE TAILGATE  
AND GO HOME!

I WILL NOT  
BARGAIN. I WILL  
NOT ARBITRATE.  
EXCEPT...

BURKHOLZ

OLIVA

NOW  
DADGUMMIT,  
THE LEGISLATURE  
IS AUDITED!

GARDNER

BARRON

THAYER

IT'S A  
GOOD DOCUMENT  
EXCEPT FOR THE  
89 PROPOSALS.

IS THERE  
ANYTHING I CAN  
SUPPORT OTHER  
THAN DELETING  
THE COMMA?

SAM WESTBROCK

ANNIS... APTHORP...



Talbot “Sandy” D’Alemberte,  
Chair, 1977-78 CRC



CDRC  
1998  
DEXTER  
CHAIRMAN  
DOUGLASS



1998 • CONSTITUTION • REVISION • COMMISSION



# Dexter Douglass Chair, 1997-98 CRC





Carlos Alfonso, architect and 1997-98  
CRC member:

“Lay your ego at the door. Be a  
Floridian. Don’t think about your  
party.”

# Chesterfield Smith, CRC Chair 1966



“Be  
somebody.

Do good.”







# MAKING



# MODERN



# FLORIDA

*How the Spirit of Reform Shaped a New State Constitution*

Mary E. Adkins

CONSTITUTION REVISION COMMISSION  
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Proposal Number (if applicable) \_\_\_\_\_

Meeting Date 10/3/17

\*Topic Shaping the Florida Constitution Amendment Barcode (if applicable) \_\_\_\_\_

\*Name Mary Adkins

Address UF Levin College of Law Phone 352 273 0880

Street Gainesville State FL Zip \_\_\_\_\_  
City \_\_\_\_\_ Email adkinsm@law.ufl.edu

\*Speaking: ☐ For ☐ Against ☒ Information Only Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Are you representing someone other than yourself? ☐ Yes ☒ No  
If yes, who? \_\_\_\_\_

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting.  
Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

The Constitution Revision Commission  
**COMMITTEE MEETING PACKET TAB**

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## Declaration of Rights

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Comment

**MEETING DATE:** Tuesday, October 3, 2017

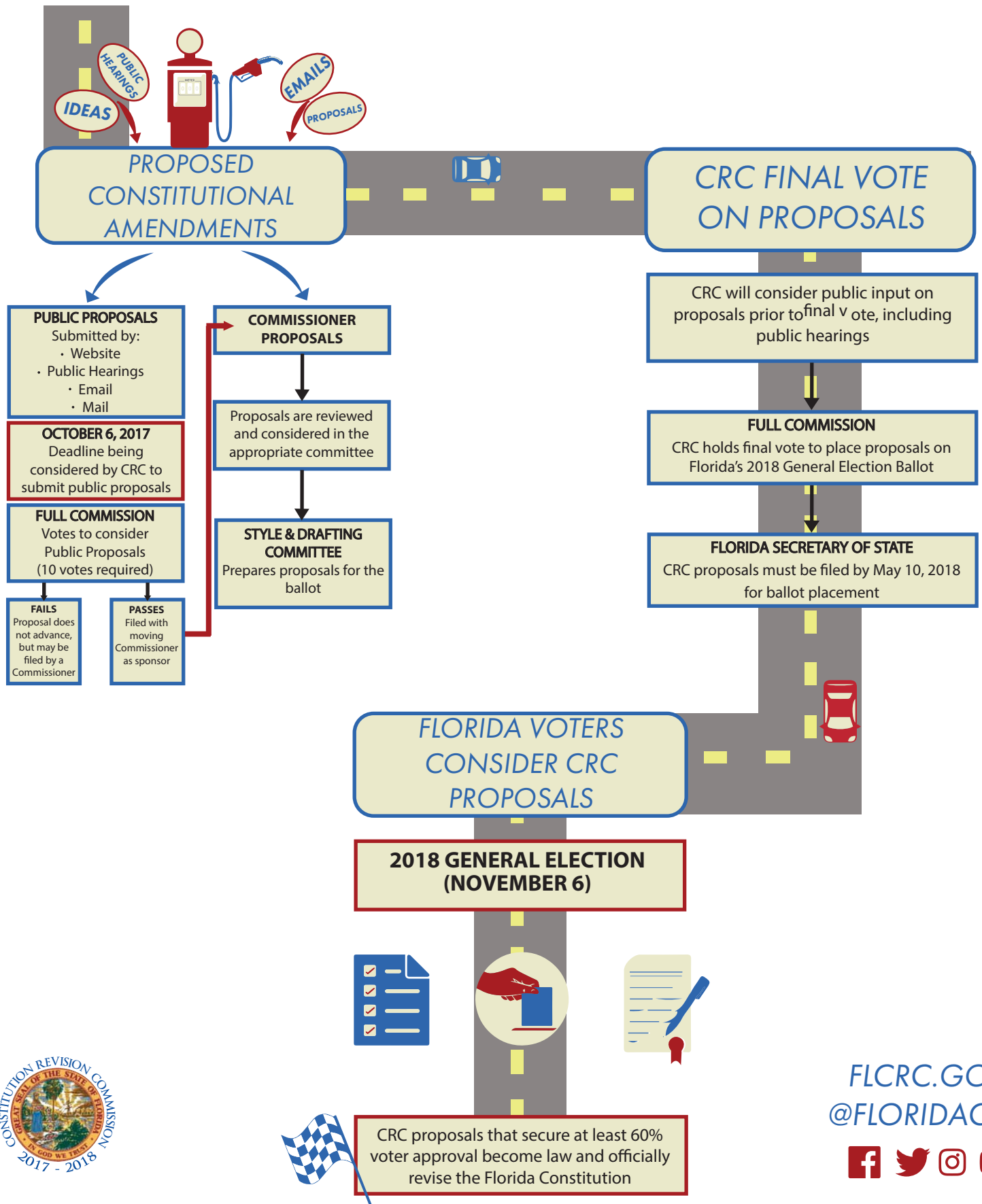
**TIME:** 9:00 a.m. —12:00 noon

**PLACE:** 110 Senate Office Building, Tallahassee, Florida



# 2017-2018 CONSTITUTION REVISION COMMISSION (CRC) **HOW A CRC PROPOSAL BECOMES LAW**

## A ROADMAP TO REVISING FLORIDA'S CONSTITUTION





# How to Submit a Proposal



- Submit online at [flcrc.gov](http://flcrc.gov)



- Email your proposal to [admin@flcrc.gov](mailto:admin@flcrc.gov)



- Mail your proposal to:  
Constitution Revision Commission  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399



- Hand in your proposal at a public hearing

[flcrc.gov](http://flcrc.gov)

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# CONSTITUTION REVISION COMMISSION

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## ARTICLE I: DECLARATION OF RIGHTS

### PUBLIC PROPOSALS

Current through 9/29/17  
(does not include withdrawn proposals)

#	Public Proposal Number	Repeal, Create, or Amend Section	Description
<b><i>Political Power (Section 1)</i></b>			
1	PUB 700591	§ 1	Reserves powers not specifically delegated to the state or prohibited by the Constitution to municipal and county governments, or to the people.
<b><i>Basic Rights (Section 2)</i></b>			
2	PUB 700101	§ 2	Prohibits deprivation of rights because of a cognitive disability. (Expands categories of suspect classes).
3	PUB 700153	§ 2	Prohibits deprivation of rights because of previous imprisonment for a felony. (Expands categories of suspect classes).
4	PUB 700198	§ 2	Prohibits deprivation of rights because of sex, sexual orientation, gender, and gender (Expands categories of suspect classes).
5	PUB 700161	§ 2	Prohibits deprivation of rights because of sexual orientation and gender identity (Expands categories of suspect classes).
6	PUB 700305	§ 2	Prohibits deprivation of rights because of age, economic status, and gender (Expands categories of suspect classes).
7	PUB 700624	§ 2	Prohibits deprivation of rights because of age (Expands categories of suspect classes).
8	PUB 700135	§ 2	Prohibits deprivation of rights because of sex, color, ethnicity, age, familial status, marital status, military status, sexual orientation, genetic information, gender identity, employment status, or pregnancy. (Expands categories of suspect classes)



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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
9	PUB 700120	§ 2	Prohibits deprivation of rights because of age, sexual orientation, marital status, or military status (Expands categories of suspect classes).
10	PUB 800546	§ 2	Provides that all persons shall have equal rights and privileges without discrimination based upon sexual orientation, marital status, ethnicity, color, indigenouness, or pregnancy. Establishes right of women to make their own reproductive decisions, including termination of pregnancy.
11	PUB 700208	§ 2	Repeals Alien Land Law; expands categories of suspect classifications; establishes a right to equal opportunity; and authorizes government to remedy present effects of past discrimination.
12	PUB 700110	§ 2	Repeals Alien Land Law.
13	PUB 800016	§ 2	Repeals Alien Land Law.
14	PUB 800017	§ 2	Repeals Alien Land Law.
15	PUB 800753	§ 2	Repeals Alien Land Law.
16	PUB 800020		Establishes the right of qualified, terminally ill adult patients to receive aid-in-dying medication from their physician.
17	PUB 800021	§ 2	Establishes the inalienable right to live and work in a safe environment.
<b><i>Religious Freedom (Section 3)</i></b>			
18	PUB 800786	§ 3	Establishes the right to refuse the issuance or disclosure of a social security number; requires certain entities to respect and accommodate an individual's religious rights unless it would cause an undue burden.
19	PUB 700548	§ 3	Prohibits infringement on exercising the right of conscience in matters unrelated to the acquisition of goods or services fundamentally necessary for life. Prohibits state coercion and compulsion contrary to right of association or exercise of conscience.
20	PUB 700495	§ 3	Provides that a Florida business may not, by threat of law or coercion, be forced to provide services to another individual or entity if doing so violates their sincerely held religious beliefs or convictions. Does not include services that if withheld would result in death. Prohibits denial of service on basis of ethnicity, color, or national origin.

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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
21	PUB 700159	§ 3	Provides that religious freedom may not be a basis to infringe the rights of citizens or discriminate. Prohibits businesses from asserting religious freedom as a basis to deny services or goods.
22	PUB 700454	§ 3	Prohibits laws respecting non-belief, penalizing non-belief, or the right not to worship. Prohibits religious tests as a qualification to any office or public trust.
23	PUB 700311	§ 3	Prohibits the use of state revenue for the promotion of religious agendas in education. Requires the removal of any representative of the state who engages in religious bias though public comment or when passing legislation.
24	PUB 700168	§ 3	Requires that all religions be taught in school and have equal time, except Christianity and Judaism which may be taught in more depth.
25	PUB 700622	§ 3	Provides that religious freedom does not justify animal sacrifice, witchcraft, or devil worship.
26	PUB 700513	§ 3	Repeals entire section on religious freedom.
27	PUB 700320	§ 3	Repeals no aid provision (Blaine Amendment).
28	PUB 700374	§ 3	Repeals no aid provision (Blaine Amendment).
29	PUB 700391	§ 3	Repeals no aid provision (Blaine Amendment).
30	PUB 700392	§ 3	Repeals no aid provision (Blaine Amendment).
31	PUB 700485	§ 3	Repeals no aid provision (Blaine Amendment).
32	PUB 700508	§ 3	Repeals no aid provision (Blaine Amendment).
33	PUB 700515	§ 3	Repeals no aid provision (Blaine Amendment).
34	PUB 700527	§ 3	Repeals no aid provision (Blaine Amendment).
35	PUB 700529	§ 3	Repeals no aid provision (Blaine Amendment).
36	PUB 700547	§ 3	Repeals no aid provision (Blaine Amendment).
<b><i>Speech and Press (Section 4)</i></b>			

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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
37	PUB 800767	§ 4	Provides that only human beings are endowed with constitutional rights. Provides that corporations are not people and regulating political contributions is not equivalent to limiting political speech.
38	PUB 700443	§ 4	Provides that only human beings are endowed with constitutional rights. Provides that corporations are not people and regulating political contributions is not equivalent to limiting political speech.
<b><i>Right to assemble (Section 5)</i></b>			
39	PUB 700384	§ 5	Establishes the right to be present, and engage in any lawful activity, in any place open to the public.
<b><i>Right to Work (Section 6)</i></b>			
40	PUB 700448	§ 6	Establishes the right of public employees to strike.
41	PUB 700181	§ 6	Establishes the right of public employees to strike.
<b><i>Firearms (Section 8)</i></b>			
42	PUB 700179	§ 8	Establishes right of U.S. citizens who are at least 18 years of age with no felony convictions to carry a firearm or weapon openly or concealed without a license or permit. Repeals 3-day waiting period.
43	PUB 700177	§ 8	Establishes right of individuals to carry arms openly or in a concealed manner. Provides that the manner of bearing arms is exempt from regulation by law.
44	PUB 700029	§ 8	Provides that holders of a concealed weapons permit may openly carry their firearm.
45	PUB 700147	§ 8	Requires mandatory background check for firearm purchases. Repeals power of legislature to regulate manner of bearing arms; 3-day waiting period; exemption for trade-ins; and criminal penalties for violating section.
46	PUB 700301	§ 8	Repeals power of legislature to regulate the manner of bearing arms. Prohibits any government officer from assisting in the enforcement of federal firearm laws.
47	PUB 700373	§ 8	Exempts law enforcement officers from the 3-day waiting period.
48	PUB 700436	§ 8	Repeals exemption from 3-day waiting period for holders of a concealed weapons permit.

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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
49	PUB 700178	§ 8	Repeals 3-day waiting period.
50	PUB 700185	§ 8	Increases mandatory waiting period to seven days.
51	PUB 700515	§ 8	Establishes the right to bear arms in defense of property.
52	PUB 700385	§ 8	Establishes the right of holders of a concealed weapons permit to carry a firearm in any public place except certain specified locations.
<b><i>Due Process (Section 9)</i></b>			
53	PUB 700209	§ 9	Prohibits forfeiture of property unless the property owner has been convicted of a felony and exhausted all appeals.
54	PUB 700413	§ 9	Prohibits civil asset forfeiture.
55	PUB 700381	(New)	Requires retroactive application of judicial decisions affecting the constitutional rights of the criminally accused. Authorizes persons previously denied relief to petition for relief within one year.
56	PUB 700386	§ 9	Requires the Supreme Court to remand death penalty cases back to the trial court for imposition of a life sentence if the jury did not make a unanimous recommendation of death.
57	PUB 700400	§ 9	Prohibits civil commitment of certain persons released from incarceration.
58	PUB 700606	§ 9	Prohibits the deprivation of life, liberty, or property solely due to a procedural technicality.
<b><i>Prohibited Laws (Section 10)</i></b>			
59	PUB 700302	§ 10	Prohibits forfeiture of property in the absence of arrest and formal charges. Prohibits any government officer from assisting the federal government in the seizure of property in the absence of arrest and formal charges.
<b><i>Search and Seizure (Section 12)</i></b>			
60	PUB 800814	§ 12	Repeals requirement that right be construed in conformity with the 4 <sup>th</sup> Amendment to U.S. Constitution as interpreted by the US Supreme Court (including admissibility of evidence).
61	PUB 800379	§ 12	Repeals requirement that right be construed in conformity with the 4 <sup>th</sup> Amendment to U.S. Constitution as interpreted by the US Supreme Court (including admissibility of evidence).



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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
62	PUB 700203	§ 12	Repeals requirement that right be construed in conformity with the 4th Amendment to U.S. Constitution as interpreted by the US Supreme Court (including admissibility of evidence).
63	PUB 700379	§ 12	Repeals requirement that right be construed in conformity with the U.S. Constitution as interpreted by the US Supreme Court.
64	PUB 700136	§ 12	Provides that the right may be construed more broadly than the 4 <sup>th</sup> Amendment to the U.S. Constitution as interpreted by the U.S. Supreme Court.
65	PUB 700146	§ 12	Establishes the right of people to be secure in electronic and digital data against unreasonable search and seizure.
66	PUB 700519	§ 12	Establishes the right of people to be secure in electronic and digital data against unreasonable search and seizure. Provides that the rights guaranteed by § 12 may be broadened by law.
<b><i>Habeas Corpus (Section 13)</i></b>			
67	PUB 700607	§ 13	Prohibits imprisonment or execution solely due to a procedural technicality. Establishes right to a writ of habeas corpus if wrongfully convicted or actually innocent but denied relief solely due to a procedural technicality. Provides for retroactive application.
<b><i>Prosecution for crime; Offenses committed by children (Section 15)</i></b>			
68	PUB 800275	§ 15	Prohibits trying a child as an adult unless indicted by a grand jury or after a court hearing absent a waiver by the child; abrogates direct file. Establishes right to prompt access to legal counsel for children deprived of liberty.
69	PUB 700556	§ 15	Prohibits criminal prosecution of a child as an adult if the offender was under the age of 16 at the time of the offense. Permits criminal prosecution of a child as an adult for offenders 16-17 years of age at the time of an offense through a judicial review procedure.
70	PUB 700561	§ 15	Prohibits holding juvenile offenders in close confinement (solitary confinement). Provides an exception to ensure safety of child or others.
71	PUB 700261	§ 15	Prohibits plea bargains, conjugal rights for incarcerated felons, and mental condition as a defense to a charge of criminal conduct.

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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
72	PUB 700323	(New)	Prohibits plea bargains.
73	PUB 700193	(New)	Eliminates statute of limitations for felonies or crimes. Provides for retroactive application.
74	PUB 700378	(New)	Prohibits the conviction of any person based upon the testimony of a single, uncorroborated eyewitness.
75	PUB 700387	§ 15	Repeals prohibition on trial for a felony without presentment or indictment by a grand jury or the filing of an information. Requires that “otherwise infamous” crime be presented to grand jury.
76	PUB 700062	§ 15	Revises procedures to charge certain criminal offenses. Provides that no citizen of the state shall be subject to punishment under military or martial law with certain exceptions.
<b><i>Excessive Punishments/Death Penalty (Section 17)</i></b>			
77	PUB 700210	§ 17	Abolishes the death penalty. Provides that the death penalty is cruel and unusual punishment.
78	PUB 700150	§ 17	Specifies additional methods of execution, including hanging, firing squad, and the gas chamber. Provides that surgical or chemical castration of sex offenders is not cruel and unusual punishment.
79	PUB 700261	(New)	Establishes the right of crime victims to have death sentence carried out in a reasonable time and creates judicial procedures pursuant thereto. Specifies additional methods of execution.
80	PUB 700608	§ 17	Provides that the imprisonment or execution of a wrongfully convicted or actually innocent person constitutes cruel and unusual punishment.
81	PUB 700379	§ 17	Repeals requirement that prohibition against cruel and unusual and cruel or unusual punishment be construed in conformity with the decisions of the U.S. Supreme Court interpreting the Eighth Amendment to the US Constitution.
82	PUB 700576	§ 17	Repeals requirement that prohibition against cruel and unusual and cruel or unusual punishment be construed in conformity with the decisions of the U.S. Supreme Court interpreting the Eighth Amendment to the US Constitution.

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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
83	PUB 700546	§ 17	Prohibits cruel or unusual punishment. Repeals requirement that prohibition against cruel and unusual and cruel or unusual punishment be construed in conformity with the decisions of the U.S. Supreme Court interpreting the Eighth Amendment to the US Constitution.
<b>Costs (Section 19)</b>			
84	PUB 700211	§ 19	Prohibits the imposition of fees or costs to recover property seized as evidence or otherwise impounded by a governmental agency if found not guilty of a crime.
<b>Access to Courts (Section 21)</b>			
85	PUB 700609	§ 21	Requires courts to remain open to incarcerated persons or persons under a sentence of death that have been denied relief solely due to a procedural technicality.
<b>Trial by Jury (Section 22)</b>			
86	PUB 700383	§ 22	Increases the number of required jurors to at least 12 and 2 alternates. Requires the unanimous vote of all twelve jurors to reach a verdict.
87	PUB 700015	§ 22	Provides for the abolishment of courts that do not provide jury trials.
88	PUB 700251	(New)	Establishes the right to demand a jury trial in child custody proceedings. Prohibits a court from contravening a jury verdict for joint custody.
<b>Privacy/Abortion (Section 23) (Article X, § 22)</b>			
89	PUB 800572	§ 23	Limits right of privacy to only unreasonable governmental intrusion.
90	PUB 700125	§ 23	Limits right of privacy to informational, documentary privacy.
91	PUB 700018	§ 23	Expands right of privacy to include any intrusion into a person's private life.
92	PUB 700136	§ 23	Repeals right of privacy.
93	PUB 700149	§ 23	Repeals permitted exceptions to right of privacy.
94	PUB 700213	§ 23	Requires the state to protect the privacy of natural persons against nongovernmental intrusion for commercial purposes.
95	PUB 700395	§ 23	Establishes the right of natural persons to refuse to answer questions considered intrusive, private, or sensitive. Prohibits certain medical providers

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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
			and facilities from inquiring about mental or emotional state as a precondition of treatment for an unrelated matter.
96	PUB 700504	§ 23	Establishes a broad right to privacy for “individuals” rather than natural persons (not limited to government intrusion). Provides that all homo sapiens are “individuals” at every stage of development, including fertilization or conception.
97	PUB 700151	§ 23	Provides that the right of privacy does not prevent the public from recording public employees, agents, and officials in the performance of their duties.
98	PUB 800760	Art. X, § 22	Provides that notification of a parent or guardian of the termination of a minor’s pregnancy is not appropriate in all cases. Repeals power of legislature to provide for parental notification, establish exceptions or create judicial waiver process. Authorizes the legislature to require the referral of a minor to a mental health professional, counselor, or social worker.
99	PUB 700039	Art. X, § 22	Provides that abortion shall be abolished in Florida if ever found unconstitutional by the U.S. Supreme Court.
100	PUB 700492	(New)	Establishes a state duty to protect human life upon the medical detection of a heartbeat. Prohibits any person from ending the life of a fetus upon the detection of a heartbeat. Provides an exemption for involuntary termination during an attempt to save the life of the mother.
101	PUB 700570	(New)	Establishes a state duty to protect human life upon the medical detection of a heartbeat. Prohibits any person from ending the life of a fetus upon the detection of a heartbeat. Provides an exemption for involuntary termination during an attempt to save the life of the mother.
102	PUB 700255	(New)	Prohibits abortions except where pregnancy is a medical threat to the life of the mother.
103	PUB 700506	§ 23	Provides that the right of privacy does not include the right to abortion.
104	PUB 700569	§ 23	Provides that the right of privacy does not include the right to abortion.
105	PUB 700615	§ 23	Provides that the right of privacy does not include the right to abortion.



# CONSTITUTION REVISION COMMISSION

## 2017 - 2018

#	Public Proposal Number	Repeal, Create, or Amend Section	Description
106	PUB 700357	§ 23	Provides that the right of privacy does not apply to the state's interest in protecting unborn life.
107	PUB 700514	§ 23	Provides that the right of privacy does not limit the right of human beings, born and preborn, to life, liberty, and the pursuit of happiness.
108	PUB 700528	§ 23	Provides that the right of privacy does not limit the right of human beings, born and preborn, to life, liberty, and the pursuit of happiness.
109	PUB 700433	§ 23	Provides that the right of privacy does not protect the invocation of physician-assisted suicide.
110	PUB 700453	(New)	Provides that the spouse of a terminally ill, uncommunicative person may contravene such person's documented end of life wishes if the documents are outdated or obsolete.
<b><i>Public Records/Meetings (Section 24)</i></b>			
111	PUB 800572	§ 24	Specifies that a person has the right to inspect or copy a public record at his or her own expense. Provides that inspection and copying must be done in a reasonable manner and at a reasonable time. Provides records custodians immunity from civil liability for asserting in good faith a record is exempt or confidential notwithstanding a later judicial determination.
112	PUB 700524	§ 24	Increases legislative vote required to exempt public records and meetings to four-fifths of each house.
113	PUB 700119	§ 24	Revises legislative vote required to exempt public records and meetings to 2/3 of the entire membership rather than each house. Repeals exemption for public records or meeting that were exempt prior to July 1, 1993.
114	PUB 700307	§ 24	Removes references to "each house" of the Legislature.
115	PUB 700279	(New)	Establishes the inalienable right to require and impose the government information to justify or redact wrongdoing.
<b><i>Claimant's right to fair compensation (Section 26)</i></b>			
116	PUB 700393	§ 26	Establishes the right to receive 100% of gross pay through Workman's Compensation for work related injuries until cleared to return to work.

# CONSTITUTION REVISION COMMISSION

## 2017 - 2018

#	Public Proposal Number	Repeal, Create, or Amend Section	Description
			Requires the insurance carrier to cover medical costs related to the injury for the life of the employee.
117	PUB 700031	§ 26	Expands right to fair compensation to any personal injury claim involving a contingency fee.
<b>Marriage (Section 27)</b>			
118	PUB 700214	§ 27	Repeals marriage definition.
119	PUB 700309	§ 27	Repeals marriage definition.
120	PUB 700156	§ 27	Repeals marriage definition.
121	PUB 700159	§ 27	Repeals marriage definition.
122	PUB 700377	§ 27	Repeals marriage definition.
123	PUB 700358	§ 27	Repeals marriage definition.
124	PUB 700444	§ 27	Repeals marriage definition.
125	PUB 700476	§ 27	Repeals marriage definition.
126	PUB 700590	§ 27	Repeals marriage definition.
127	PUB 700118	§ 27	Repeals marriage definition.
128	PUB 700119	§ 27	Repeals marriage definition.
129	PUB 700129	§ 27	Repeals marriage definition.
130	PUB 700201	§ 27	Repeals marriage definition.
131	PUB 700047	§ 27	Repeals marriage definition. Provides for the recognition of opposite-sex and same-sex marriage. Provides for conscience or religious objection to solemnizing a marriage or issuing a marriage license.
132	PUB 700249	§ 27	Revises definition of “marriage”. Provides for the recognition of opposite-sex and same-sex marriage.
133	PUB 700310	§ 27	Revises definition of “marriage” to the legal union of two consenting adults.
<b>Miscellaneous - Education</b>			
134	PUB 700289	(New)	Provides that no individual may be deprived of an education.
<b>Miscellaneous - Health Care</b>			

# CONSTITUTION REVISION COMMISSION

## 2017 - 2018

#	Public Proposal Number	Repeal, Create, or Amend Section	Description
135	PUB 800573	§ 2	Establishes right to opioid treatment when other medical intervention has failed.
136	PUB 700273	§ 2	Establishes right to opioid treatment when other medical intervention has failed.
137	PUB 700001	(New)	Establishes right to healthcare
138	PUB 700037	(New)	Establishes right to equal access to healthcare.
139	PUB 700349	(New)	Establishes fundamental right to affordable healthcare. Requires the legislature to afford highest consideration to such right in weighing priorities and allocating available resources.
140	PUB 800764	§ 2	Establishes right to shop for health insurance and medical services regardless of geography and to negotiate direct payment with physicians and providers without restriction.
141	PUB 700256	(New)	Requires legislature to exempt certain medical equipment from sale, storage, use or consumption tax.
142	PUB 700475	(New)	Establishes patient rights.
143	PUB 700154	(New)	Establishes regulated organ donation system.
<b>Miscellaneous - Cannabis</b>			
144	PUB 700000	(New)	Establishes the right of persons over the age of 21 to possess, use, and cultivate cannabis. Authorizes the state to regulate purchase and sale of cannabis.
145	PUB 800002	(New)	Establishes the right of persons over the age of 21 to possess, use, and cultivate cannabis. Authorizes the state to regulate purchase and sale of cannabis.
<b>Miscellaneous – Restoration of Rights</b>			
146	PUB 800379	(New)	Restores voting rights for convicted felons who have satisfied the conditions of their sentence.
147	PUB 700186	§ 8	Restores gun and voting rights for convicted felons except persons convicted of armed robbery with a firearm or selling drugs.
148	PUB 700067	(New)	Restores civil rights upon termination of state supervision for any offense.
<b>Miscellaneous - Environment</b>			

# CONSTITUTION REVISION COMMISSION

## 2017 - 2018

#	Public Proposal Number	Repeal, Create, or Amend Section	Description
149	PUB 700558	(New)	Establishes environmental bill of rights.
150	PUB 700262	(New)	Prohibits the constitution from impairing or prohibiting the use of alternative sources of energy and fuels. Permits the state, counties, and municipalities to require that public buildings use forms of alternative energy.
151	PUB 700324	(New)	Establishes an unrestricted right to use, and a right to ingress and egress from, a public beach.
152	PUB 700325	(New)	Establishes the right to hunt, fish, and harvest wildlife, subject to conservation law and regulations. Provides that hunting and fishing are the preferred methods of managing and controlling wildlife.
153	PUB 700069	(New)	Establishes the right to fish, hunt, trap, and take game subject to reasonable restrictions prescribed by law.
<b>Miscellaneous</b>			
154	PUB 800513	(New)	Establishes parental rights.
155	PUB 700593	(New)	Establishes grandparent visitation rights.
156	PUB 700442	(New)	Establishes grandparent visitation rights if the parent is deceased and visitation is in the best interests of the child.
157	PUB 700126	(New)	Requires all branches of government to minimize the use of government power and action. Creates a presumption against governmental action to address societal problems.
158	PUB 800806	(New)	Prohibits the suspension of a driver's license for failure to pay fines, fees, and courts costs unless person has the present ability to pay and has refused.
159	PUB 700498	(New)	Prohibits the suspension of a driver's licenses for failure to pay fines, fees, and courts costs unless person has the present ability to pay and has refused.
160	PUB 700065	(New)	Provides the legal definition of an adult.
161	PUB 700066	(New)	Provides the legal definition of a minor.
162	PUB 700215	(New)	Establishes power to revise or amend statutes by citizen initiative.
163	PUB 700241	(New)	Requires preservation of Florida artifacts, including records, buildings, and personal property.



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# CONSTITUTION REVISION COMMISSION

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## 2017 - 2018

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#	Public Proposal Number	Repeal, Create, or Amend Section	Description
164	PUB 700252	(New)	Establishes right of electors to recall the Governor, the Cabinet, and the Legislature. Specifies procedures for recall process.
165	PUB 700335	(New)	Provides that the people refuse to comply with federal mandates.
166	PUB 700339	(New)	Authorizes Destination Casino Resorts in any county where approved by referendum.
167	PUB 700068	(New)	Prohibits any armed person, police force, detective agency, or armed body from being brought into the state to suppress domestic violence. Provides exception.
168	PUB 700013	(New)	Prohibits wage differentiation on account of gender, religion, race, national origin, or physical disability.
169	PUB 700182	(New)	Repeals Article I.

#700556

# WELCOME GUEST

CONSTITUTION REVISION COMMISSION  
PUBLIC HEARING

Do you want to speak? Please fill out this card.

10/03/17  
Date

\*Topic/Issue PUB 700556 - Juvenile Transfers

\*Name Ashley Hamill

Address \_\_\_\_\_  
Street \_\_\_\_\_

Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Are you representing someone other than yourself? ☒ Yes ☐ No

If Yes, who? SD Public Interest Law Center

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

#100561

# WELCOME GUEST

## CONSTITUTION REVISION COMMISSION PUBLIC HEARING

Do you want to speak? Please fill out this card.

10/03/17  
Date

\*Topic/Issue PUB 700561 - Solitary Confinement of Juveniles

\*Name Carlynn Kio

Address Street Phone

City State Zip

Are you representing someone other than yourself? ☒ Yes ☐ No

If Yes, who? FSU Public Interest Law Center

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

\*Required

The Constitution Revision Commission  
**COMMITTEE MEETING PACKET TAB**

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## Declaration of Rights

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**MEETING DATE:** Tuesday, October 3, 2017

**TIME:** 9:00 a.m. —12:00 noon

**PLACE:** 110 Senate Office Building, Tallahassee, Florida



**ARTICLE I**  
**THE DECLARATION OF RIGHTS**  
**TECHNICAL REVISIONS FOR COMMITTEE CONSIDERATION**

**SECTION 8. Right to bear arms.—**

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. The mandatory 3-day waiting period shall not apply to the trade in of another handgun or to holders of a concealed weapon permit as prescribed in Florida law.

(1) For the purposes of this subsection ~~section~~, “purchase” means the transfer of money or other valuable consideration to the retailer, and “handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. ~~Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.~~

(2) ~~(c)~~ The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

~~(d) This restriction shall not apply to a trade in of another handgun.~~

***Section 8 Revision Note: Combines all provisions relating to the mandatory 3-day waiting period for handgun purchases into one subsection – subsection (b).***

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**SECTION 14. Pretrial release and detention.—**~~Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great,~~ Every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions except persons charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

***Section 14 Revision Note: Stylistic and grammatical changes to clarify provisions regarding pretrial release and detention.***

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SECTION 15. Prosecution for crime; offenses committed by children.—

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. A child found delinquent shall be disciplined as provided by law. Any child charged with a violation of law as an act of delinquency, ~~so charged~~ shall, upon demand made as provided by law before a trial in a juvenile proceeding, be tried in an appropriate court as an adult. ~~A child found delinquent shall be disciplined as provided by law.~~

*Section 15 Revision Note: Stylistic and grammatical changes to clarify provisions regarding juvenile justice system.*

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SECTION 17. Excessive punishments; death penalty.—

(a) Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. ~~The death penalty is an authorized punishment for capital crimes designated by the legislature.~~ The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution.

(b) The death penalty is an authorized punishment for capital crimes designated by the legislature. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

*Section 17 Revision Note: Revises catchline of the section to include the death penalty. Places death penalty provisions in separate subsection.*

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SECTION 23. Right of privacy.—

(a) Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

(b) Notwithstanding a minor's right of privacy provided in subsection (a), the Legislature is authorized to require by general law for notification to a parent or guardian of a minor before the termination of the minor's pregnancy. The Legislature shall provide exceptions to such requirement for notification and shall create a process for judicial waiver of the notification. The Legislature shall not limit or deny the privacy right guaranteed to a minor under the United States Constitution as interpreted by the United States Supreme Court.

***Section 23 Revision Note: Transfers Article X, § 22 to Article I, § 23 to combine constitutional privacy provisions.***

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SECTION 25. Taxpayers' Bill of Rights.—By general law the legislature shall prescribe and adopt a Taxpayers' Bill of Rights that, in clear and concise language, sets forth taxpayers' rights and responsibilities and government's responsibilities to deal fairly with taxpayers under the laws of this state. ~~This section shall be effective July 1, 1993.~~

***Section 25 Revision Note: Removes effective date from the text of the constitution.***

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SECTION 26. Claimant's right to fair compensation.—

~~(a) —Article I, Section 26 is created to read “Claimant's right to fair compensation.”~~ In any medical liability claim involving a contingency fee, the claimant is entitled to receive no less than 70% of the first \$250,000.00 in all damages received by the claimant, exclusive of reasonable and customary costs, whether received by judgment, settlement, or otherwise, and regardless of the number of defendants. The claimant is entitled to 90% of all damages in excess of \$250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants. This provision is self-executing and does not require implementing legislation.

~~(b) —This Amendment shall take effect on the day following approval by the voters.~~

***Section 26 Revision Note: Removes duplicative title language and the effective date from the text of the constitution.***

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~~SECTION 27. Marriage defined. —Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.~~

***Section 27 Revision Note: Invalidated by Obergefell v. Hodges, 135 S. Ct. 2584 (2015)***

The Constitution Revision Commission  
**COMMITTEE MEETING PACKET TAB**

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## Declaration of Rights

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**MEETING DATE:** Tuesday, October 3, 2017

**TIME:** 9:00 a.m. —12:00 noon

**PLACE:** 110 Senate Office Building, Tallahassee, Florida



## PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

## ARTICLE I

## DECLARATION OF RIGHTS

Sec.

1. Political power.
2. Basic rights.
3. Religious freedom.
4. Freedom of speech and press.
5. Right to assemble.
6. Right to work.
7. Military power.
8. Right to bear arms.
9. Due process.
10. Prohibited laws.
11. Imprisonment for debt.
12. Searches and seizures.
13. Habeas corpus.
14. Pretrial release and detention.
15. Prosecution for crime; offenses committed by children.
16. Rights of accused and of victims.
17. Excessive punishments.
18. Administrative penalties.
19. Costs.
20. Treason.
21. Access to courts.
22. Trial by jury.
23. Right of privacy.
24. Access to public records and meetings.
25. Taxpayers' Bill of Rights.
26. Claimant's right to fair compensation.
27. Marriage defined.

**SECTION 1. Political power.**—All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.

**SECTION 2. Basic rights.**—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

**History.**—Am. S.J.R. 917, 1974; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 9, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 3. Religious freedom.**—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

**SECTION 4. Freedom of speech and press.**—Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 5. Right to assemble.**—The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

**SECTION 6. Right to work.**—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

**SECTION 7. Military power.**—The military power shall be subordinate to the civil.

**SECTION 8. Right to bear arms.**—

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, "purchase" means the transfer of money or other valuable consideration to the retailer, and "handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

(d) This restriction shall not apply to a trade in of another handgun.

**History.**—Am. C.S. for S.J.R. 43, 1989; adopted 1990.

**SECTION 9. Due process.**—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 10. Prohibited laws.**—No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

**SECTION 11. Imprisonment for debt.**—No person shall be imprisoned for debt, except in cases of fraud.

**SECTION 12. Searches and seizures.**—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution.

**History.**—Am. H.J.R. 31-H, 1982; adopted 1982.

**SECTION 13. Habeas corpus.**—The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

**SECTION 14. Pretrial release and detention.**—Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

**History.**—Am. H.J.R. 43-H, 1982; adopted 1982.

## **SECTION 15. Prosecution for crime; offenses committed by children.—**

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before a trial in a juvenile proceeding, be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

## **SECTION 16. Rights of accused and of victims.**

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

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

**History.**—Am. S.J.R. 135, 1987; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 17. Excessive punishments.**—Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be

lawfully executed by any valid method. This section shall apply retroactively.

**History.**—Am. H.J.R. 3505, 1998; adopted 1998; Am. H.J.R. 951, 2001; adopted 2002.

**SECTION 18. Administrative penalties.**—No administrative agency, except the Department of Military Affairs in an appropriately convened court-martial action as provided by law, shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.

**History.**—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 19. Costs.**—No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

**SECTION 20. Treason.**—Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort, and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act or on confession in open court.

**SECTION 21. Access to courts.**—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

**SECTION 22. Trial by jury.**—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

**SECTION 23. Right of privacy.**—Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

**History.**—Added, C.S. for H.J.R. 387, 1980; adopted 1980; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

**SECTION 24. Access to public records and meetings.**—

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public

and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

(c) This section shall be self-executing. The legislature, however, may provide by general law passed by a two-thirds vote of each house for the exemption of records from the requirements of subsection (a) and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the legislature may adopt rules governing the enforcement of this section in relation to records of the legislative branch. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsections (a) or (b) and provisions governing the enforcement of this section, and shall relate to one subject.

(d) All laws that are in effect on July 1, 1993 that limit public access to records or meetings shall remain in force, and such laws apply to records of the legislative and judicial branches, until they are repealed. Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed.

**History.**—Added, C.S. for C.S. for H.J.R.'s 1727, 863, 2035, 1992; adopted 1992; Am. S.J.R. 1284, 2002; adopted 2002.

**SECTION 25. Taxpayers' Bill of Rights.**—By general law the legislature shall prescribe and adopt a Taxpayers' Bill of Rights that, in clear and concise language, sets forth taxpayers' rights and responsibilities and government's responsibilities to deal fairly with taxpayers under the laws of this state. This section shall be effective July 1, 1993.

**History.**—Proposed by Taxation and Budget Reform Commission, Revision No. 2, 1992, filed with the Secretary of State May 7, 1992; adopted 1992.

**Note.**—This section, originally designated section 24 by Revision No. 2 of the Taxation and Budget Reform Commission, 1992, was redesignated section 25 by the editors in order to avoid confusion with section 24 as contained in H.J.R.'s 1727, 863, 2035, 1992.

**SECTION 26. Claimant's right to fair compensation.**—

(a) Article I, Section 26 is created to read "Claimant's right to fair compensation." In any medical liability claim involving a contingency fee, the claimant is entitled to receive no less than 70% of the first \$250,000.00 in all damages received by the claimant, exclusive of reasonable and customary costs, whether received by judgment, settlement, or otherwise, and regardless of the number of defendants. The claimant is entitled to 90% of all damages in excess of \$250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants. This provision is self-executing and does not require implementing legislation.

(b) This Amendment shall take effect on the day following approval by the voters.

**History.**—Proposed by Initiative Petition filed with the Secretary of State September 8, 2003; adopted 2004.

**SECTION 27. Marriage defined.**—Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

**History.**—Proposed by Initiative Petition filed with the Secretary of State February 9, 2005; adopted 2008.

## ARTICLE II

### GENERAL PROVISIONS

Sec.

1. State boundaries.
2. Seat of government.
3. Branches of government.
4. State seal and flag.
5. Public officers.
6. Enemy attack.
7. Natural resources and scenic beauty.
8. Ethics in government.
9. English is the official language of Florida.

#### SECTION 1. State boundaries.—

(a) The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30°16'53" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°17'02" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°18'00" north and longitude 87°27'08" west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude 87°27'00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31°00'00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31°00'00" north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three geographic miles from the Atlantic coastline and three leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three leagues from the coastline of Florida; thence northerly and westerly three leagues distant

from the coastline to a point west of the mouth of the Perdido River three leagues from the coastline as measured on a line bearing south 0°01'00" west from the point of beginning; thence northerly along said line to the point of beginning. The State of Florida shall also include any additional territory within the United States adjacent to the Peninsula of Florida lying south of the St. Marys River, east of the Perdido River, and south of the States of Alabama and Georgia.

(b) The coastal boundaries may be extended by statute to the limits permitted by the laws of the United States or international law.

**SECTION 2. Seat of government.**—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, lieutenant governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period of the emergency transfer the seat of government to another place.

**SECTION 3. Branches of government.**—The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

**SECTION 4. State seal and flag.**—The design of the great seal and flag of the state shall be prescribed by law.

#### SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God.",

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.