OA 10-2-95

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SID J. WHITE
JUN 22 1995
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

IN RE: ADVISORY OPINION TO THE ATTORNEY GENERAL, RE: STOP TURNING OUT PRISONERS: LIMIT EARLY RELEASE

_____/

CASE NO. 85,762

INITIAL BRIEF OF INTERESTED PARTY

BRADFORD L. THOMAS
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STATEMENT OF THE CASE AND FACTS

On May 1st, 1995, the Secretary of State certified to the Attorney General that the Stop Early Release Committee had successfully obtained ten percent of the signatures of the registered voters of one fourth of the Congressional Districts on a proposed constitutional amendment circulated pursuant to ***Art. XI, section 3, Fla. Const.(1972).*** The proposed amendment is titled "Stop Turning Out Prisoners: Limit Early Release".

On May 26th, 1995, the Attorney General petitioned this Honorable Court for an advisory opinion "as to the validity of an initiative petition circulated pursuant to Article X1, section 3, Florida Constitution." The Attorney General noted the proposed initiative seeks to amend ***Art. IV, sec. 8, Fla.Const.*** by adding the following language:

> All state prisoners sentenced to a term of years shall serve at least eighty-five percent of their term of imprisonment, unless granted pardon or clemency. Parole, conditional release, or any mechanism of sentence reduction may reduce the term of years sentence by no more than fifteen percent. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

The Attorney General also reported the proposed ballot summary described the amendment as follows:

> A state constitutional amendment which, except for pardon or clemency, requires that state prisoners sentenced to a term of years shall serve at least eighty-five percent of their terms of imprisonment. Parole, conditional release, or any mechanism of sentence reduction may reduce the term of years by no more than fifteen percent. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

Letter of Attorney General, dated May 26th, 1995, pages 1-2.

The Attorney General analyzed the proposed amendment by noting that ***Art. XI, section 3, Fla. Const.(1972)*** "reserves to the people the power to propose the revision or amendment of any portion of the Constitution by initiative....however,...any such revision or amendment 'embrace but one subject and matter directly connected therewith." ***Id.,page 2.*** After reviewing the proposed language, the Attorney General stated "the provisions of the proposed amendment ...would appear to constitute matters directly and logically connected to the subject of the amendment". ***Id.,page 3.***

The Attorney General did not cite to any constitutional provision authorizing the Legislature to require a ballot title or summary for a petition initiative circulated pursuant to ***Art. XI, sec. 3&5, Fla. Const.(1972).*** After review of the proposed ballot summary and title, purportedly pursuant to ***Sections 16.061 and 101.191, Fla. Stat.(1993),*** the Attorney General noted the proposed summary and title "set forth the chief purpose of the measure, informing the voter that the measure requires that, except of pardon or clemency, state prisoners sentenced to a term of years shall serve at least eighty-five percent of their term

of imprisonment." Contrary to an earlier proposed amendment, the Attorney General stated that the current initiative clearly informed potential voters that a grant of clemency or pardon could reduce a term of years sentence beyond fifteen percent or even reduce a life sentence. ***Id., page 4.***

The Florida Constitution provides that this Honorable Court "shall, subject to their rules of procedure, permit interested parties to be heard on the questions presented...."***Art. IV, sec. ten, Fla. Const.(1986).*** The undersigned is an interested party who previously filed a motion for rehearing in this Court's opinion invalidating a previously proposed amendment attempting to limit early release of state prisoners. As an interested party the undersigned respectfully requests to be heard on the issue of whether ***Sections 16.061 & 101.161, Fla.Stat.(1993),*** violate the Florida Constitution by imposing additional qualifications on self-executing provisions of organic law defining a valid petition initiative. Alternatively, the undersigned respectfully requests this Honorable Court accept and consider this brief as an ***amicus curiae*** brief in support of the proposed amendment, pursuant to ***Fla. R. App. P. 9.370.***

SUMMARY OF THE ARGUMENT

Organic law stands supreme in describing the actions required to amend the state constitution; only the organic law can empower the Legislature to alter or amend the petition initiative process. The electorate has not authorized the Legislature to impose additional qualifications onto Constitutional provisions defining a valid petition initiative.

To the extent that ***Sections 16.061 and 101.161, Florida Statutes,(1993),*** impose additional qualifications on the provisions of organic law defining a valid petition initiative, those statutory provisions are unconstitutional as a violation of ***Art. I, sec. 1, Fla. Const.(1968)*** and ***Article XI, secs.3&5, Fla.Const.(1972).*** No provision of the Florida Constitution authorizes the Legislative Branch to alter the self-executing substantive and procedural initiative framework adopted in 1972.

The people retain all political power to amend their organic law, in compliance only with Article XI of the Florida Constitution. That article specifically authorizes and defines the substantive and procedural criteria of a valid petition initiative; the self-executing language of organic law defining necessary qualifications of a valid initiative cannot be altered by statutory law.

The only constitutional authority addressing the procedures of Article XI of the Florida Constitution is granted in ***Art. IV, Fla.Const.(1986),*** which authorizes the Attorney

General to "request the opinion of the justices ...as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI." This language does not authorize the Legislature to alter substantive or procedural criteria of organic law defining a valid petition initiative. Rather, ***Art. IV, sec.10, Fla.Const.(1986),*** allows the Legislature to enact "time and manner" provisions to direct the Attorney General to request an opinion by this Honorable Court regarding whether a proposed petition initiative complies with the single-subject rule of ***Art.XI, sec. 3, Fla.Const.(1972).***

To interpret the language of ***Art.IV, sec.10, Fla.Const.(1986)***, as authorizing the Legislature to amend the peoples' petition-initiative rights necessarily includes granting the Legislature the authority to define a "valid" petition initiative. Such an interpretation unconstitutionally violates the delicate balance between the peoples' fundamental right to directly amend their organic law and Legislative authority to amend the state constitution. This Honorable Court should hold that ***Sections 16.061, Fla.Stat.*** and ***101.161, Fla. Stat.(1993),*** are unconstitutional in violation of ***Art.I,sec.1, Fla.Const.(1968)*** and ***XI, sec.3, Fla.Const.(1972),*** by purporting to alter or amend self-executing organic law defining a valid petition initiative.

ISSUE

THE LEGISLATURE LACKS CONSTITUTIONAL AUTHORITY TO IMPOSE ADDITIONAL QUALIFICATIONS ON THE SELF-EXECUTING PROVISIONS OF ORGANIC LAW DEFINING A VALID INITIATIVE PETITION.

Argument

The people of Florida granted to themselves the fundamental right to alter their organic charter by direct petition initiative. ***Art.XI, sec.3, Fla.Const.(1972).*** That article of our constitution precisely defines the substantive and procedural criteria of a valid petition initiative. Substantively, the people determined that all petition initiatives must relate to a single subject, except for initiatives which relate to certain topics. ***Id.*** Procedurally, the people required that a petition initiative must obtain a minimum number and precise type of signatures before the initiative may be placed on the ballot. Additionally, the **entire text of the initiative** must be published **twice** in **every county** which has a paper of general circulation:

> SECTION 3. INITIATIVE.--The power to propose the revision or amendment of this constitution by initiative **is reserved to the people,** provided that any such revision or amendment shall embrace but one subject and matter directly connected therewith....It may be invoked by filing a copy.....signed by a number of electors in each of one-half of the congressional districts...and of the state as a whole, equal to eight percent of the votes cast in each such district and the state as a whole in the last...election in which presidential electors were chosen. SECTION 5. AMENDMENT OR REVISION ELECTION. (b).

> Once in the tenth week and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with **notice of the date of election** at which it will be submitted to the electors, **shall be published** in one newspaper of general circulation **in each county** in which a newspaper is published.

Analyzing sections three and five of Article XI of the Florida Constitution **in pari materia,** the framer's intent is clear: organic law defining the qualifications of petition initiatives is self-executing and supreme.

The undersigned respectfully asserts that the principles of constitutional and democratic sovereignty require that this Honorable Court should hold that ***Sections 16.061 and 101.161, Fla.Stat.(1993)***, are unconstitutional to the extent that those provisions purport to impose additional qualifications onto a proposed petition initiative. ***State ex.rel. Citizens' Proposition for Tax Relief v. Firestone, 386 So.2d. 561, 566 (Fla.1980)*** (Legislature has no authority to alter self-executing provisions of ***Art.XI, sec.3, Fla.Const.(1972).***,in a manner which "weaken(s) the power of the initiative process".); ***See, e.g.,United States Term Limits, Inc. v. Thornton, 1995 WL 306517, 63 USLW 4413 (U.S. May 22, 1995)*** (States may not impose additional qualifications on federal constitutional criteria defining qualifications for federal elective office.). This Honorable Court should hold that the provisions of ***Sec. 16.061,*** and ***101.161, Fla.Stat.(1993)*** which purport to impose additional requirements of a "clear and unambiguous" ballot summary and title, violate the self-executing provisions of Article XI and the reservation of fundamental powers Article I of the Florida Constitution.

Art.I,sec.1, Fla.Const.(1968), states: "All political power is inherent in the people." By specifically defining the qualifications of a valid petition initiative in Article XI, the people expressed their clear intent that those qualifications are exclusive and supreme. The Legislature may not alter or delete those qualifications without specific and unambiguous **constitutional** authority.

1. Organic Law Defining the Qualifications of a Valid Petition Initiative Is Exclusive and Supreme.

The intent of the people to define all applicable qualifications for petition initiatives is clear, well-defined and unambiguous. In addition to the single-subject and publication requirement, organic law defines the precise type and number of signatures required before the initiative may be considered by the electorate. Neither the Legislature or any other governmental body may impose additional qualifications onto petition initiatives without specific constitutional authority.

This Court held that the Legislature had no authority to alter self-executing provisions of ***Art.XI, sec.3, Fla.Const.(1972),*** in a manner which "weaken(s) the power of the initiative process". ***State ex. Rel. Citizens for Tax Relief v. Firestone, 386 So.2d. 561, 566 (Fla.1980).*** In describing the petition initiative rights created by Article XI of the Florida Constitution, this Court stated:

> This is a **self-executing constitutional provision.** It clearly

> establishes a right to propose by initiative petition a constitutional amendment which may be implemented without the aid of **any legislative enactment.** ***Gray v. Bryant, 125 So.d. 846 (Fla.1960).*** ....The four methods of amending our constitution must be considered as a whole to effect their overall purpose. [Citation omitted.]. They are delicately balanced to reflect the power of the people to propose amendments through the initiative process and the power of the legislature to propose amendments by its legislative action without executive check. Only these two methods can produce constitutional amendment proposals at each general election....In considering any legislative act or administrative rule which concerns the initiative process, we must be careful that the legislative statute...is necessary for ballot integrity **since any restriction on the initiative process would strengthen the power of the Legislature and *weaken the power of the initiative process.*** ....We do, however, recognize that the legislature ...have the duty and obligation to ensure ballot integrity and a valid election process. Ballot integrity is necessary to ensure the effectiveness of the constitutionally provided initiative process.(Emphasis added.).

The undersigned respectfully submits the legislative attempt to define a valid "ballot summary" has effectively reduced the fundamental right to amend organic law by petition initiative.

The statutory requirement of a "clear and unambiguous" summary has swallowed the constitutional right itself and destroyed the "delicate balance" by granting the Legislature complete control over the people's right to initiate amendments by petition. This has occurred without **any constitutional authority** granting the Legislature the right to even require a ballot summary. "Ballot integrity" may be preserved by simply requiring that all petition initiatives which meet the qualifications of Article XI be published on the ballot **in their entirety.**

Our state constitution is the supreme law of Florida and may not be modified without the consent of the people. ***See Gibson v. Fla. Legislative Committee, 108 So.d.. 729 (Fla.), cert. denied, 360 U.S. 919 (1959).*** Where the Constitution explicitly requires publication of the entire text of a proposed constitutional amendment, with notice of the election date, in every county which has a paper of general circulation, this Court should not allow the Legislature to impose the additional qualification of a ballot summary. If the voters are exposed to the entire text of an amendment they can determine how to vote **before entering the voting booth.** By imposing a substantial publication requirement, the framers ensured the "market place of ideas"would effectively address the merits of a proposed initiative.

The implicit right of the Legislature to ensure "ballot integrity" should not outweigh the peoples' explicit fundamental and constitutional right to amend their own charter. Yet the requirement of a "clear and unambiguous" ballot summary has resulted in the elimination of several proposed initiatives. It is illogical to allow the Legislature to effectively control the peoples' constitutional right to under the principle of "protecting ballot integrity" by requiring a ballot summary when the entire text must be provided to the voters under organic law.

The statutory law purportedly imposing additional qualifications on self-executing provisions of organic law defining a valid petition initiative cannot pass constitutional muster. "Sovereignty resides in the people and the electors have a right to approve or disapprove a proposed amendment to the organic law of the state, limited only by those instances where

there is an entire failure to comply with a plain and essential requirement of the organic law...." ***Pope v. Gray, 104 So.d.. 841 (Fla.1958).*** As the United States Supreme Court recognized in ***Thornton, supra,*** where a superior legal document such as a state constitution enumerates specific qualifications defining a procedure, inferior law such as a statute cannot expand of delete the specific constitutional requirements.

As Justices Overton noted in ***Term Limits, supra,*** where a constitutional document provides self-executing qualifications, those qualifications are "exclusive and cannot be expanded." ***Id, 592 So.d.. At 231 (Overton and Kogan, JJ, concurring and dissenting.)***. The constitutional provisions in ***Art.XI, secs. 3&5, Fla.Const.,*** could hardly be more specific and exclusive. Those provisions define substantive and procedural requirements in great detail, including a requirement that the proposed petition initiative be published during certain dates in every county containing a paper of general circulation. Clearly, the Framers did not intend that the Legislature have the power to alter or increase those requirements by adding the criteria of a "fair and informative" ballot summary that could defeat the entire initiative process.

Allowing the Legislature to alter the qualifications of a valid petition initiative by requiring a ballot summary destroys the uniform criteria delineated in the superior organic law. If a ballot summary should be required, ***Art. XI, Fla. Const.*** must be amended. ***See Thornton, supra, 63 U.S.L.W. at ___*** "The uniformity in qualifications mandated in Article 1 provides the tenor and the fabric for representation in the Congress. Piecemeal restrictions

by the States would fly in the face of that order." The numerous decisions interpreting the legislative intent of ***Sec. 101.161, Fla.Stat.(1993),*** attest to the problem of piecemeal statutory imposition of additional qualifications on the people's right to amend their constitution.

The plain language of ***Art. XI, secs. 3&5, Fla.Const.,*** defining the precise criteria for all proposed petition initiatives expresses clear intent of the people to regulate petition initiatives by organic law alone. As the United States Supreme Court in ***Thornton, supra,*** recognized, " [i]t is inconceivable that the Framers would provide a specific constitutional provision to ensure [the exercise of a constitutional right] while at the same time allowing [other governmental action] to render [those rights] meaningless" by simply adding additional qualifications ensuring the rights could not be effectively exercised. ***See Thornton, 63 USLW at___.***

The majority in ***Thornton, supra,*** recognized that if the States could re-define the qualifications for congressional candidates, then the States could set "qualifications for federal office sufficiently high that **no one could meet those qualifications."** ***Id. 63 USLW at____.*** As proven by history, the Legislative requirement that all petition initiatives contain a "clear and unambiguous" ballot summary, as interpreted by this Court, has removed several proposed petition initiatives from a vote by the people. ***See, Advisory Opinion To the Attorney General, Re:Tax Limitation, Voter Approval of New Taxes, Property Rights, 644 So.d.. 486 (Fla.1994); Smith v. American Airlines, Inc.,606 So.d..618(Fla.1992); Advisory Opinion To the Attorney General Re: Stop Early Release of Prisoners, 642 So.d..724***

(Fla.1994); Yet nothing in the Florida Constitution requires or even authorizes the Legislature to impose a "ballot summary" qualification onto petition initiatives!

The Framers of the petition initiative rights in ***Art.XI, secs.3,5, Fla.Const.,*** never intended that the requirement of a "summary" be imposed onto the initiative process, much less that the "summary" become more important than the text itself. The Constitution provides that the entire initiative be published twice before the election, with notice of the election date. The Legislature should only be allowed to require that the entire initiative be printed on the ballot, if there is any concern that voters may not have reviewed the measure.

To allow the Legislature to add qualifications to the definition of a valid petition initiative also "sever[s] the direct link" between the people and their organic law. That direct link is enshrined in Article XI and should not be made subservient to Legislative control without the consent and specific approval of the people. The fundamental right of the people to amend their charter by petition initiative "would be of little value if [it] could be ...indirectly denied[,]" by legislative actions imposing substantive burdens on the exercise of the right. ***Thornton, supra, 63 USLW at ____.*** [Citations omitted.]. This Court should not permit an explicit constitutional right to be violated by indirect means not authorized by organic law. ***Sections 16.061 & 101.161, Fla. Stat.,*** should be declared unconstitutional to the extent that those statutes purport to require petition initiatives to meet any criteria not contained in ***Article XI, Fla.Const.***

2. The Ballot Summary Describing *Art. IX, sec.10, Fla.Const.(1986)*, Misled the Voters If the Amendment Is Interpreted to Grant Legislative Control Over the Initiative Process.

This Court has held that constitutional language adopted by the voters in 1986 authorizing this Court to render advisory opinions on petition initiatives did not grant this Court authority to consider any issue not addressed in ***Sec. 16.061, Fla.Stat.(1993). See Advisory Opinion to the Attorney General: Limited Political Terms in Certain Offices, 592 So.2d. 225(Fla.1991).*** This Court's majority opinion rested only on the statutory limitation however, which authorizes an advisory opinion only on the issues of single-subject requirements of ***Art.IX, sec.3, Fla.Const.(1972),*** and the ballot title and substance provisions of ***Sec.101.161,Fla.Stat.*** The undersigned respectfully asserts this Honorable Court should interpret the constitutional language adopted in 1986, to include only the authority to review whether the initiative complies with self-executing qualifications of ***Art. IX, sec.3, Fla.Const.(1972).***

Alternatively, should the 1986 constitutional amendments authorizing advisory opinions be interpreted to grant the Legislature the power to **define** the qualifications of a valid petition initiative, then this Honorable Court should hold the 1986 amendments unconstitutional. The ballot summary describing those amendments failed to advise the electorate of the true meaning and impact of the amendment: that it reduced and transferred the peoples' fundamental right to initiate constitutional amendments to Legislative control.

In 1986 the electorate was presented with a ballot summary which described the language in both ***Art.IV, sec.10*** **and** ***Art.V, sec.3, Fla.Const.***, as follows:

> No. 4. CONSTITUTIONAL AMENDMENT
> ARTICLE IV, SECTION 10
> ARTICLE V, SECTION 3
> SUPREME COURT OPINION ON PROPOSED
> INITIATIVES:
> Provides that the Attorney General shall, **as directed by general law,** request the Supreme Court to render an **expeditious** advisory opinion **as to the validity of an initiative petition** which proposes an amendment to the State Constitution, and requires the Supreme Court to issue an advisory opinion upon request by the Attorney General, and by rule to permit interested parties to be heard on the questions presented by the Attorney General.

(Ballot summary, General Election Ballot Sample, Nov. 4th, 1986, Leon County Ballot copy attached as Exhibit A, appendix. Emphasis supplied.).

The intent of the ballot summary advises the voters that these changes to organic law were intended to authorize the Attorney General to request this Court's opinion whether a petition initiative complied with **organic law.** Nothing in the ballot summary or the language of the two amendments adopted in 1986 states any intent to change the substantive or procedural requirements of ***Art. XI, secs. 3,5, Fla.Const.***

The clause "as directed by general law" in the ballot summary follows and modifies the newly-created task of the Attorney General to quickly obtain an advisory opinion of this Court. The clause "as directed by general law" cannot be fairly interpreted as a grant of

unlimited authority to the Legislature to change organic law defining the validity of a petition initiative. Nothing in the language of the 1986 amendment addresses such a radical change to the state constitution. Rather, the clear intent of the 1986 language is simply to authorize the Legislature to provide "time and manner" criteria by which the Attorney General and this Court could **expeditiously** review a proposed petition initiative to determine its compliance with the single-subject requirement of ***Art. XI, secs. 3, Fla.Const.***

Had the 1986 language intended to grant the Legislature ***carte blanche*** authority to modify existing organic law defining a "valid" petition initiative, the clause "as directed by general law", should have followed the language "as to the validity of an initiative petition[.]" Certainly if the Legislature intended for ***Art.IV, sec. 10, Fla. Const. (1986)***, to authorize such radical change to ***Art.XI, secs.3,5, Fla.Const. (1972)***, defining the people's fundamental constitutional right to amend their organic law, the Legislature should have clearly and unambiguously informed the people of that intent in the amendment itself and its ballot summary. ***See Smith v. American Airlines, 606 So.d..618,620 (Fla.1992):*** "The summary must give voters fair notice of what they are asked to decide to enable them to intelligently cast their ballots." The undersigned respectfully asserts that if the 1986 amendment is interpreted as granting the Legislature authority to alter the qualifications of a valid petition initiative, the 1986 amendments were unconstitutionally enacted by a misleading ballot summary.

Under this Court's own case law, if ***Art. IV, sec.10, Fla.Const.(1986),*** and ***Art.V.,sec.3***

(10), Fla.Const. (1986), are construed by this Court as authorizing the Legislature to alter and amend the fundamental right of the people to amend their charter by initiative petition, the 1986 amendments are unconstitutional as the ballot summary describing the amendments is legally misleading. ***See Grosse v. Firestone, 422 So.d.. 303,305(Fla.1982), quoting Askew v. Firestone, 421 So.d.. 151 (Fla.1982):***

> [W]e said that the purpose of section 101.161(ballot title and summary statute) is to **assure that the electorate is advised of the meaning and ramifications of the amendment....**We said: The requirement for proposed constitutional amendment ballots is the same as for all ballots, i.e.: that the voter should **not be misled** and that he have an opportunity to know and be on notice **as to the proposition on which he is to cast his vote....**Simply put, the ballot must give the voter fair notice of the decision he must make.

The ballot summary describing the current language in ***Art. IV, sec. 10*** and ***Art. V, sec. 3(10), Fla. Const.***, fails this test.

If the 1986 constitutional amendment authorizing advisory opinions meant to transfer the power to define a valid initiative petition to the control of the Legislature, the 1986 amendment should have been placed in ***Art. XI, Fla. Const.***, as was the amendment to ***Art. I, sec. 12, Fla. Const.***, when it was amended to require all search and seizure issues in Florida to be construed in conformity with decisions of the United States Supreme Court. The phrase "as directed by general law", located in ***Art. IV. Fla.Const.,*** should not authorize radical change to detailed, self-executing language in ***Art. XI, Fla.Const.***, without language clearly informing the people that they were submitting their fundamental right to initiate constitutional amendments by petition to the will of the Legislature.

Present case law allows the Legislature to simply amend its own statute in ***Secs. 16.061 & 101.161, Fla.Stat,***. and completely alter the criteria of a valid initiative petition. ***See Advisory Opinion to the Attorney General: Re Stop Early Release of Prisoners,*** **642 So.d.. 724, 725 (Fla. 1994)**: " We are constrained by **present Florida Law** to address two issues and no others...." (Emphasis added.). Such an interpretation is not supported by the plain language of the 1986 ballot summary and constitutional amendments or the constitutional right to amend organic law by petition initiative created and defined in ***Article XI, secs. 3&5, Fla.Const.***

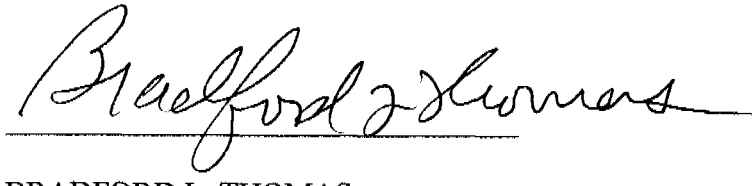
CONCLUSION

This Honorable Court should declare ***Sections 16.061*** and ***101.161, Florida Statutes,*** unconstitutional to the extent that those statutes attempt to impose the additional qualification of a ballot summary on petition initiatives. Organic law provides the exclusive qualifications of a valid petition initiative. Those qualifications cannot be altered by the Florida Legislature without express constitutional authority provided by the electorate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing Motion For

Rehearing and Motion To Intervene and Joinder has been served by HAND DELIVERY to the DEPARTMENT OF LEGAL AFFAIRS, ROBERT A. BUTTERWORTH, ATTORNEY GENERAL, THE CAPITOL, TALLAHASSEE, FLORIDA, this 22nd day of June, 1995. An additional copy has been served on the STOP political committee by U.S. Mail this date.



BRADFORD L. THOMAS

EXHIBIT A

GENERAL ELECTION

LEON COUNTY, FLORIDA

TUESDAY, NOVEMBER 4, 1986

JAN PIETRZYK — SUPERVISOR OF ELECTIONS

No. 1
CONSTITUTIONAL AMENDMENT
ARTICLE IV, SECTION 4
ARTICLE V, SECTION 17

AUTHORITY OF ATTORNEY GENERAL TO APPOINT A STATEWIDE PROSECUTOR.

Proposes to grant to the Attorney General authority to appoint a statewide prosecutor having concurrent jurisdiction with the state attorneys to prosecute multicircuit violations of the criminal laws of the state.

No. 2
CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 15

CASINO GAMBLING AUTHORIZED SUBJECT TO COUNTY OPTION.

An amendment authorizing casino gambling in hotels of 500 rooms or more in counties where electors of a county have by initiative referendum approved casino gambling and the geographic boundaries for such casino gambling in their county; the legislature to enact such laws necessary to assure reasonable limitation, licensing, regulation and taxation of such casino gambling.

No. 3
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6
ARTICLE XII, SECTION 20

HOMESTEAD TAX EXEMPTION.

Provides that the homestead tax exemption shall be changed from $25,000 to $5,000, plus one-half of the assessed value over $5,000, the total exemption not to exceed $25,000.

No. 4
CONSTITUTIONAL AMENDMENT
ARTICLE IV, SECTION 10
ARTICLE V, SECTION 3

SUPREME COURT OPINION ON PROPOSED INITIATIVES.

Provides that the Attorney General shall, as directed by general law, request the Supreme Court to render an expeditious advisory opinion as to the validity of an initiative petition which proposes an amendment to the State Constitution, and requires the Supreme Court to issue an advisory opinion upon request of the Attorney General, and by rule to permit interested persons to be heard on the questions presented by the Attorney General.

No. 5
CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 15

STATE OPERATED LOTTERIES.

The Amendment authorizes the state to operate lotteries. It provides a severance clause to retain the above provision should any subsection or subsections be held unconstitutional because of more than one subject. The schedule provides, unless changed by law, for the lotteries to be known as the Florida Education Lotteries and for the net proceeds derived to be deposited in a state trust fund, designated State Education Lotteries Trust Fund, for appropriation by the Legislature.