

Supplemental reading for Inquiring Minds topic - 11 May 2018

The Eight Proposals

Rights of Crime Victims; Judges; A proposal to amend Section 16 of Article I of the State Constitution to revise and establish additional rights of victims of crime; create Section 21 of Article V of the State Constitution to require a state court or an administrative law judge to interpret a state statute or rule de novo in litigation between an administrative agency and a private party and not merely defer to the administrative agency's interpretation; and amend Section 8 of Article V and to create a new section in Article XII of the State Constitution to increase the age after which a justice or judge may no longer serve in a judicial office.

First Responder and Military Member Survivor Benefits; Public Colleges and Universities; A proposal to amend Section 7 of Article IX of the State Constitution to establish minimum vote thresholds for university boards of trustees and the board of governors to impose or authorize a new fee or increase an existing fee, as authorized by law; create Section 8 of Article IX of the State Constitution to specify the purposes of the State College System and to provide for the governance structure of the system; and create a new section in Article X of the State Constitution to establish the right of survivors of specified first responders and military members to death benefits.

School Board Term Limits and Duties; Public Schools; A proposal to amend Section 4 of Article IX and create a new section in Article XII of the State Constitution to establish a limitation on the period for which a person may be elected as a member of a district school board; to specify which schools are operated, controlled, and supervised by a school board; and to create a new section in Article IX of the State Constitution to require the Legislature to provide for the promotion of civic literacy in public education.

Prohibits Offshore Oil and Gas Drilling; Prohibits Vaping in Enclosed Indoor Workplaces; A proposal to amend Section 7 of Article II of the State Constitution to prohibit the drilling for exploration and extraction of oil and natural gas in specified coastal waters and amend Section 20 of Article X of the State Constitution to establish a general prohibition on the use of vapor-generating electronic devices in enclosed indoor workplaces.

State and Local Government Structure and Operation; A proposal to amend Section 3 of Article III of the State Constitution to provide that

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

Property Rights; Removal of Obsolete Provision; Criminal Statutes; A proposal to amend Section 2 of Article I of the State Constitution to remove a provision authorizing laws that regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship; amend Section 9 of Article X of the State Constitution to provide that the repeal of a criminal statute shall not affect the prosecution of any crime committed before such repeal; and amend Section 19 of Article X of the State Constitution to delete an obsolete provision regarding the development of a high speed ground transportation system.

Lobbying and Abuse of Office by Public Officers; A proposal to amend Section 8 of Article II and Section 13 of Article V and create a new section in Article XII of the State Constitution to establish certain restrictions for specified public officers and employees regarding the personal representation for compensation of another person or entity before certain government bodies.

Dog Racing; A proposal to create new sections in Article X and Article XII of the State Constitution to prohibit the racing of and wagering on greyhounds and other dogs after a specified date.

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Bill Cotterell, "Revision commission bundles deception in many ways," *News-Press*, April 20, 2018

Have you ever been discussing offshore oil drilling and somehow found

yourself wondering why those “vaping” nicotine-delivery devices aren’t regulated like cigarettes?

When we start talking about giving crime victims the same rights in court as criminals, doesn’t the subject always shift to why judges should retire at 75, instead of 70?

And when someone deplores the lack of civic understanding among young people nowadays, doesn’t the remedy seem to involve limiting school board members to two terms? Or letting the state, rather than those school boards, authorize new charter schools?

Parents will remember the “Sesame Street” game, “One of these things doesn’t belong here,” in which the children’s program might show a bat, a glove, a baseball and a roller skate, asking preschoolers which thing was not like the others. Thanks to the Constitution Revision Commission, a significant portion of Florida’s general-election ballot will be like that little quiz.

Only it’s not a game. And there might be two duds that you have to accept to get one change you like.

It’s a time-honored technique called “bundling,” if you like it, or “log rolling,” if you don’t. The trick is to take one subject that everybody likes and mate it with one that’s not so popular, or maybe two.

The Legislature has rules requiring proposed changes to be “germane” to the subject of a bill. For instance, you can take a bill raising the speed limit on I-10 and amend it to lower the limit on I-95, but not to designate a new state holiday.

At least you’re not supposed to. Each House speaker and Senate president has a different definition of what is germane to a given bill on a given day for a given sponsor. Sometimes, being written in English with black ink on white paper seems germane enough.

The CRC is not bound by rules of germaneness, though. It comes into existence every 20 years with free rein to put any thing on the ballot for a statewide referendum, grouping them as it sees fit.

After months of hearings all over the state, the CRC this week winnowed its recommendations down to eight amendments that will be on the ballot next

November. Some were simple enough, like wiping out the greyhound racing industry, while others pose what Gilbert & Sullivan might call “a most amusing paradox.”

CRC members claimed they combined two or three topics into single referendum items to prevent voter fatigue at the end of a long, long ballot. Thus, the indoor “vaping” ban was paired with the offshore energy thing. You’ll have to vote for or against both bans, not one or the other.

And what, you may wonder, does requiring the Legislature to convene in January of election years have to do with making counties elect — rather than appoint — their sheriffs and some other constitutional officers, putting the Department of Veterans Affairs in the Constitution, and creating a State Office of Domestic Security? Obviously, those four topics have no common denominator but then, neither does requiring super majorities of university trustees for any tuition and fee increases have anything to do with improving benefits for first responders killed in the line of duty.

Sorry if you had to go back and re-read those sentences, but this is what the CRC has given us.

Limiting school board tenure to eight years and letting the state override counties in establishing charter schools are lousy ideas, while requiring more civics education is a good one. But combining them in one all-or-nothing amendment is deliberately deceptive.

Voters like term limits, and civics education is nice, but the real purpose here is to give the charter school industry a way around superintendents like Rocky Hanna, who just disapproved two schools locally. It’s easier for the charter corporations to lobby at the state level than to win over school boards, superintendents and taxpayers in 67 counties.

A lot of this stuff doesn’t belong in the Constitution, the basic framework of our state government. As former Chief Justice Major Harding wrote in these pages a few weeks ago, the Constitution should be the fixed foundation of our house, not the trim.

Approving constitutional amendments requires a 60 percent vote of the public. We’ve got along for a long time without the current CRC offerings and it would probably be best to leave all of them to future legislators, with due thanks to the 37 commissioners for their work.