

## CRC TASK FORCE UPDATE Week of October 16-20

The 2017-2018 Constitution Revision Commission reconvened in Tallahassee this week. The full Commission met on Tuesday, October 17<sup>th</sup> in the Senate Chambers. The Rules & Administration Committee and the General Provisions Committee were the only two committees that held meetings this week.

### Proposals Affecting Counties

#### [P 13: Local Government](#)

- Proposal by Commissioner Timmann
  
- Synopsis:
  - Prohibits county charters from (1) abolishing any of the offices of county constitutional officers; (2) transferring the duties of constitutional officers to another officer or office; (3) establishing the length of the term of office; and (4) establishing any manner of selection other than by election by the electors of the county
  - Applies to all county constitutional officers: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of court
  - Requires the county clerk serve as ex officio clerk of the Board of County Commissioners unless otherwise provided by special law approved by vote of the electors or if provided by general or special law.
  - Takes effect January 5, 2021 but governs qualifying and holding the primary and general elections for county constitutional officers in 2020.
  
- FAC Analysis: This proposal would limit the authority of county charters to provide for the selection of county constitutional officers as well as the authority to abolish county constitutional offices or transfer duties to another county office. The ability to restructure these offices is one of the benefits of charter government and was a vital piece of the original grant of home rule power to local citizens in the 1968 Constitution. The county charters that restructure one or more of these offices are: Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, Sarasota, and Volusia. In addition to those charters, several charters change terms of the office or the manner of selection of the county officers in a way that may be undermined by the language in this proposal; those counties are: Brevard, Clay, Duval, Lee, Leon, Miami-Dade, Orange, Palm Beach, Polk, Sarasota, and Volusia.
  
- Referred to: Local Government; Ethics and Elections
  
- Contact Information: For more information on this Proposal, please contact Laura Youmans at (850) 922-9755 or [lyoumans@flcounties.com](mailto:lyoumans@flcounties.com)

#### [P 16: Death Benefits to Survivors of First Responders](#)

- Proposal by Commissioner Gainey
  
- Synopsis: creates a new section in Article X to establish the rights to certain death benefits to the survivors of specified first responders
  
- FAC Analysis: This proposal would require a county to pay a death benefit to either a specified beneficiary, surviving child, spouse, or parent of a county first responder, law enforcement

officer, correctional or correctional probation if the death occurred while engaged in the performance of their official duties.

## **Other Commissioner Proposals**

### P 1: Judiciary, Eligibility

- Proposal by Commissioner Martinez; (Co-Introducer) Commissioner Gaetz
- Synopsis: Amends Section 8 of Article V to increase the age after which a justice or judge may no longer serve in a judicial office
- FAC Analysis: This proposal does not directly affect counties, but will affect county and circuit court judges
- Referred to: Judicial; Ethics and Elections

### P 2: Suffrage and Elections, Disqualifications

- Proposal by Commissioner Martinez
- Synopsis: Amends Section 4 of Article VI to automatically restore the civil rights of certain convicted felons upon completion of sentence
- FAC Analysis: This proposal does not directly affect counties
- Referred to: Ethics and Elections; Declaration of Rights

### P 3: Declaration of Rights, Basic Rights

- Proposal by Commissioner Martinez
- Synopsis: Amends Section 2 of Article I to remove a provision authorizing laws that regulate or prohibit ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship and to provide that a person may not be deprived of any right because of any disability
- FAC Analysis: This proposal does not directly affect counties
- Referred to: Declaration of Rights

### P 4: Declaration of Rights, Religious Freedom

- Proposal by Commissioner Martinez
- Synopsis: Amends Section 3 of Article I to remove the prohibition against using public revenues in aid of any church, sect, or religious denomination or any sectarian institution
- FAC Analysis: This proposal would permit counties to use public funds to directly or indirectly aid any church, sect, or religious denomination or any sectarian institution
- Referred to Declaration of Rights; Education

#### P 5: Declaration of Rights, Rights of Accused and of Victims

- Proposal by Commissioner Nocco; (Co-Introducers) Commissioner Timman; Commissioner Levesque; Commissioner Plymale; Commissioner Jordan; Commissioner Cerio
- Synopsis: Amends Section 16 of Article I to revise and establish additional rights of victims of crime
- FAC Analysis: This proposal does not directly affect counties
- Referred to: Declaration of Rights

#### P 6: Judiciary

- Proposal by Commissioner Martinez
- Synopsis: Creates Section 21 of Article V 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
- FAC Analysis: This proposal does not directly affect counties
- Referred to: Judicial; Executive

#### P 7: Suffrage and Elections, Disqualifications

- Proposal by Commissioner Smith; (Co-Introducer) Commissioner Joyner
- Synopsis: Amends Section 4 of Article VI to restore voting rights of certain felons upon completion of sentence
- FAC Analysis: This proposal does not directly affect counties
- Referred to: Ethics and Elections; Declaration of Rights

#### P 8: Judiciary, Eligibility; Vacancies

- Proposal by Commissioner Gaetz
- Synopsis: Amends Sections 8 and 11 of Article V to increase the age after which a justice or judge may no longer serve in a judicial office and to require Senate confirmation of appointments to the offices of justice of the Supreme Court and judge of a district court of appeal
- FAC Analysis: This proposal does not directly affect counties
- Referred to: Judicial; Legislative; Declaration of Rights

#### P 9: Executive, Department of Veterans' Affairs

- Proposal by Commissioner Timmann
- Synopsis: Amends Section 11 of Article IV to require, rather than authorize, the Legislature to provide for the Department of Veterans' Affairs and prescribes its duties by general law; to specify that the head of the department is the Governor and Cabinet; and to require that the Governor and Cabinet appoint an executive director of the department

- FAC Analysis: This proposal does not directly affect counties
- Referred to: Executive

#### P 10: Education

- Proposal by Commissioner Gaetz
- Synopsis: Creates a new section in Article IX to require the Legislature to provide for the promotion of civic literacy in public education
- FAC Analysis: This proposal does not directly affect counties
- Referred to: Education

#### P 11: Suffrage and Elections, Primary, General, and Special Elections

- Proposal by Commissioner Plymale; (Co-Introducer) Commissioner Timman
- Synopsis: Amends Section 5 of Article VI to authorize all qualified electors, regardless of party affiliation, to vote in a partisan primary election for an office if all the candidates for the office have the same party affiliation and the winner will be opposed only by one or more write-in candidates in the general election
- FAC Analysis: This proposal does not directly affect counties
- Referred to: Ethics and Elections; General Provisions

#### P 12: Miscellaneous, repeal s. 19

- Proposal by Commissioner Timmann
- Synopsis: repeal Section 19 of Article X to delete an obsolete provision regarding the development of a high speed ground transportation system
- FAC Analysis: This proposal does not directly affect counties
- Referred to: General Provisions

#### P 14: Executive, Secretary of State

- Proposal by Commissioner Gaetz
- Synopsis: creates a new section in Article XII to provide for the election of the Secretary of State, establish the secretary's duties, and include the secretary as a member of the Cabinet.
- FAC Analysis: This proposal does not directly affect counties

#### P 15: Declaration of Rights, Basic Rights

- Proposal by Commissioner Gamez

- Synopsis: Amends Section 2 of Article I to remove a provision authorizing laws that regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship and to provide that a person may not be deprived of any right because of a cognitive disability
- FAC Analysis: This proposal does not directly affect counties

#### P 17: Homestead Exemption Addition

- Sponsored by Commissioner Gaetz
- Synopsis: Amends Article X, Section 4 provide that a homestead is not exempt from creditor claims if an owner obtained the homestead using proceeds from a fraudulent or dishonest act or if the owner caused the creditor's damages or losses by intentional criminal or fraudulent act
- FAC Analysis: This proposal does not directly affect counties

#### P 18: The Right to Earn an Honest Living

- Sponsored by Commissioner Donalds
- Synopsis: Creates a new Section in Article I to provide for an inalienable right to pursue an honest trade, vocation, occupation or career
- FAC Analysis: This proposal does not directly affect counties

#### P 19: Ethics in Government

- Sponsored by Commissioner Rouson
- Synopsis: amends Section 8 of Article II and creates a new section in Article XII to prohibit legislators and statewide elected officers from personally representing another person or entity for compensation before any state government body or state agency except judicial tribunals for six years following vacation of office and to provide that the prohibition applies to individuals who were members of the Legislature or who were statewide elected officers at any time after November 6, 2018
- FAC Analysis: This proposal does not directly affect counties

#### P 20: Repeal of Criminal Statutes

- Sponsored by Commissioner Rouson
- Synopsis: amends Section 9 of Article X to provide that the repeal of a criminal statute shall not affect the prosecution of any crime committed before such repeal
- FAC Analysis: This proposal does not directly affect counties

#### P 21: Suffrage and Elections; Disqualification

- Sponsored by Commissioner Rouson
- Synopsis: amends Section 4 of Article VI to specify which convicted felons are subject to the automatic suspension of civil rights and to provide that any convicted felon may not vote or hold office until certain conditions are met

- FAC Analysis: This proposal does not directly affect counties

#### P 22: Declaration of Rights, Right of privacy

- Sponsored by Commissioner Stemberger
- Synopsis: amends Section 23 of Article I to specify that a person has the right of privacy from governmental intrusion into the person's private life with respect to the privacy of information and the disclosure thereof.
- FAC Analysis: This proposal does not directly affect counties

#### P 23: General Provisions, Natural resources and scenic beauty

- Sponsored by Commissioner Thurlow-Lippisch
- Synopsis: Amends Article II, Section 7 to provide for every person's right to a clean and healthful environment and provides a cause of action for any person to enforce that right against any public or private party
- FAC Analysis: This proposal may affect counties if private causes of action are used to restrict their ability to grow

#### P 24: Executive, Succession to office of governor; acting governor; Cabinet

- Sponsored by Commissioner Thurlow-Lippisch
- Synopsis: creates Sections 3 and 4 of Article IV and creates a new section in Article XII to establish the office of Commissioner of Environmental Protection as a statewide elected officer, to provide duties of the commissioner, and to include the commissioner as a member of the Cabinet
- FAC Analysis: This proposal does not directly affect counties

#### **Other News and Announcements**

Last week, FAC met with the Florida League of Cities to discuss language for a proposal related to unfunded mandates. This week, FAC and the League of Cities is finalizing the proposed language as well as creating an analysis of the proposal. FAC anticipates having both of those finalized by next week.

On Thursday, October 19<sup>th</sup>, FAC met with staff of the CRC Local Government Committee to discuss the Constitutional Officers proposal.

The deadline for Commissioners to submit proposals is Tuesday, October 31<sup>st</sup>.

#### **Contact Information**

FAC will keep members updated with information related to the Constitutional Revision Commission. If you would like to discuss the Revision process or if you may have any concerns, please contact Brian Sullivan at [bsullivan@flcounties.com](mailto:bsullivan@flcounties.com) or, by phone, at (850)-922-7868.