

AMENDMENT 11 Property Rights; Removal of Obsolete Provision; Criminal Statutes

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 Removes obsolete language repealed by voters.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

How The Amendment Reached The Ballot: Constitution Revision Commission

What Your Vote Means: A **Yes** vote on this measure: (1) repeals a provision that prohibits foreign-born people who are not eligible for citizenship from owning, disposing, or inheriting real property; (2) removes obsolete language regarding high-speed transportation in Florida and; (3) clarifies language regarding the repeal of a criminal statute and its prosecution.

A **No** vote on this measure: (1) keeps the language that prevents foreign born people who are not eligible for citizenship from owning, disposing, or inheriting real property; (2) retains the high-speed transportation language in the constitution; and (3) maintains the current language regarding criminal statutes.

Pro: This amendment organizes some outdated sections of the Florida Constitution in need of cleaning up. The obsolete language that authorizes a high-speed rail in the state unnecessarily clutters the document. Additionally, the measure removes language that restricts the property rights of certain individuals. This restriction—the Alien Land Law—has been struck down by the courts in a number of other states, and this initiative would preemptively remove the language. Perhaps most importantly, Amendment 11 deletes the language of what is known as the Savings Clause, which states that a repeal of a criminal statute does not affect the prosecution of a crime committed before the repeal. Florida is only one of three states that still enforces the Savings Clause. Florida incarcerates at a rate far higher than the national average, and this amendment could alleviate some of those expenditures. Those in favor of repealing the language point out that amending the savings clause means restoring to the legislature a proper power that 49 other state legislatures currently have and use. Leaving the status quo means the legislature can't, under any circumstances, extend sentencing reforms to anyone who's already been convicted of a crime. That means a person who committed a crime on June 30, 2014 would spend five times as long in prison as someone who committed the same crime one day later (due to changes in mandatory minimum thresholds), and the legislature is currently powerless to do anything about it. Lastly, proponents of the repeal claim that the measure would correct some of the costs of legislative overreach found in the criminal justice system. The new policy could free up legislators to make meaningful reform.

Con: In 2000, voters approved the addition of high-speed rail to the Florida Constitution. Four years later, voters repealed the amendment, which has left the language in limbo ever since. For opponents, the issue in Amendment 11 arises due to bundling. The irrelevant language sits bundled with an unrelated issue: the Savings Clause. Those opposing the repeal of the Savings Clause would argue that there is a need for consistency in criminal sentencing and in the legal system—despite any shortcomings. Once a verdict applies to a criminal, it should not be subject to changes in the law over time. Opponents would contend that the policy change could potentially have a number of unintended consequences, should any subsequent legislative changes not address retroactivity (even though 47 of the 50 states do not have a version of the Savings Clause). The repeal of the Savings Clause could add further confusion to the obstacles standing in the way of criminal justice reform. Opponents assert that Florida incarcerates its citizens at a higher rate than its contemporaries because of the proper enforcement of the law.