

# Multiple Lawsuits Challenge Florida Constitutional Amendment Proposals Recommended by the Constitution Revision Commission

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Earlier this year during its once every 20-year process, the Florida Constitution Revision Commission approved 20 proposed amendments to the Florida Constitution. These proposed amendments were grouped into eight ballot measures that will appear on this November's ballot. However, four of those ballot measures are being challenged by multiple separate lawsuits that are working their way through Leon County Circuit Court.

In May, the Florida Greyhound Association filed suit challenging the proposed ban on greyhound racing, claiming the ballot language is misleading and has implications beyond the wording of the measure. It was reported that the judge presiding over the lawsuit cancelled a previously scheduled trial and will instead issue a ruling based on pending motions filed by the parties to the case.

In June, Broward County and Volusia County filed separate lawsuits challenging the proposed amendment that would require counties to elect all of their constitutional officers. The counties' lawsuits claim the amendment's ballot title and summary are misleading and fail to accurately inform voters that the amendment will overrule charter counties' ability to govern themselves. Miami-Dade County recently filed another lawsuit making the same claims.

Two additional lawsuits have been filed, challenging other proposals. One, by the League of Women Voters of Florida, challenges the proposed amendment that would give the Florida Legislature the ability to create alternative approval processes for charter schools. Much like the other two suits, the League of Women Voters' lawsuit claims the ballot title and summary are misleading and do not clearly apprise voters that the amendment would enable the Florida Legislature to approve charter schools, outside the purview of local school districts. A hearing is scheduled for August 17.

The other lawsuit was filed by a criminal defense attorney, challenging what's known as Marsey's Law, a proposed amendment that would create a set of victim's rights. The lawsuit claims that the text of the proposal is misleading, reduces defendants' rights, and argues that the proposed new and additional victim's rights are already in Florida law. A hearing is scheduled for August 24.

While the greyhound racing ban amendment is a standalone ballot measure, the other proposals are parts of other grouped ballot measures. Depending on each lawsuit's outcome, each entire ballot measure could possibly be invalidated. Of note, the deadline for ballots to be mailed to overseas voters for the November election is September 22.

Carlton Fields has been tracking the Constitution Revision Commission and the amendment proposals throughout 2018, writing about the process and proposals in the articles listed below.

- [As Filing Deadline Approaches, Florida Constitution Revision Commission Holds More Public Hearings but Has yet to Vote on Proposals](#)
- [Amending the Florida Constitution: New Ballot Language to be Crafted for 25 Proposals](#)
- [Florida Constitution Revision Commission Meets for Final Time and Approves 8 Ballot Measures](#)

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