

# Florida Amendment 11, Repeal Prohibition on Aliens' Property Ownership, Delete Obsolete Provision on High-Speed Rail, and Repeal of Criminal Statutes' Effect on Prosecution Amendment (2018)

Florida Amendment 11, Repeal Prohibition on Aliens' Property Ownership, Delete Obsolete Provision on High-Speed Rail, and Repeal of Criminal Statutes Effect on Prosecution Amendment



**Election date**

November 6, 2018

**Topic**

Constitutional language and Property

**Status**

On the ballot

**Type**

Commission-referral

**Origin**

Legislative commission

Florida Amendment 11, the Repeal Prohibition on Aliens' Property Ownership, Delete Obsolete Provision on High-Speed Rail, and Repeal of Criminal Statutes Effect on Prosecution Amendment, is on the [ballot](#) in [Florida](#) as a [commission referral](#) on [November 6, 2018](#).<sup>[1]</sup>

A "yes" vote supports this amendment to:

- repeal [constitutional provision](#) prohibiting foreign-born persons ineligible for citizenship from owning, inheriting, disposing, and possession property;

- repeal an obsolete [constitutional provision](#) stating that a high-speed ground transportation system be developed in Florida; and
- delete the [constitutional provision](#) that an amendment to a criminal statute does not affect the prosecution of a crime committed before the statute's amendment.

A "**no**" vote opposes this amendment to:

- repeal [constitutional provision](#) prohibiting foreign-born persons ineligible for citizenship from owning, inheriting, disposing, and possession property;
- repeal an obsolete [constitutional provision](#) stating that a high-speed ground transportation system be developed in Florida; and
- delete the [constitutional provision](#) that an amendment to a criminal statute does not affect the prosecution of a crime committed before the statute's amendment.

**In Florida, a constitutional amendment requires a 60 percent supermajority vote at the ballot for approval.**

## Overview

### How did this measure get on the ballot?

The [Florida Constitution Revision Commission \(CRC\)](#) voted 36-1 to place Amendment 11, which is composed of three constitutional amendments, on the ballot for the election. The 37-member commission, which meets every 20 years to propose changes to the [Florida Constitution](#), is unique amongst the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. Republicans, including legislative leaders and [Gov. Rick Scott](#), appointed 33 of the commissioners. [Attorney General Pam Bondi](#) (R) also served on the commission. [Jorge Labarga](#), chief justice of the [Florida Supreme Court](#), appointed the three remaining members.

As Amendment 11 is a package of three constitutional amendments, voters cannot approve or reject some, but not all, of the amendments. Voting “yes” on the ballot measure is a vote to pass the three constitutional amendments. Voting “no” on the ballot measure is a vote to reject the three constitutional amendments.

## Text of the measure

### Ballot title

The ballot title is as follows:<sup>[1]</sup>

“ PROPERTY RIGHTS; REMOVAL OF OBSOLETE PROVISION; CRIMINAL STATUTES.  
[2]

”

## Ballot summary

The ballot summary is as follows:[1]

“ 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.[2]

## Constitutional changes

See also: [Florida Constitution](#)

Amendment 11 would amend [Section 2 of Article I](#) and [Sections 9 and 19 of Article X](#) of the [Florida Constitution](#).

## Support

### Arguments

Tachana Joseph, a policy analyst at the Florida Policy Institute, wrote the following in the *Tallahassee Democrat*:[3]

“ Amendment 11, if adopted by voters in November ... would be substantial for both the state and taxpayers. With the possibility of [inmates'] sentences being reduced, the state would cut down on expenses, and those funds could be diverted into crucial re-entry and substance abuse programs that have experienced major cuts this year. ... It would have major fiscal benefits for taxpayers and unprecedented positive effects on Florida's inmate population.[2]

## Campaign finance

### Total campaign contributions:

Support:	\$0.00
Opposition:	\$0.00

See also: [Campaign finance requirements for Florida ballot measures](#)

As of July 21, 2018, there were no ballot measure committees registered in support of the measure or in opposition to the measure.[4]

## Background

### Alien Land Law

[Voting on](#)

## [Immigration](#)



## [Ballot Measures](#)

[By state](#)

[By year](#)

[Not on ballot](#)

## [Local Measures](#)

[Section 2](#) of [Article I](#) of the [Florida Constitution](#) provides that "all natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right ... to acquire, possess and protect property." As of 2018, Section 2 makes an exception for *aliens ineligible for citizenship*. Under the federal Immigration and Nationality Act of 1952 (INA), the term *alien* referred to persons who were not citizens or nationals of the United States. The exception was designed to allow the [Florida State Legislature](#) to determine whether persons ineligible for citizenship could acquire and possess property. The exception is known as the Alien Land Law. As of 2018, the state legislature has not adopted a statute to prevent persons ineligible for citizenship from possessing property in Florida. Although the courts has not ruled on the Florida Alien Land Law as of 2018, courts had struck down similar provisions in other states.<sup>[5]</sup>

Voters approved a [constitutional amendment](#) for the Alien Land Law in 1926. More than 57 percent of voters approved the amendment.

In 2008, the state legislature referred a ballot measure to repeal the Florida Alien Land Law. On the ballot as [Amendment 1](#), voters rejected the change in a vote of 52 percent to 48 percent.

## **Status of the high-speed rail amendment**

In 2000, 53 percent of Florida voters approved a ballot initiative, titled [Amendment 1](#), to provide for development of a high speed monorail in the state between major urban areas.<sup>[6]</sup>

In 2004, a [different ballot initiative](#) was certified for the ballot to repeal Amendment 1. Voters approved the initiative to repeal Amendment 1 in a vote of 64 percent to 36 percent.<sup>[6]</sup>

Although Amendment 1 had been repealed in 2004, the inoperative language remained in the state constitution.

## **Savings Clause**

[Section 9](#) of [Article X](#) of the Florida Constitution provides that the repeal or amendment of a criminal statute does not affect prosecution or punishment for a crime previously committed. Section 9, known as the Savings Clause, was added to the Florida Constitution in 1885.<sup>[7]</sup>

As of 2018, Florida is one of three states, along with New Mexico and Oklahoma, with a savings clause in its state constitution. Unlike Florida, however, New Mexico and Oklahoma only prohibit the retroactive application of repeals of criminal statutes. New Mexico and Oklahoma do allow for the retroactive application of amendments to criminal statutes, whereas Florida does not as of 2018.[\[7\]](#)