

By Commissioner Carlton

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1 A proposal to amend
2 Sections 8, 14, 15, 25, and 26 of Article I of the
3 State Constitution to make technical and
4 nonsubstantive revisions to improve the clarity and
5 organization of the State Constitution and to delete
6 provisions that have become obsolete or have had their
7 effect.

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9 Be It Proposed by the Constitution Revision Commission of
10 Florida:

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12 Sections 8, 14, 15, 25, and 26 of Article I of the State
13 Constitution are amended to read:

14 ARTICLE I

15 DECLARATION OF RIGHTS

16 SECTION 8. Right to bear arms.—

17 (a) The right of the people to keep and bear arms in
18 defense of themselves and of the lawful authority of the state
19 shall not be infringed, except that the manner of bearing arms
20 may be regulated by law.

21 (b) There shall be a mandatory period of three days,
22 excluding weekends and legal holidays, between the purchase and
23 delivery at retail of any handgun. The mandatory three-day
24 waiting period does not apply to the trade in of another handgun
25 or to holders of a license to carry a concealed weapon or
26 firearm as prescribed in Florida law. For the purposes of this
27 subsection ~~section~~, the term "purchase" means the transfer of
28 money or other valuable consideration to the retailer, and the
29 term "handgun" means a firearm capable of being carried and used
30 by one hand, such as a pistol or revolver. ~~Holders of a~~
31 ~~concealed weapon permit as prescribed in Florida law shall not~~
32 ~~be subject to the provisions of this paragraph.~~

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33 (c) The legislature shall enact legislation implementing
34 subsection (b) of this section, effective no later than December
35 31, 1991, which shall provide that anyone violating the
36 provisions of subsection (b) shall be guilty of a felony.

37 ~~(d) This restriction shall not apply to a trade in of~~
38 ~~another handgun.~~

39 SECTION 14. Pretrial release and detention. ~~Unless charged~~
40 ~~with a capital offense or an offense punishable by life~~
41 ~~imprisonment and the proof of guilt is evident or the~~
42 ~~presumption is great,~~ Every person charged with a crime or
43 violation of municipal or county ordinance shall be entitled to
44 pretrial release on reasonable conditions unless charged with a
45 capital offense or an offense punishable by life imprisonment
46 and the proof of guilt is evident or the presumption is great.
47 If no conditions of release can reasonably protect the community
48 from risk of physical harm to persons, assure the presence of
49 the accused at trial, or assure the integrity of the judicial
50 process, the accused may be detained.

51 SECTION 15. Prosecution for crime; offenses committed by
52 children.—

53 (a) No person shall be tried for capital crime without
54 presentment or indictment by a grand jury, or for other felony
55 without such presentment or indictment or an information under
56 oath filed by the prosecuting officer of the court, except
57 persons on active duty in the militia when tried by courts
58 martial.

59 (b) When authorized by law, a child as therein defined may
60 be charged with a violation of law as an act of delinquency
61 instead of crime and tried without a jury or other requirements

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62 applicable to criminal cases. A child found delinquent shall be
63 disciplined as provided by law. Any child charged with a
64 violation of law as an act of delinquency ~~so charged~~ shall, upon
65 demand made as provided by law before a trial in a juvenile
66 proceeding, be tried in an appropriate court as an adult. ~~A~~
67 ~~child found delinquent shall be disciplined as provided by law.~~

68 SECTION 25. Taxpayers' Bill of Rights.—By general law, the
69 legislature shall prescribe and adopt a Taxpayers' Bill of
70 Rights that, in clear and concise language, sets forth
71 taxpayers' rights and responsibilities and government's
72 responsibilities to deal fairly with taxpayers under the laws of
73 this state. ~~This section shall be effective July 1, 1993.~~

74 SECTION 26. Claimant's right to fair compensation.—

75 ~~(a) Article I, Section 26 is created to read "Claimant's~~
76 ~~right to fair compensation."~~ In any medical liability claim
77 involving a contingency fee, the claimant is entitled to receive
78 no less than 70% of the first \$250,000.00 in all damages
79 received by the claimant, exclusive of reasonable and customary
80 costs, whether received by judgment, settlement, or otherwise,
81 and regardless of the number of defendants. The claimant is
82 entitled to 90% of all damages in excess of \$250,000.00,
83 exclusive of reasonable and customary costs and regardless of
84 the number of defendants. This section provision is self-
85 executing and does not require implementing legislation.

86 ~~(b) This Amendment shall take effect on the day following~~
87 ~~approval by the voters.~~