

OFFICIAL GENERAL ELECTION BALLOT
BREVARD COUNTY, FLORIDA
NOVEMBER 5, 2002

- TO VOTE, COMPLETELY FILL IN THE OVAL ☐ NEXT TO YOUR CHOICE.
- Use only the marking device provided or a number 2 pencil.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.
- To vote for a candidate whose name is not printed on the ballot, fill in the oval, and write in the candidate's name on the blank line provided for a write-in candidate.

CONGRESSIONAL	NONPARTISAN JUDICIAL/SCHOOL BOARD
REPRESENTATIVE IN CONGRESS, 15TH CONGRESSIONAL DISTRICT (Vote for One) ☐ Dave WELDON REP ☐ Jim TSO DEM ☐ Write-in	DISTRICT COURT OF APPEAL Shall Judge Thomas D. SAWAYA of the Fifth District Court of Appeal be retained in office? ☐ YES ☐ NO
STATE	CONSTITUTIONAL AMENDMENTS OR OTHER PUBLIC MEASURES
GOVERNOR AND LIEUTENANT GOVERNOR (Vote for One) ☐ Jeb BUSH, Gov. REP Frank T. BROGAN, Lt. Gov ☐ Bill MC BRIDE, Gov. DEM Tom ROSSIN, Lt. Gov. ☐ Robert (Bob) KUNST, Gov. NPA Linda MIKLOWITZ, Lt. Gov. ☐ Write-in	No. 1 Constitutional Amendment Article I, Section 17 Amending Article I, Section 17 of the State Constitution Proposing an amendment to the State Constitution identical to a proposed amendment to Section 17 of Article I of the State Constitution which was approved by a statewide vote in 1998. The Supreme Court of Florida struck the 1998 amendment in a ruling in which four of the seven justices found that the ballot summary was inaccurate. The proposed amendment expressly authorizes the death penalty for capital crimes and expressly authorizes retroactive changes in the method of execution. The amendment changes the prohibition against "cruel or unusual punishment," currently provided in Section 17 of Article I of the State Constitution, to a prohibition against "cruel and unusual punishment" to conform with the wording of the Eighth Amendment to the United States Constitution. The amendment prohibits reduction of a death sentence based on invalidity of an execution method and provides for continued force of the sentence. The amendment permits any execution method unless prohibited by the United States Constitution. The amendment requires construction of the prohibition against cruel or unusual punishment and the proposed prohibition against cruel and unusual punishment to conform to United States Supreme Court interpretation of the Eighth Amendment to the United States Constitution. The amendment would prevent state courts, including the Florida Supreme Court, from treating the state constitutional prohibition against cruel or unusual punishment as being more expansive than the federal constitutional prohibition against cruel and unusual punishment or United States Supreme Court interpretations thereof. The amendment effectively nullifies rights currently allowed under the state prohibition against cruel and unusual punishment which may afford greater protections for those subject to punishment for crimes than will be provided by the amendment. Under the amendment, the protections afforded those subject to punishment for crimes under the "cruel or unusual punishment" clause, as that clause currently appears in Section 17 of Article I of the State Constitution, will be the same as the minimum protections provided under the "cruel and unusual" punishments clause of the Eighth Amendment to the United States Constitution. The amendment provides for retroactive applicability. Specifically, the proposal amends Section 17 of Article I of the State Constitution, to read as set forth below. The word <u>stricken</u> is a deletion; words <u>underlined</u> are additions: SECTION 17. Excessive punishments.--Excessive fines, cruel <u>and</u> or unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. <u>The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.</u> ☐ YES ☐ NO
COMMISSIONER OF AGRICULTURE (Vote for One) ☐ Charles H. BRONSON REP ☐ David NELSON DEM ☐ Write-in	
LEGISLATIVE	
STATE SENATOR, 26TH SENATORIAL DISTRICT (Vote for One) ☐ RACE REMOVED Howard FUTCH REP ☐ Write-in	
STATE REPRESENTATIVE, 31ST HOUSE DISTRICT (Vote for One) ☐ Mitch NEEDELMAN REP ☐ Jodi JAMES DEM	
NONPARTISAN JUDICIAL/SCHOOL BOARD	
SUPREME COURT	
Shall Justice Harry Lee ANSTEAD of the Supreme Court be retained in office? ☐ YES ☐ NO	CONSTITUTIONAL AMENDMENTS OR OTHER PUBLIC MEASURES
Shall Justice Charles T. WELLS of the Supreme Court be retained in office? ☐ YES ☐ NO	No. 2 Constitutional Amendment Article XI, Section 5 Economic Impact Statements for Proposed Constitutional Amendments or Revisions Requires the Legislature to provide by general law for the provision of an economic impact statement to the public prior to the public voting on an amendment of the Florida Constitution proposed by initiative. ☐ YES ☐ NO
DISTRICT COURT OF APPEAL	No. 4 Constitutional Amendment Article I, Section 24 Laws Providing Public Records or Meetings Exemptions; Two-Thirds Vote Required Requires that laws providing exemptions from public records or public meetings requirements must, after the effective date of this amendment, be passed by a two-thirds vote of each house of the Legislature. ☐ YES ☐ NO
Shall Judge Richard B. ORFINGER of the Fifth District Court of Appeal be retained in office? ☐ YES ☐ NO	No. 3 Constitutional Amendment Article VIII, Section 6 Authorizing Amendments to Miami-Dade County Home Rule Charter by Special Law Approved by Referendum Proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by special law approved by a vote of the electors of Miami-Dade County and to conform references to the county's current name. ☐ YES ☐ NO
Shall Judge William David PALMER of the Fifth District Court of Appeal be retained in office? ☐ YES ☐ NO	
Shall Judge Robert J. ("Bob") PLEUS, Jr. of the Fifth District Court of Appeal be retained in office? ☐ YES ☐ NO	

VOTE BOTH SIDES OF BALLOT

CONSTITUTIONAL AMENDMENTS OR OTHER PUBLIC MEASURES	CONSTITUTIONAL AMENDMENTS OR OTHER PUBLIC MEASURES
No. 6 Constitutional Amendment Article X, Section 20 Protect People from the Health Hazards of Second-Hand Tobacco Smoke by Prohibiting Workplace Smoking To protect people from the health hazards of second-hand tobacco smoke, this amendment prohibits tobacco smoking in enclosed indoor workplaces. Allows exceptions for private residences except when they are being used to provide commercial child care, adult care or health care. Also allows exceptions for retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments, and stand-alone bars. Provides definitions, and requires the legislature to promptly implement this amendment. ☐ YES ☐ NO	No. 11 Constitutional Amendment Article IX, Section 7 Local Trustees and Statewide Governing Board to Manage Florida's University System A local board of trustees shall administer each state university. Each board shall have thirteen members dedicated to excellence in teaching, research, and service to community. A statewide governing board of seventeen members shall be responsible for the coordinated and accountable operation of the whole university system. Wasteful duplication of facilities or programs is to be avoided. Provides procedures for selection and confirmation of board members, including one student and one faculty representative per board. ☐ YES ☐ NO
No. 7 Constitutional Amendment Article VII, Section 4 Exemption for Construction of Living Quarters for Parents or Grandparents Proposes an amendment to the State Constitution to allow counties to exempt from taxation an increase in the assessed value of homestead property resulting from constructing living quarters for a parent or grandparent of the property owner or the property owner's spouse who is 62 years old or older. Limits the amount of such exemption to the increase in assessed value resulting from such construction or 20 percent of the total assessed value of the property as improved, whichever is less. ☐ YES ☐ NO	Independent Review of Proposed Charter Amendments Shall a new section 7.4A of the Home Rule Charter for Brevard County be created to provide for the independent review of the constitutionality and validity of proposed charter amendments sponsored by the County Commission or Charter Review Commission prior to placing such proposed charter amendments on a referendum ballot? ☐ YES ☐ NO
No. 8 Constitutional Amendment Article IX, Section 1 Voluntary Universal Pre-Kindergarten Education Every four-year-old child in Florida shall be offered a high quality pre-kindergarten learning opportunity by the state no later than the 2005 school year. This voluntary early childhood development and education program shall be established according to high quality standards and shall be free for all Florida four-year-olds without taking away funds used for existing education, health and development programs. ☐ YES ☐ NO	TOWN OF MALABAR COUNCIL MEMBER DISTRICT 1 (Vote for One) ☐ Jane Anne HAVET ☐ Nancy TINIO-BORTON
No. 9 Constitutional Amendment Article IX, Section 1 Florida's Amendment to Reduce Class Size Proposes an amendment to the State Constitution to require that the Legislature provide funding for sufficient classrooms so that there be a maximum number of students in public school classes for various grade levels; requires compliance by the beginning of the 2010 school year; requires the Legislature, and not local school districts, to pay for the costs associated with reduced class size; prescribes a schedule for phased-in funding to achieve the required maximum class size. ☐ YES ☐ NO	
No. 10 Constitutional Amendment Article X, Section 19 Animal Cruelty Amendment: Limiting Cruel and Inhumane Confinement of Pigs During Pregnancy Inhumane treatment of animals is a concern of Florida citizens; to prevent cruelty to animals and as recommended by The Humane Society of the United States, no person shall confine a pig during pregnancy in a cage, crate or other enclosure, or tether a pregnant pig, on a farm so that the pig is prevented from turning around freely, except for veterinary purposes and during the prebirthing period; provides definitions, penalties, and an effective date. ☐ YES ☐ NO	

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