

Amendment #9 Title: Ban Offshore Oil and Gas Drilling and Ban Vaping in Enclosed Indoor Workplaces

Ballot Language: Prohibits drilling for the exploration or extraction of oil and natural gas beneath all state-owned waters between the mean high water line and the state's outermost territorial boundaries. Adds use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces with exceptions; permits more restrictive local ordinances.

How the Amendment Reached the Ballot: Constitution Revision Commission (CRC)

What Your Vote Means:

A **Yes** vote:

- Bans offshore drilling for oil and natural gas on lands beneath all state waters and
- Bans the use of vapor-generating electronic devices, such as electronic cigarettes, in enclosed indoor workplaces.

A **No** vote (1) does not actively forbid offshore drilling and (2) does not add language to the Florida Constitution that prohibits vaping in the workplace.

Pro:

The League of Women Voters of Florida argued, "Our concern for the environment overrides our concern about putting vaping in the Constitution. We also believe that if this amendment doesn't pass, it sends a signal to the federal government that Florida does not care about off-shore drilling."

And from The James Madison Institute: Acknowledging the importance of beaches and tourism to our economy, Floridians seeking to protect one of our most marketable resources – our beaches – could be in favor of this portion of the measure. The prohibition on drilling would extend from the coast to the edge of the state's territorial waters. It does not restrict the movement of oil and gas across coastal waters; rather, it solely restricts drilling. This measure attempts to conserve the abundant natural resources found here in Florida. However, environmental preservation is not the only aim of the initiative. Florida heavily relies on tourism, and our coastal waters function as a catalyst to the state economy. This initiative seeks to balance economic and environmental endeavors.¹

Con: Those opposed to this measure would make the argument that this is perhaps the most egregious example of the bundling of issues on the ballot. The CRC, which authored the measure, claims that the policy of oil drilling and vaping are connected by a "clean air; clean water" theme. However, this assertion is tenuous at best. Neither those in favor of oil-drilling nor vaping seem pleased with this pairing. Meanwhile, many proponents rightly point to the fact that oil and gas exploration provide positive economic impacts to the state and help keep our retail electricity rates much lower than most other places. Opponents view vaping as a public health issue and oil drilling as an economic one. This nuanced distinction should prevent the two issues from being on the same initiative. On the issue of the vaping ban, opponents point to the fact that vaping has been proven to be a safer alternative to traditional tobacco products and has been shown to aid in getting smokers to quit. Carrying the smoking ban to vaping would

potentially hurt this effort. Finally, regardless of one’s view on the actual policy decisions contained in this amendment, opponents rightly point to the fact that these are issues best handled legislatively as opposed to a constitutional measure.¹

Supporters

- League of Women Voters of Florida
- *USA Today’s* Florida Today (Leans left)
- Dem Prog Caucus of FL (Leftist)
- Christian Family Coalition (CFC) Florida

The Vote Yes on 9 campaign website listed many endorsements for Amendment 9 including:

- 350 Pensacola
- American Cancer Society Cancer Action Network^[4]
- Center for Biological Diversity
- Democratic Environmental Caucus of Florida
- Everglades Coalition
- Florida Conservation Voters
- Florida Wildlife Federation
- National Wildlife Federation
- Progress Florida
- ReThink Energy Florida
- Sierra Club of Florida
- Surfrider Foundation
- Tampa Bay Waterkeeper
- Dragonfly Boatworks
- Florida Gulf Coast Business Coalition
- Florida Restaurant and Lodging Association
- Tampa Bay Beaches Chamber of Commerce
- Physicians for Social Responsibility

Opponents

- Florida Petroleum Council
- Associated Industries of Florida
- Consumer Advocates for Smoke-Free Alternatives Association
- Florida Chamber of Commerce
- **Save My Constitution** opposes this measure, as well as every other measure placed on the November 2018 ballot by the Florida Constitution Revision Commission.

The following poll was conducted by Cherry Communications and commissioned by the Florida Chamber of Commerce to gauge voter support and opposition toward the amendments on [Florida's 2018 ballot](#). A total of 605 likely voters were polled, including 237 Republicans, 249 Democrats, and 119 others.^[8]

[hide]Support and Opposition for Amendment 9					
Poll	Support	Oppose	Undecided	Margin of error	Sample size
Florida Chamber of Commerce Poll	55%	31%	14%	+/-4.0	605

5/25/18 - 6/2/18

Note: A "0%" finding means the candidate was not a part of the poll. The polls above may not reflect all polls that have been conducted in this race. Those displayed are a random sampling chosen by Ballotpedia staff. If you would like to nominate another poll for inclusion in the table, send an email to editor@ballotpedia.org.

SUMMARY COMMENTS: This is a bundled amendment, which means if you like one portion and not the other you cannot split the vote between the two.

As far as the criteria we have established; this amendment does not represent a constitutionally limited government and instead inserts government into free enterprise where there is no current legal prohibition. It is not fiscally responsible because it will add a costly layer to the current bureaucracy, and represents no free market solution in its stead.

TPM Vetter's Recommendation:

Based on these criteria this vetter suggests a NO vote on Amendment 9.

TPM's Recommendation:

Vote **NO** on Amendment 9

Sources:

¹The James Madison Institute 2018 Florida Amendment Guide

https://www.jamesmadison.org/wp-content/uploads/2018/08/2018_Amendment_Guide_v08_web.pdf

²Ballotpedia:

https://ballotpedia.org/Florida_2018_ballot_measures