



# 2018 Abridged Florida Amendment Guide

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## Introduction

On November 8, 2018, Floridians will march to the ballot box to cast their respective votes. Beyond determining the next crop of public officials, the ballot tasks Floridians with passing judgment on 13 proposed constitutional amendments. The 13 amendments found on the 2018 ballot represent the highest total in 20 years. Each

amendment requires an examination despite the intimidating number of proposed measures. Constitutional initiatives play a pivotal role in the governance of the State, and thus warrant a heightened level of scrutiny.

Proposed constitutional amendments on the November ballot hail from three unique sources: the Florida Legislature, the

citizens of Florida, and the Constitution Revision Commission (“CRC”). The Florida Legislature passed three Amendments (1, 2, and 5) to the ballot. Aside from legislative action, the Florida Constitution carves out an area for a citizen initiative petition. The citizens of Florida are able to place proposed amendments on the ballot by gaining more than 766,200 signatures from 14 of the State’s 27 congressional districts. Floridians met the requirements on two measures: Amendments 3 and 4. The final source of ballot initiatives comes courtesy of the CRC. The CRC meets every 20 years to examine the Constitution, and propose amendments. This year the CRC proposed eight ballot initiatives (Amendments 6 through 13). Regardless of how a measure made it to the ballot, all amendments require a 60 percent voting majority to pass.

As Floridians, it is our civic duty to responsibly educate ourselves on important alterations to the Florida Constitution. On the pages that follow, readers can find an analysis of each ballot initiative.

## **AMENDMENT 1**

### **Increased Homestead Property Tax Exemption**

**BALLOT LANGUAGE:** Proposing an amendment to the State Constitution to increase the homestead exemption by exempting the assessed valuation of homestead property greater than \$100,000 and up to \$125,000 for all levies other than school district levies. The amendment shall take effect January 1, 2019.

**WHAT YOUR VOTE MEANS:** A YES vote on this measure: exempts the home values between \$100,000 through \$125,000 from property taxes—other than school

taxes—which increases the maximum homestead exemption to \$75,000.

A NO vote on this measure: keeps the current homestead exemption structure, and retains the \$50,000 exemption rather than raising it to \$75,000.

**PROS:** Simply put, a YES vote on Amendment 1 lowers taxes and puts more money back in the pockets of Floridians. The average homeowner would see \$230 in annual property tax savings. Any act that returns wealth back to the pockets of the taxpayer puts that money back into the private market. The increase in the homestead property tax exemption also limits the role of local government by providing more restraint on their ability to generate additional revenue – local officials would have to raise millage rates. It should also be noted that public schools are exempt from the tax cut.

**CONS:** In order to give money back to the taxpayers, local government must adjust to a lower revenue stream. Opponents argue that property taxes act as the main source of revenue for local governments, and they need the funds in order to address public issues.

## **AMENDMENT 2**

### **Limitations on Property Tax Exemptions**

**BALLOT LANGUAGE:** Proposing an amendment to the State Constitution to permanently retain provisions currently in effect, which limit property tax assessment increases on specified non-homestead real property, except for school district taxes, to 10 percent each year. If approved, the amendment removes 8th the scheduled repeal of such provisions in 2019 and shall take effect January 1, 2019.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: removes the January 1, 2019 sunset provision on the property tax assessment limitation of 10 percent each year for real property.

A **NO** vote on this measure: maintains the January 1, 2019 expiration date for the 10 percent property tax limitation.

**PROS:** The non-homestead real property limitation caps the year-to-year increase at 10 percent. This means that, regardless of the market value increase, the 10 percent cap is in effect. The failure to pass the measure would put jobs and small business development at risk. With this vote, Floridians have an opportunity to avoid a major property tax increase—an increase that could cost the state dearly. Studies show that the failure to pass this amendment would disproportionately affect renters, seniors on a fixed income, businesses, owners of undeveloped land, and part-time residents.

**CONS:** Currently, the measure does not claim any vocal opponents. However, opponents of the amendment could argue that the funds stemming from property taxes are crucial to the well-being of the state. Ultimately, this would serve as a shortsighted view of the Florida economy.

### **AMENDMENT 3**

#### **Voter Control of Gambling in Florida**

**BALLOT LANGUAGE:** This amendment ensures that Florida voters shall have the exclusive right to decide whether to authorize casino gambling by requiring that, in order for casino gambling to be authorized under Florida law, it must be approved by Florida voters pursuant

to Article XI, Section 3 of the Florida Constitution. Affects articles X and XI. Defines casino gambling and clarifies that this amendment does not conflict with federal law regarding state/tribal compacts.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: gives Floridians the exclusive right to authorize casino gambling within the state.

A **NO** vote on this measure: keeps the right to authorize casino gambling with the Legislature.

**PROS:** This amendment gives Florida voters the ability to authorize any expansion of casino gambling. In order to pass any form of expansion, a 60 percent majority vote must exist. This measure shifts the policy decision to the voters directly, as opposed to elected politicians. The measure adds language to the Florida Constitution that limits “casino gambling” to: card games, casino games, slot machines, and other similar games. The measure does not apply to dog racing, horse racing, jai alai, etc.

**CONS:** Citizens elect representatives to serve on their behalf. If elected officials do not adequately execute the core functions of the job description, citizens have avenues to replace them. Holding a vote for any expansion of casino gambling leads to unnecessary referendums. The lawmaking function has already been delegated to our legislative branch of government. Furthermore, this amendment severely regulates the gaming industry, which could stunt its growth.

## AMENDMENT 4

### Voting Restoration Amendment

**BALLOT LANGUAGE:** This amendment restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment would not apply to those convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: restores the right to vote for people who have committed felony crimes. There are some exceptions for individuals who have committed murder or a felony sexual offense.

**A NO** vote on this measure: continues the practice of denying felons full voting rights upon release.

**PROS:** Amendment 4 re-enfranchises individuals who paid their debt to society. The current system poorly ushers felons back into the voting environment. Felons must wait 5-10 years before fully regaining their voting rights. In February, the United States District Court declared the current voter restoration process unconstitutional. This measure would mean an estimated 1.5 million Floridians regain their right to vote. Moreover, this step would properly reintegrate these individuals back into both the Florida society and economy.

**CONS:** A process to award felons their voting rights already exists in Florida. Prior to the court ruling the voter restoration process unconstitutional, the State was able to strip felons of their voting rights.

The system approved by the State in 2011 created an avenue for felons who committed nonviolent crimes to restore their rights. In order to apply, these individuals must wait for a minimum of five years before the restoration process takes place. The restoration process points to a policy of having felons earn their rights back.

## AMENDMENT 5

### Supermajority Vote Required to Impose, Authorize, or Raise State Taxes or Fees

**BALLOT LANGUAGE:** Prohibits the legislature from imposing, authorizing, or raising a state tax or fee except through legislation approved by a two-thirds vote of each house of the legislature in a bill containing no other subject. This proposal does not authorize a state tax or fee otherwise prohibited by the Constitution and does not apply to fees or taxes imposed or authorized to be imposed by a county, municipality, school board, or special district.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: mandates a two-thirds vote by each chamber of the legislature in order to enact new taxes or raise an existing tax/fee.

**A NO** vote on this measure: retains the current simple majority required to enact new taxes or raise existing ones.

**PROS:** Florida's prosperity is largely attributed to our low-tax environment. Taxes imposed on the citizens of Florida should be handled with the utmost discernment; thus, requiring more than a simple majority affords this decision a greater consensus. A YES vote helps ensure that our elected officials hold tax dollars in the highest regard. This measure makes

it more difficult to raise taxes than to cut taxes, which is sound policy.

**CONS:** While making it more difficult to raise taxes may initially seem like a prudent move, it could restrict the government's ability to raise funds. In that sense, it could be argued that this is a shortsighted initiative. In the future, this could hamper the government's functionality, and cause trouble for certain areas of the budget.

## **AMENDMENT 6**

### **Rights of Crime Victims and Judges**

**BALLOT LANGUAGE:** Creates constitutional rights for victims of crime; requires courts to facilitate victims' rights; authorizes victims to enforce their rights throughout criminal and juvenile justice processes. Requires judges and hearing officers to independently interpret statutes and rules rather than deferring to government agency's interpretation. Raises mandatory retirement age of state justices and judges from seventy to seventy-five years; deletes authorization to complete judicial term if one-half of term has been served by retirement age.

**WHAT YOUR VOTE MEANS:** A YES vote on this measure: (1) adds rights for crime victims, collectively known as Marsy's Law, to the Florida Constitution; (2) requires that state courts independently interpret statutes rather than deferring to administrative agencies; and (3) raises the retirement age for judges from 70 to 75.

A NO vote on this measure: (1) refuses to add Marsy's Law to the Florida Constitution; (2) allows judges to continue the pattern of deference shown towards agencies; and (3) maintains the current

mandatory retirement age for judges.

**PROS:** Marsy's Law supplies crime victims—and their families—with a variety of rights. Crime victims would benefit from: the right to due process and fairness; the right to be free from intimidation; and the right to be reasonably protected from the accused. A YES vote respects the importance of victim's rights throughout a criminal proceeding. Aside from Marsy's Law, the measure urges judges to independently interpret statutes. The Florida Supreme Court often substantially defers to agency interpretations, and a YES vote would thwart this trend.

**CONS:** Florida's Constitution already offers a subsection that briefly enumerates victim's rights. Furthermore, the Legislature guarantees a certain set of rights and safeguards for crime victims. Instead of adding additional (and potentially excessive) language to the Constitution, the issues present in Amendment 6 could be handled through the Legislative and Judiciary branches of government.

## **AMENDMENT 7**

### **First Responder and Military Member Survivor Benefits; Public Colleges and Universities**

**BALLOT LANGUAGE:** Grants mandatory payment of death benefits and waiver of certain educational expenses to qualifying survivors of certain first responders and military members who die performing official duties. Requires supermajority votes by university trustees and state university system board of governors to raise or impose all legislatively authorized fees if law requires approval

by those bodies. Establishes existing state college system as constitutional entity; provides governance structure.

**WHAT YOUR VOTE MEANS: A YES vote on this measure:** (1) provides mandatory death benefits to the surviving spouses of qualifying first responders and military personnel who die in the course of duty; (2) requires an affirmative supermajority vote in order to raise university fees; and (3) cements the current governance structure of Florida’s higher education system into the Constitution.

**A NO vote on this measure:** (1) does not establish mandatory death benefits to first responders and other military personnel; (2) retains the simple majority that is necessary to raise college fees; and (3) does not add language regarding the structure of state universities to the Constitution.

**PROS:** The measure serves to increase financial transparency in educational institutions across the state. Universities often cloak hikes in tuition prices through various fees. Amendment 7 would require a supermajority vote by the board of trustees in order to raise the cost of tuition and other fees. Finally, the amendment assists the families of first responders and military members in a time of need. The death benefits would be provided from the general revenue fund and support the qualifying survivors.

**CONS:** Opponents of the measure might claim that the language inserted into the Florida Constitution is too vague. The language does not define what specific death benefits would be conferred. The measure also makes it very difficult for universities to raise tuition if it were to become necessary.

## AMENDMENT 8

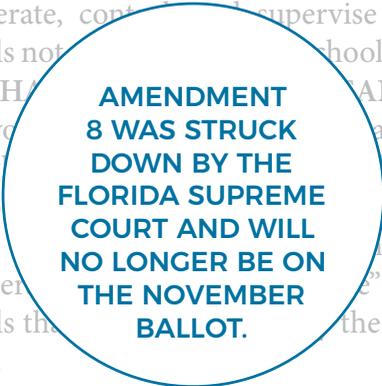
### School Board Term Limits and Duties; Public Schools

**BALLOT LANGUAGE:** Creates a term limit of eight consecutive years for school board members and requires the legislature to provide for the promotion of civic literacy in public schools. Currently, district school boards have a constitutional duty to operate, control, and supervise all public schools. The amendment also maintains a school board’s duties to public schools it establishes, but permits the state to operate, control, and supervise public schools not created by the school board.

**WHAT YOUR VOTE MEANS: A YES vote on this measure:** Establishes an eight-year term limit for school board members and requires the State to “operate, control, and supervise” public schools that are not created by the school board.

**A NO vote on this measure:** preserves the status quo. A NO vote allows school board members to run for reelection in perpetuity, maintains the current civic literacy education in public schools, and rejects alternative methods of control over public schools not created by the school board.

**PROS:** The amendment would restrict school board members to two consecutive four-year terms. This allows new perspectives to enter the school board arena on a more regular basis. Additionally, the measure recognizes the particular importance of enhancing civic literacy in public schools. This prepares students to recognize their rights and responsibilities as



citizens. Finally, Amendment 8 provides for an additional channel of authority, limiting a school board's ability to stifle competition in schooling. Other forms of schools such as charter schools and collegiate high schools would potentially be free from the authority of the school board, should the legislature establish new approval methods.

**CONS:** Those opposed to the amendment would claim that, although the measure admirably attempts to increase the civic literacy of Florida's youth, this goal could be pursued via different avenues. Critics of this amendment may argue that the Florida Constitution does not need additional language regarding term limits or education; this could be achieved legislatively. Furthermore, the measure could potentially give more power to the State at the expense of the local school board.

## **AMENDMENT 9**

### **Prohibits Offshore Oil and Gas Drilling; Prohibits 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 vapor ordinances.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: (1) forbids offshore drilling for oil and natural gas in Florida waters and (2) bans the use of vapor-

generating electronic devices in indoor workplaces.

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

**PROS:** In the aftermath of the BP oil spill, Floridians seeking to protect one of our most marketable resources – our beaches – could be in favor of this portion of the measure. It does not restrict the movement of oil and gas across coastal waters; rather, it solely restricts drilling. The amendment also addresses the updates in smoking technology, and revises the Constitution to reflect these changes.

**CONS:** 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. Florida's Constitution Revision Commission, which authored the measure, claims that the policy of oil drilling and vaping are connected by a "clean air; clean water" theme. This assertion is tenuous at best. Neither those in favor of oil-drilling nor vaping seem pleased with this pairing. In addition, both issues present within this measure can be addressed legislatively and do not arise to the level of constitutionality.

## **AMENDMENT 10**

### **State and Local Government Structure and Operation**

**BALLOT LANGUAGE:** Requires legislature to retain department of veterans' affairs. Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all

counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices. Changes annual legislative session commencement date in even numbered years from March to January; removes legislature's authorization to fix another date. Creates office of domestic security and counterterrorism within department of law enforcement.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: (1) requires that the Legislature provide for a Department of Veteran Affairs; (2) creates an Office of Domestic Security and Counter-Terrorism; (3) holds that the Legislature meet on the second Tuesday of January in even-numbered years; and (4) prevents counties from abolishing certain offices—and require elections for those offices.

A **NO** vote on this measure: (1) simply authorizes the Legislature to provide for a Department of Veteran Affairs; (2) does not create an Office of Domestic Security and Counter-Terrorism; (3) keeps the current meeting dates of the Legislature; and (4) refrains from adding language that prevents the abolition of certain offices.

**PROS:** This amendment addresses an issue that clearly relates to governance, and rises to the level of being in the Florida Constitution. The Legislature already regularly meets from January to March in even-numbered years, so the amendment codifies the custom. Rather than merely allowing for a Department of Veteran Affairs, this measure would ensure its existence to meet the needs of veterans in the state – a growing constituency. Lastly, Amendment 10 creates some necessary uniformity among the posts and elections

of the state's 67 counties.

**CONS:** Those opposed would claim that, although this measure clearly relates to the governmental matters that have a place in the Constitution, Amendment 10 overrides local governments who would otherwise determine their own constitutional offices. If the measure were to pass, counties would yet again be further beholden to the dictates of Tallahassee. This mandate would require that counties hold certain offices and elections for those offices – those not already doing so would incur additional costs.

## **AMENDMENT 11**

### **Property Rights; Removal of Obsolete Provision; Criminal Statutes**

**BALLOT LANGUAGE:** 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.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: (1) repeals a provision that prohibits foreign-born people who are not eligible for citizenship from owning, disposing, or inheriting real property; (2) removes obsolete language regarding high-speed transportation in Florida and; (3) clarifies language regarding the repeal of a criminal statute and its prosecution.

A **NO** vote on this measure: (1) keeps the language that prevents foreign-born people who are not eligible for citizenship

from owning, disposing, or inheriting real property; (2) retains the high-speed transportation language in the Constitution; and (3) maintains the current language regarding criminal statutes.

**PROS:** This amendment organizes some outdated sections of the Florida Constitution in need of cleaning up. The obsolete language that authorizes a high-speed rail in the state unnecessarily clutters the document. Additionally, the measure removes language that restricts the property rights of certain individuals. Finally, Amendment 11 deletes the language of what is known as the Savings Clause. The clause states that a repeal of a criminal statute does not affect the prosecution of a crime committed before the repeal. Proponents of the repeal claim that the measure would correct some of the costs of legislative overreach found in the criminal justice system.

**CONS:** Those opposing the amendment would argue that there is a need for consistency in criminal sentences and in the legal system. Once a verdict applies to a criminal, it should not be subject to changes in the law over time.

## **AMENDMENT 12**

### **Lobbying and Abuse of Office By Public Officers**

**BALLOT LANGUAGE:** Expands current restrictions on lobbying for compensation by former public officers; creates restrictions on lobbying for compensation by serving public officers and former justices and judges; provides exceptions; prohibits abuse of a public position by public officers and employees to

obtain a personal benefit.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: prevents public officers from lobbying for compensation during their term and for six years thereafter.

**A NO** vote on this measure: does not create additional lobbying restrictions for public officers.

**PROS:** This amendment establishes some of the most expansive ethical standards for public servants across the country. Those in favor of this measure would claim that public officers should fulfill their role as servants to the people and not be allowed to then capitalize on their elected office. The measure holds public officers to a standard befitting the duty they take on. Officials owe an obligation to their constituents to refrain from reaping a disproportional benefit because of their post.

**CONS:** Those opposed to this measure would make a few claims in their opposition. First – that there are a handful of current and recent lawmakers who also serve as attorneys tied to lobbying firms or lobbyists themselves; this measure restricts an individual's ability to find gainful employment. If the measure were passed, the Florida Commission on Ethics would potentially experience an unwarranted increase in power. Additionally, this is a measure that could be accomplished legislatively.

## AMENDMENT 13

### Ends Dog Racing

**BALLOT LANGUAGE:** Phases out commercial dog racing in connection with wagering by 2020. Other gaming activities are not affected.

**WHAT YOUR VOTE MEANS: A YES** vote on this measure: establishes a constitutional prohibition on the racing of and gambling on greyhounds or other dogs.

**A NO** vote on this measure: maintains the status quo regarding commercial dog racing in Florida.

**PROS:** Those in favor of this measure highlight the numerous concerns regarding the ethical treatment of dogs within the racing industry. The living conditions of these animals create a toxic environment that leads to serious harm. Furthermore,

the animals are subjected to damaging drugs such as cocaine and opiates (over 400 documented cases in the last decade). The amendment phases out dog racing by 2020, but still allows people to bet on races simulcast from other states.

**CONS:** There are currently 12 greyhound tracks in Florida which employ roughly 3,000 Floridians. Those opposed to this measure would cite the economic consequence – that an approval of the measure would spell dire consequences for individuals associated with the industry. In addition, opponents would argue that the measure is something that does not belong in the constitution – this measure can be enacted legislatively, or the industry could be further regulated by the legislature.