

A guide to Florida's constitutional amendments in plain English

Dick Mondro, Oct 5, 2018

2018 AMENDMENTS

Florida's ballot for the 2018 election contains 12 proposed amendments to the state's Constitution. When there are complicated constitutional amendments or referenda on the ballot, the time required to vote and, consequently, the lines at the polls may be a bit longer. Moreover, such amendments and referenda are often written in "lawyer-speak," which may be confusing to many voters. This was certainly the case in 2012, when there were several complicated amendments and referenda before the voters, making Florida's ballot that year one of the longest in the United States and one of the longest in Florida's history. Moreover, some politicians word the measures in a way that a "yes" vote might mean you are opposed to the measure, while a "no" vote supports the issue. The Florida Legislature has been guilty of such approaches in previous years. As such, the following descriptions of the Amendments on the ballot are written in "plain English" to help you understand them better.

Amendment 1

Increased Homestead Property Tax Exemption

Background

This amendment was put on the ballot by the Florida Legislature by a vote in 2017.

Wording on the ballot

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.

In plain English

It increases the amount of a home's value that is exempted from property taxes.

Why vote YES?

It could save many homeowners a few hundred dollars and potentially encourage renters to buy homes. It is a tax break. A poll commissioned by the Florida Chamber of Commerce showed that 67% of those polled supported the measure and only 22% opposed it.

Supporters of the measure

- Several conservative members of the Florida Legislature
- A key advocate throughout the process has been Florida State Senator Tom Lee (R).

Why vote NO?

Local governments, which rely on property taxes to generate revenues to fund public services would lose needed funds. An estimate by staff aides to the Florida Legislature estimated Florida's cities would lose over \$600 million alone in the first year. Many civic reformers believe such tax measures should be resolved by the governor and legislature; they don't belong in a state constitution.

Opponents of the measure

- The Florida League of Cities
- Florida Association of Counties
- The Florida City and County Management Association
- Florida Policy Institute
- Florida Education Association
- Florida League of Women Voters
- A few state newspapers, including the Sun Sentinel and Tampa Bay Times

Amendment 2

Limitations on Property Tax Assessments

Background

This amendment was also placed on the ballot by the Florida Legislature. It was originally on the ballot in 2008 and voters approved the 10% annual cap.

Wording on the ballot

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 the scheduled repeal of such provisions in 2019 and shall take effect January 1, 2019.

In plain English

There is an existing cap on non-homestead property assessments. This would make it permanent.

Why vote YES?

It will make permanent limits on property assessments and taxes, and therefore reduce tax bills.

Supporters of the measure

- Several members of the Florida State Legislature
- Florida Association of Realtors
- Florida Chamber of Commerce
- Florida TaxWatch

Why vote NO?

Local governments in Florida are often under-funded and rely on these types of assessments and taxes to provide public services. Making such limits on

property assessments permanent would limit funds for local governments. Many civic reformers believe such tax measures should be resolved by the governor and legislature; they don't belong in a state constitution.

Opponents of the measure

- Many cities in Florida
- Citizens for Equitable Tax Policy
- Florida League of Women Voters

Amendment 3

Voter Control of Gambling in Florida

Background

Unlike the previous two amendments, this one was brought by a citizen's group.

Wording on the ballot

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.

The amendment's impact on state and local government revenues and costs, if any, cannot be determined at this time because of its unknown effect on gambling operations that have not been approved by voters through a constitutional amendment proposed by a citizens' initiative petition process.

In plain English

Citizens would get the right – through a vote – to decide whether to authorize casino gambling operations in the state. The Florida Legislature would not be able to make such decisions.

Why vote YES?

Casino games and slots are restricted to tribal facilities in most of the state (with some exceptions in Miami-Dade and Broward County). The Florida Legislature has tried often to pass gambling bills but has been unable to do so. This measure would allow citizens to vote on it and individuals opposed to gambling could vote their position.

Supporters of the measure

- Voters in Charge
- Seminole Tribe of Florida
- Florida Restaurant and Lodging Association
- Florida Chamber of Commerce
- Disney World
- Florida League of Women Voters

Why vote NO?

Perhaps the authority to pass such measures should remain with the Florida Legislature, rather than through the citizenry.

Opponents of the measure

- Vote No on 3
- American Legion of Florida
- Hialeah Park

Amendment 4

Voting Restoration Amendment

Background

This amendment was placed on the ballot by a citizen's group. Florida is one of only a handful of states that ban felons from voting after they completed their sentences. Such restrictions have typically been found in the South and date to the post-Civil War era. Additional efforts by these states were instituted against the Civil Rights Movement of the 1960s. The issue has been a hot potato in Florida – in 1968, there were efforts to re-enact such voting prohibitions. A decade ago, former governor Charlie Crist began the process to restore the right to vote, but Governor Rick Scott enacted new laws to further limit restoration of voting rights. The fight continues on both sides

Wording on the ballot

The 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 banned from voting unless the Governor and Cabinet vote to restore their voting rights on a case-by-case basis.

The precise effect of this amendment on state and local government costs cannot be determined, but the operation of current voter registration laws, combined with an increased number of felons registering to vote, will produce higher overall costs relative to the processes in place today.

In plain English

Restores the right to vote for most people with prior felony convictions once they finish their sentences, including parole or probation.

Why vote YES?

A number of organizations – Floridians for a Fair Democracy, Florida Rights Restoration Coalition, etc. – have been active in trying to expand voting rights and point out that Florida remains one of the few states that devotes considerable effort to limiting voting rather than promoting an expansion of voting.

Supporters of the measure

- Floridians for a Fair Democracy
- American Civil Liberties Union
- Florida Education Association
- Southern Poverty Law Center
- Florida Policy Institute
- Florida League of Women Voters
- Secondchancesfl.org
- Commondreams.org
- Secure.actblue.com
- Acluf.org
- The Koch Bros. and George Soros.

Why vote NO?

Some individuals feel that former felons have forfeited their right to vote, while others believe the governor and Cabinet should determine who can have their right to vote restored. This would ***add 1.5 voters to Florida's voter rolls.***

Opponents of the measure

- Floridians for a Sensible Voting Rights Policy

Amendment 5

Supermajority Vote Required to Impose, Authorize, or Raise State

Taxes or Fees

Background

This amendment was also placed on the ballot by the Florida Legislature.

Wording on the ballot

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.

In plain English

It requires a two-thirds vote of the Florida Legislature in order to increase taxes. Currently, most tax measures need only a simple majority vote to pass.

Why vote YES?

This measure would make it nearly impossible to raise taxes, revenues, or fees, thus making Florida a low tax state.

Supporters of the measure

- Gov. Rick Scott
- House Speaker Richard Corcoran (Republican – Dist. 37) and several

Republican lawmakers

- Florida Chamber of Commerce
- Florida TaxWatch

Why vote NO?

This measure would impact a wide array of taxes and fees, including gasoline, sales taxes, fishing licenses, driver licenses, and more, and seriously limit the state's ability to raise revenues for basic government services or to meet crises such as hurricanes, recessions, and so on. Additionally, many civic reformers believe such tax measures should be resolved by the governor and legislature; they don't belong in a state constitution.

Opponents of the measure

- Gubernatorial candidate Andrew Gillum
- Attorney General candidate Sean Shaw and several Democratic lawmakers
- Florida Policy Institute
- Progress Florida
- Florida Education Association
- Southern Poverty Law Center
- Florida League of Women Voters

Amendment 6
Rights of Crime Victims;
Judges

Background

The Florida Legislature authorized a "Constitution Revision Commission" which referred this measure as a possible constitutional amendment.

Wording on the ballot

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 70 to 75 years; deletes authorization to complete judicial term if one-half of term has been served by retirement age.

In plain English

Places into the Florida Constitution victims' rights. It also increased the age for judges to retire to 75 and disallows judges from deferring to government agencies to interpret the law.

Why vote YES?

The measure increases the rights of victims. It expands on “Marsy’s Law,” which voters have approved in a few states around the country. The law was named for a California college student named Marsy Nicholas who was murdered in 1983. Victims do already have rights in the Florida Constitution and in state statutes, but this measure expands a victim’s access to notification of criminal proceedings, investigations, reports, and so on.

Supporters of the measure

- Marsy’s Law for Florida
- Florida Smart Justice
- Several sheriffs in the state

Why vote NO?

Some critics are concerned that the Constitutional Revision Commission lumped three different issues into one amendment. The measure also raises the mandatory age of retirement for state judges from 70 to 75 and disallows courts from deferring to government agencies – typically the individuals with expertise on the issue and charged with implementing the policy – when interpreting certain laws. They point out that a victim’s rights are already protected by law and the constitution. Civic reformers note that judges and courts should be free to defer to public agencies.

Opponents of the measure

- Florida Public Defender Association
- Southern Poverty Law Center
- American Civil Liberties Union of Florida
- Florida League of Women Voters
- Save My Constitution

Amendment 7

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

Background

The Florida Legislature authorized a "Constitution Revision Commission" which referred this measure as a possible constitutional amendment.

Wording on the ballot

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.

In plain English

Requires the state to pay death benefits to families of first responders and military personnel. It also requires a supermajority vote to increase fees at public universities.

Why vote YES?

It requires the boards for universities to obtain a supermajority of their members in order raise student fees. The definition of first responders is expanded to include EMT and paramedics, and supporters feel such death benefits should be a part of the Florida Constitution.

Supporters of the measure

- Association of Florida Colleges

Why vote NO?

Family members of individuals in the armed services that die in the line of duty are already compensated by the federal government. Critics also point out that the Constitutional Revision Commission has again bundled a few different issues into one amendment. Additionally, many civic reformers believe such measures should be resolved by the governor and legislature; they don't belong in a state constitution.

Opponents of the measure

- Florida Education Association

- Florida League of Women Voters
- Save My Constitution

Amendment 8

* Did not qualify for ballot – the Supreme Court removed the measure, maintaining that the amendment, which was proposed by the Constitutional Revision Commission, misled voters and did not state its real intent. It also contained different issues in one “bundled” amendment.

Amendment 9

Prohibits Offshore Oil and Gas Drilling; Prohibits Vaping in Enclosed Indoor Workplaces

Background

The Florida Legislature authorized a “Constitution Revision Commission” which referred this measure as a possible constitutional amendment.

Wording on the ballot

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.

In plain English

Bans offshore drilling for oil and gas. It also limits the use of vaping in indoor workplaces.

Why vote YES?

A number of environmental, tourism, and citizen groups have been concerned about the devastating impact to the state if there were additional oil spills. This measure would strengthen limits on drilling off Florida's coasts and bring, what they believe, are much-needed limits on vaping, including in indoor workplaces.

Supporters of the measure

- Vote Yes on 9
- American Cancer Society
- Southern Alliance for Clean Energy
- Gulf Restoration Network
- Florida Wildlife Federation
- Defenders of Wildlife
- Sierra Club of Florida
- 350 Pensacola
- Center for Biological Diversity
- Sea Turtle Conservancy
- Florida League of Women Voters

Why vote NO?

Critics also point out that the Constitutional Revision Commission has again bundled a few different issues into one amendment. Additionally, many civic reformers believe such measures should be resolved by the governor and legislature; they don't belong in a state constitution.

Opponents of the measure

- Florida Petroleum Council
- Associated Industries of Florida
- Florida Chamber of Commerce
- Save My Constitution

Amendment 10

State and Local Government Structure and Operation

Background

The Florida Legislature authorized a "Constitution Revision Commission" which referred this measure as a possible constitutional amendment.

Wording on the ballot

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.

In plain English

It prohibits counties from abolishing certain local offices, requires that the existence of a Department of Veteran's Affairs be constitutionally mandated, and changes the starting date for the legislative session (second Tuesday in January).

Why vote YES?

While the Department of Veteran's Affairs already exists, it is not a constitutional requirement. This measure would force it to be a requirement. It would also force all of the state's counties to hold elections for the five county-wide offices mentioned in the Florida Constitution.

Supporters of the measure

- Most of Florida's Clerks of Court, Tax Collectors, and Property Appraisers
- Most of Florida's sheriffs

Why vote NO?

Most of the measures are redundant in that they already exist. It would appear then that the measure is designed to weaken localities by state

interests. For instance, voters in local communities would be limited in their ability to vote for or against county officers. Critics also point out that the Constitutional Revision Commission has again bundled a few different issues into one amendment. Additionally, many civic reformers believe such measures should be resolved by the governor and legislature; they don't belong in a state constitution.

Opponents of the measure

- Florida League of Women Voters
- Save My Constitution

Amendment 11

Property Rights;

Removal of Obsolete Provision;

Criminal Statutes

Background

The Florida Legislature authorized a "Constitution Revision Commission" which referred this measure as a possible constitutional amendment.

Wording on the ballot

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.

In plain English

This amendment repeals bans on aliens owning property in the state, the requirement for high-speed rail systems from the Florida Constitution, and other items.

Why vote YES?

It removes the requirement that suspects in crimes be prosecuted under the provisions of the law, even if those laws have been changed.

Supporters of the measure

- Florida Chamber of Commerce
- American Civil Liberties Union of Florida
- Florida Policy Institute
- Southern Poverty Law Center

Why vote NO?

Critics also point out that the Constitutional Revision Commission has again bundled a few different issues into one amendment. Additionally, many civic reformers believe such measures should be resolved by the governor and legislature; they don't belong in a state constitution.

Opponents of the measure

- Save My Constitution

Amendment 12

Lobbying and Abuse of Office by Public Officers

Background

The Florida Legislature authorized a "Constitution Revision Commission" which referred this measure as a possible constitutional amendment.

Wording on the ballot

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.

In plain English

Bans public officials from lobbying for money while they are in office and for a period of six years after leaving office.

Why vote YES?

There is the need to restrict the lobbying efforts of state employees, public officials, judges, former elected officials, and others.

Supporters of the measure

- Common Cause
- Florida Policy Institute
- Integrity Florida

Why vote NO?

Government officials and most especially former officials should be able to function as lobbyists under existing laws and restrictions.

Opponents of the measure

- Florida Chamber of Commerce
- Save My Constitution

Amendment 13

Ends Dog Racing

Background

The Florida Legislature authorized a "Constitution Revision Commission" which referred this measure as a possible constitutional amendment. Dog racing is one of several "pari-mutuel" wagering or gaming sports in Florida.

Wording on the ballot

Phasing out commercial dog racing in connection with wagering by 2020. Other gaming activities are not affected.

In plain English

Bans dog racing and gambling on dog racing (greyhounds and other breeds).

Why vote YES?

There are only a few dog-racing tracks in the United States, and nearly all of them are in Florida. The practice is seen as cruel to the dogs. Banning dog racing would not impact slot machines and other forms of gaming.

Supporters of the measure

- Grey2K USA
- Protect Dogs – Yes on 13
- The Animal Legal Defense Fund
- Numerous animal rights groups
- Florida League of Women Voters

Why vote NO?

People should be able to bet on dog racing and the Chamber of Commerce maintains it brings money into Florida. Prohibiting dog racing will result in a loss of roughly \$1 million in state revenues.

Opponents of the measure

- Florida Chamber of Commerce
- Florida Greyhound Association
- Gaming and betting interests