



Revised Summary of Proposed Constitutional Amendments 2010 General Election

Of the nine proposed constitutional amendments, seven have drawn court challenges. Of those, three amendments have been ruled by the courts to be removed from the November ballot.

Copies of the proposed constitutional amendments for the November, 2010 ballot are available on the Florida Department of State Division of Elections' website at <http://election.dos.state.fl.us>

AMENDMENT 1:

Repeal of Public Campaign Financing Requirement (Legislative Joint Resolution)

Amendment 1 would repeal Section 7 of Article VI of the Florida Constitution that requires public financing of campaigns of statewide candidates who agree to campaign spending limits.

SUPPORT

SUPPORTERS:

The Florida Legislature voted to put Amendment 1 on the 2010 general election ballot.

Florida House of Representatives vote: 80 yeas -34 nays
Florida Senate vote: 29 yeas – 11 nays

ARGUMENTS:

The repeal of the public campaign financing laws would eliminate an expenditure that occurs approximately every four years from the General Revenue Fund. These expenditures typically range from \$5 million to more than \$10 million per election cycle.

These savings would, in theory, allow the state to provide more funding for critical items such as education, job creation and other core services.

OPPOSE

OPPONENTS:

Common Cause Florida, League of Women Voters Florida, Florida Education Association

ARGUMENTS:

Florida's public financing system was put into the Florida Constitution in 1998 when 64 percent of voters approved it. It provides matching funds to candidates for statewide office who voluntarily agree to limit their spending in campaigns. The system has worked well through the years, reducing the influence of special interest money in campaigns and encouraging competition by creating a more level playing field.

www.commoncause.org/fl

UPDATE

Currently, to qualify for public financing, a candidate for governor would have to raise a minimum of \$150,000 and must agree to spend no more than \$2 per Florida registered voter or \$24.9 million for 2010. Candidates for cabinet races must raise a minimum of \$100,000 and cannot spend more than \$1 per registered voter, or \$12.5 million, for 2010. Funding for public financing comes from the state's general fund.

Gubernatorial candidate Rick Scott, who is exceeding the \$24.9 million cap, recently challenged this provision in court and won a federal appeals court ruling that said the cap violated Scott's constitutional right to free speech and equal protection under the law. If the cap had remained in place, Scott's opponents for governor could have received a dollar-for-dollar match in public funds for any amount Scott spent over \$24.9 million.

AMENDMENT 2:

Property Tax Exemption for Deployed Military Personnel (Legislative Joint Resolution)

Amendment 2 would provide a property tax exemption for members of the United States military (or its reserves), United States Coast Guard (or its reserves) or the Florida National Guard if they have received a homestead exemption and were deployed in the previous year on active duty outside the United States. The amount of the exemption will be based on the number of days the person was deployed on active duty outside the United States. This amendment would take effect January 1, 2011.

SUPPORT

SUPPORTERS:

Florida Legislature, Florida League of Cities, Florida Tax Watch

ARGUMENTS:

This Amendment recognizes the sacrifices of our troops while serving in a combat zone and the fiscal challenges they face being away from home for a significant period of time.

This shortfall in revenues affecting city budgets will be a small price to pay for the sacrifices made by courageous members of the armed forces serving on our behalf.

OPPOSE

OPPONENTS:

Unknown.

ARGUMENTS:

An additional homestead exemption would cause a reduction in tax revenues.

AMENDMENT 3:

Property Tax Limit for Nonhomestead Property and Property Tax Exemption for First-Time Homebuyers (Legislative Joint Resolution)

The Florida Constitution generally limits the maximum annual increase in the assessed value of nonhomestead property to 10 percent annually. This proposed amendment reduces the maximum annual increase in the assessed values of those properties to 5 percent annually. This amendment also requires the Legislature to provide an additional homestead exemption for persons who have not owned a principal residence during the preceding 8 years. Under the exemption, 25 percent of the just value of a first-time homestead, up to \$100,000, will be exempt from property taxes. The amount of the additional exemption will decrease in each succeeding year for 5 years by either: the greater of 20 percent of the initial additional exemption or the difference between the just value and the assessed value of the property. The additional exemption will not be available in the 6th and subsequent years.

SUPPORT

SUPPORTERS:

Florida Legislature, Florida Realtors, Florida Home Builders Association, Florida Chamber of Commerce, Florida Tax Watch

ARGUMENTS:

The provision for first-time homebuyers would help level the playing field with longtime homestead property owners who have enjoyed the benefits of Save Our Homes.

Amendment 3 will motivate buyers and spur housing starts and construction.

OPPOSE

OPPONENTS:

Florida AFL-CIO, Florida Education Association

ARGUMENTS:

Additional property tax reductions would lower tax revenues for local governments and schools and result in decreased services.

The first-time homebuyer provision would cause identically valued homes to be treated differently.

UPDATE

Amendment 3 has been stricken from the ballot. In July, a circuit judge ruled that Amendment 3 be stricken from the November ballot because the proposed amendment summary does not indicate an effective date for properties to be eligible for the homestead exemption, which would mislead voters. The court's ruling was appealed to the Florida Supreme Court, where it was denied.

AMENDMENT 4:

Hometown Democracy (Citizen Initiative by Petition)

Amendment 4 would require a voter referendum on every city and county comprehensive plan amendment. The vote would occur after preparation of the plan amendment by the local planning agency and consideration by the governing body.

SUPPORT

SUPPORTERS:

Florida Hometown Democracy, Sierra Club Florida, Florida Consumer Action Network

ARGUMENTS:

According to Florida Hometown Democracy, citizens are unhappy with the growth management decisions being made by local city and county governments.

Under the current system, communities have become overbuilt, roads are clogged and schools are overcrowded.

Elected officials are influenced by development interests and everyday citizens are shut out of the process.

Perceived inadequacies with the current system can be corrected if citizens are getting a direct vote on land use decisions.

www.floridahometowndemocracy.com

OPPOSE

OPPONENTS:

Florida League of Cities, Florida Chamber of Commerce, Floridians for Smarter Growth (made up of builders, real estate agents and other business groups), Florida Association of Realtors, Florida Association of Counties, Florida Association of School Boards, Florida Bankers Association, Florida Chapter of the American Planning Association, Florida Farm Bureau Federation, Florida Home Builders Association, Florida Institute of CPAs, Florida Retail Federation, Florida United Business Association, Florida AFL-CIO, Florida Tax Watch, Florida Education Association

ARGUMENTS:

Amendment 4 broadly applies to all comprehensive growth plan amendments no matter the size or scale. For example, even an amendment to a single parcel of land would require a city-wide or county-wide vote. Not only is it a waste of tax dollars, it would require literally dozens of elections to make even technical and often badly needed changes to every comp plan change, regardless of the size, the scope, the complexity or the impact.

A representative democracy, where decisions are voted on by an elected body, is simply better suited to make long-term planning and policy level decisions that impact a diverse number of individuals and interest groups.

Direct democracy, as proposed with Amendment 4, can trample minority interests and ignore a community's long-term needs and goals. Local officials are elected to make decisions as an elected body. If citizens are dissatisfied with the performance of their elected officials, they are free to elect others to take their place. The fiscal impacts associated with holding special elections and lawsuits challenging the outcome of referendum elections would cost taxpayers millions of dollars.

www.florida2010.org

AMENDMENT 5 & 6:

Legislative/Congressional Redistricting Standards

Amendment 5 requires that legislative, and Amendment 6 requires that congressional districts may not be drawn to favor or disfavor an incumbent or political party, and they may not be drawn to deny racial or language minorities the opportunity to participate in the political process and elect representatives of their choice. The amendment also requires that legislative districts be contiguous, compact, equal in population and make use of existing city, county and geographical boundaries, where feasible.

SUPPORT

SUPPORTERS:

Fair Districts Florida, Florida League of Cities, League of Women Voters, Common Cause Florida, Sierra Club Florida, Florida Education Association, NAACP

ARGUMENTS:

Amendments 5 and 6 would create fairer standards for redistricting by requiring districts to be compact and community-based.

www.fairdistrictsflorida.com

OPPOSE

OPPONENTS:

Several Florida Lawmakers

ARGUMENTS:

These redistricting standards are impossible to achieve and will likely throw redistricting into the courts.

Additionally, U.S. Representatives Mario Diaz-Balart, R-Miami, and Corrine Brown, D-Jacksonville, both argued the two proposed amendments heading to voters in November could make it harder for minority access and so-called "communities of interest" to be preserved when Florida redraws the boundaries for its seats in Congress and the Legislature.

UPDATE

U.S. Representatives Mario Diaz-Balart and Corrine Brown have filed suit in the Florida Supreme Court against Amendment 6 saying it would dilute minority voting strength.

AMENDMENT 7:

Standards for Legislative and Congressional Redistricting (Legislative Joint Resolution)

The proposed amendment requires that for legislative and congressional redistricting, the state shall consider the ability of racial and language minorities to participate in the political process. The amendment would also allow the redistricting process to consider communities of common interest, other than political parties. Districts and plans would be valid if the standards are rationally related to the standards outlined in the Florida Constitution and consistent with federal law.

SUPPORT

SUPPORTERS:

Florida Legislature

ARGUMENTS

Amendment 7 was put on the ballot by the Legislature to clarify redistricting standards outlined in Amendments 5 and 6.

It will help preserve minority districts.

OPPOSE

OPPONENTS:

Florida Education Association, NAACP, League of Women Voters, Democracia Ahora

ARGUMENTS:

Amendment 7 would essentially nullify Amendments 5 and 6.

Removed from Ballot

UPDATE

Amendment 7 has been stricken from the ballot. In July, a circuit judge ruled that Amendment 7 be stricken from the November ballot on the basis that the amendment language is misleading and confusing. The court's ruling was appealed to the Florida Supreme Court, where it was denied.

AMENDMENT 8:

Revisions to Florida's Class Size Requirements for Public Schools (Legislative Joint Resolution)

Amendment 8 modifies the constitutional class size amendment, which was approved by voters in 2002, that established class-size limits for public school classrooms for prekindergarten through grade 12. Amendment 8 would specify that class size limits be based on the "average" number of students assigned per class to each teacher, by specified grade grouping. The proposed amendment also creates new class size limits on the maximum number of students assigned to each teacher in an individual classroom as follows: for prekindergarten to grade 3 – 21 students; for grades 4 through 8 – 27 students; and for grades 9 through 12 – 30 students.

SUPPORT

SUPPORTERS:

Florida Legislature, Florida Tax Watch, Florida School Boards Association

ARGUMENTS:

While the 2002 class-size amendment has successfully forced the legislature to spend money to shrink class sizes, the cost is simply too high in this poor economy.

This fall, the 2002 class-size amendment requires implementation of additional "classroom" level caps that will require the construction of more classrooms and the addition of more student stations, even though there currently are 825,000 student stations sitting empty across Florida in every school district and at every grade level.

These additional "classroom" level caps may force school districts to significantly increase property taxes in order to pay for the construction for additional classrooms and student stations.

Amendment 8 is a reasonable way of avoiding an unnecessary, unaffordable expense, by authorizing each public school to achieve class-size goals by using the average number of students who may be assigned to a teacher at the school level, with maximum caps set on the number of students who may be assigned to a particular teacher.

Amendment 8 could alleviate some of the potential property tax burden and school concurrency costs associated with implementing the "classroom" level cap.

OPPOSE

OPPONENTS:

Florida Education Association

ARGUMENTS:

The class-size provisions voters placed in the Florida Constitution have had a practical and measurable effect on classroom performance. Teachers say the requirements have made their classrooms more manageable and test scores have risen steadily since class sizes have begun to shrink.

A statutory provision would permit a school to exceed the class size goals in the event of an unexpected enrollment growth and removes the crisis that is being manufactured to seek passage of the amendment. Quite simply, were the Legislature to fulfill its funding obligation, smaller classrooms could exist without creating the crisis proponents of the amendment are manufacturing.

AMENDMENT 9:

Health Care Services (Legislative Joint Resolution)

Amendment 9 proposes the following:

- prohibits laws or rules from compelling any person, employer or health care provider to participate in any health care system;
- permits a person or employer to pay directly for lawful health care services directly from a health care provider;
- permits a health care provider to accept direct payment from a person or employer for lawful health care services;
- exempts persons, employers and health care providers from penalties or fines for paying directly or accepting direct payments for lawful health care services; and
- permits the purchase or sale of health insurance in private health care systems.

The amendment does NOT:

- affect which health care services a health care provider is required to perform or provide;
- affect which health care services are permitted by law;
- prohibit care provided pursuant to general law relating to workers' compensation;
- affect laws or rules in effect as of March 1, 2010, such as Medicare and Medicaid; and
- affect any general law passed by two-thirds vote of the House and Senate; passed after the effective date of the amendment.

SUPPORT

SUPPORTERS:

Florida Legislature, Healthcare Freedom

ARGUMENTS:

Until recent health care efforts, government has never forced a citizen to purchase a government-approved product or service against his or her will. The "individual mandate" that is necessary to fund a public health care system forces citizens' participation. Amendment 9 prohibits this governmental abuse and overreach.

New government programs mean new taxes and fees. It's simple math. A mandated health care plan must be funded by taxpayers.

www.flhealthcarefreedom.org

OPPOSE

OPPONENTS:

Several Florida Lawmakers, Florida Education Association

ARGUMENTS:

States should not pass constitutional amendments that could conflict with federal laws.

Many without insurance wind up in emergency rooms, and the public pays for their care. Providers in Florida lose \$3.5 billion in uncompensated care each year, which the state partially subsidizes. Under reform, that figure would be reduced as more uninsured people gain coverage.

UPDATE

Amendment 9 has been stricken from the ballot. In July, a circuit judge ruled that Amendment 9 be stricken from the November ballot saying the proposed amendment is misleading. The court's ruling was appealed to the Florida Supreme Court, where it was denied.



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This document was compiled by the Florida League of Cities for informational purposes and is in no way intended to provide any type of legal advice or guidance. This brochure is only intended to provide a brief synopsis of each of the proposed constitutional amendments. 8-13-10