

NOVEMBER 4

Summary of Proposed Constitutional Amendments

2014 general election

The following is a review of the proposed constitutional amendments that will appear on the ballot this November. It was compiled by the **Florida Local Government Coalition** for informational purposes and is in no way intended to provide any type of legal advice or guidance. It is only intended to provide a brief synopsis of each of the proposed constitutional amendments.

AMENDMENT 1
Water and Land Conservation
 (Florida’s Water and Land Legacy, Inc.)



Funds the Land Acquisition Trust Fund to acquire, restore, improve, and manage conservation lands including wetlands and forests; fish and wildlife habitat; lands protecting water resources and drinking water sources, including the Everglades, and the water quality of rivers, lakes, and streams; beaches and shores; outdoor recreational lands; working farms and ranches; and historic or geologic sites, by dedicating 33 percent of net revenues from the existing excise tax on documents for 20 years.

SUPPORTERS:

- Florida’s Water and Land Legacy, Inc.
- Florida Wildlife Federation
- Florida Conservation Coalition
- Florida Outdoor Recreation Coalition
- Florida Recreation and Park Association
- American Planning Association – Florida Chapter

Their Arguments:

This amendment will help keep drinking water clean. It will protect our rivers, springs and beaches and restore natural treasures like the Everglades – without any increase in taxes.
VoteYesOn1FL.org

OPPONENTS:

- Florida Chamber of Commerce
- Various Legislators
- Agriculture Commissioner Adam Putnam

Their Arguments:

This amendment would obligate taxpayers to arbitrarily give government more control over land. The government already owns a large portion of land in Florida and there is no reason they need more.

Land buying programs, such as Florida Forever, that protect Florida’s natural and unique environmental treasures are a good thing. But, placing a \$20 billion mandate into the constitution is not the right approach.

If there is another recession and state revenues fall then legislators wouldn’t be able to help.

This could start an unhealthy trend. Other groups might use this strategy as a way to get their special issue into the constitution with mandatory funding.

Funding for this amendment will come from the Documentary Stamp Tax (1/3 of “doc stamp” revenue). Revenues generated from the doc stamp are already low due to the recession. If 1/3 of its revenues go into a new trust, then it would take away from revenues now used for other purposes. Thus, there is a clear cost to this amendment.



Florida Local Government Coalition

The Florida Local Government Coalition connects local government associations across the state. Its goals are to communicate the value that local governments provide to citizens, strengthen its member associations and create a network of support for local government issues. More than 25 local government associations are members of the coalition, including the Florida League of Cities.

For more information, please visit FloridaGovCoalition.com or contact the coalition at FLGC@flcities.com.

AMENDMENT 2
Use of Marijuana for Certain Medical Conditions

(People United for Medical Marijuana)



Allows the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not authorize violations of federal law or any non-medical use, possession or production of marijuana.

SUPPORTERS:

Florida Cannabis Action Network
 Florida Cannabis Industry Association
 Libertarian Party of Florida

Their Arguments:

Doctors should have the freedom to recommend the treatment they deem appropriate for their patients – including medical marijuana. Marijuana – legal as medicine under state law in 20 states and the District of Columbia – has been shown to be an effective treatment for the symptoms and side effects associated with HIV/AIDS, cancer, Hepatitis C, PTSD, multiple sclerosis

and other neuromuscular disorders, glaucoma, dystonia, and chronic pain.

The American College of Physicians, American Public Health Association, American Nurses Association, and many other associations and organizations support the availability of medicinal marijuana.

UnitedForCare.org.

OPPONENTS:

Florida Sheriffs Association
 Florida Police Chiefs Association
 Florida Medical Association
 Florida Family Policy Council

Their Arguments:

The legalization of marijuana will make the drug more readily available and easier to obtain by teens, as they would not need parental consent to get a “physician’s certification” for marijuana. With no quality or dosage control, it will open the door for “pop-up” dispensaries. There is also nothing in place to prevent these dispensaries from selling marijuana to minors. Additionally, areas with dispensaries will attract more crime.

The real agenda behind this amendment is for recreational marijuana to be legalized.

VoteNo2.org; DontLetFloridaGoToPot.com

AMENDMENT 3
Prospective Appointment of Certain Judicial Vacancies

(Legislative Joint Resolution CS/SJR 1188)



Requires the Governor to prospectively fill vacancies in a judicial office to which election for retention applies resulting from the justice’s or judge’s reaching the mandatory retirement age or failure to qualify for a retention election; and allowing prospective appointments if a justice or judge is not retained at an election. Currently, the Governor may not fill an expected vacancy until the current justice’s or judge’s term expires.

SUPPORTERS:

Florida House and Senate Republicans

Their Arguments:

Allowing the governor to let the judicial nominating commission begin looking for appointees at the time a judicial candidate fails to qualify for retention will reduce vacancies and vacancy time.

If a judge is retiring due to age, then there is no need for the governor to wait until a judge completes his or her term to pick a successor, regardless of when the current governor’s term is up.

OPPONENTS:

Florida House and Senate Democrats

Their Arguments:

An outgoing governor should not be able to make appointments that serve under the incoming governor. The incoming governor should be able to appoint judges of his own choosing.

It is bad policy to for an outgoing governor to decide the balance of the court.

Further Explanation: If a judge must resign at the end of the year due to age and that year happens to be a year in which there is a gubernatorial election, the outgoing governor must appoint three to six nominees through the judicial nominating commission to fill the vacancy before he leaves the governor’s post. The incoming governor may then choose from the pool of three to six nominees to fill the judicial vacancy. 