



Summary of Proposed
Constitutional Amendments
2012 General Election

Copies of the proposed constitutional amendments for the November, 2012 ballot are available on the Florida Department of State Division of Elections' website at <http://election.dos.state.fl.us>

AMENDMENT 1:

Health Care Services (Legislative Joint Resolution)

Amendment 1 would prohibit laws from compelling any Floridian/employer to purchase, obtain or provide health care coverage. This would allow a person/employer to purchase services directly from a health care provider and allow a health care provider to accept direct payment for services if a patient chooses to pay out of pocket.

SUPPORT

SUPPORTERS:

The Florida Legislature

ARGUMENTS:

The federal health care law is an abuse of federal power, in part due to the requirements that people buy health insurance.

Supreme Court case law prohibits “a tax to regulate conduct that is otherwise indisputably beyond [Congress’] regulatory power.”

OPPOSE

OPPONENTS:

No organized opposition.

ARGUMENTS:

A constitutional amendment may not ensure that citizens can opt out of the individual mandate set forth by the federal reform. They argue that the Supremacy Clause in the United States Constitution would override the state laws, making the proposed amendment a moot point.

AMENDMENT HISTORY

This amendment is the revival of an amendment proposed for the 2010 ballot (Amendment 9). Amendment 9 was thrown off the 2010 ballot by the court, citing a defective ballot summary.

AMENDMENT 2:

Veterans Disabled Due to Combat Injury; Homestead Property Tax Discount (Legislative Joint Resolution)

Amendment 2 would expand the current property tax discount to an increased number of veterans who became disabled as a result of combat injury. This would allow partially or totally disabled veterans who were not Florida residents at the time of entering military service to qualify for the combat-related disabled veterans' ad valorem tax discount on homestead property.

SUPPORT

SUPPORTERS:

Florida Association of Realtors, The Florida Legislature

ARGUMENTS:

Disabled combat veterans deserve property tax relief and Amendment 2 extends this relief to more combat veterans including those who were not Florida residents when they entered the military.

Approximately 74,000 veterans within the state of Florida would be helped by this amendment.

OPPOSE

OPPONENTS:

No organized opposition.

ARGUMENTS:

This discount further complicates an already overcomplicated property tax system.

The estimated cost to Florida public schools is \$1.1 million in the first year with increasing amounts each year thereafter.

AMENDMENT 3:

State Government Revenue Limitation (Legislative Joint Resolution)

Amendment 3 would replace the existing state revenue limitation with a new limitation based on inflation and population change. This would require any revenue collected above the state cap to first be deposited in the Budget Stabilization Fund, then used for public education, then to be given to the taxpayers if there is enough excess. It would authorize the legislature to increase the revenue limitation for a fiscal year by a supermajority vote or a 3/5 vote by the Florida electorate.

SUPPORT

SUPPORTERS:

Florida Legislature, Florida Association of Realtors

ARGUMENTS:

The so-called Smart Cap curbs the ability of lawmakers to expand government in times of economic prosperity. It wisely limits state spending, so it never grows faster than Floridians' personal income.

The state's existing cap is too weak because it excludes such spending as debt service for bonds.

OPPOSE

OPPONENTS:

AARP, League of Women Voters, AFL-CIO

ARGUMENTS:

There is no need for a cap since state revenues have never reached the cap established in 1994.

It would unnecessarily tie the hands of legislators and keep state spending rooted at levels many already see as inadequate. The 2010-11 budget, which would serve as the base for future spending, already falls \$3.2 billion short of maintaining most programs at last year's level.

AMENDMENT 4:

Property Tax Limitations; Property Value Decline; Reduction for Non-Homestead Assessment Increase; Delay of Scheduled Appeal (Legislative Joint Resolution)

Amendment 4 would prohibit increases in assessed value of homestead and specified non-homestead property if the property's value decreases. Non-homestead or commercial property would have their assessment increases capped at 5%, down from the previous 10%. Non-homestead residential, rental, and commercial real properties might experience property tax savings and would not see their taxes increase significantly in a single year, due to the change in assessment increase limitation from 10% to 5%. There will be an additional homestead exemption for owners who have not owned the property for a specific amount of time and remove future repeal of provisions limiting annual assessment increases for specified non-homestead property. Further, the measure would implement an additional homestead exemption for first-time buyers equal to 50% of the median home price in the county. The additional exemption, however, would be gradually reduced until it expires within 5 years.

SUPPORT

SUPPORTERS:

Florida Association of Realtors

ARGUMENTS:

Tax incentives for first-time buyers, investors and businesses/employers could speed Florida's economic recovery. It will provide a much needed economic boost to Florida's working families, renters, and small business owners.

By creating an additional homestead exemption for first time home buyers. Amendment 4 will bring more qualified buyers to the table, reduce the inventory of foreclosed homes, and get Florida's housing market on the rise again.

It will allow the Legislature to stop "recapture", a painful tax gimmick that allows a homeowner's property taxes to increase even while their home's value is decreasing.

Amendment 4 gives stability to renters and small businesses by lowering the maximum yearly assessment increase on non-homestead properties from a burdensome 10 percent to a more reasonable 5 percent. With a more tolerable maximum assessment increase, Florida's small businesses can better plan investments in their local economies and working families, who rent, won't have to live in fear of significant, unexpected increases in their living expenses.

OPPOSE

OPPONENTS:

The Florida League of Cities, Florida Association of Counties, Florida Local Government Coalition

ARGUMENTS:

This amendment adds yet another layer of complexity to an already complicated property tax system and this ad hoc limit shifts the tax burden to others.

This amendment provides an added tax break to out of state businesses and shifts that burden to Florida residents.

True tax reform is comprehensive, not piecemeal, and addresses all levels of government and all types of taxes.

The fiscal impact is estimated to be \$185.7 million the first year, increasing to over \$1.6 billion by 2016-2017.

AMENDMENT 5:

State Courts (Legislative Joint Resolution)

Amendment 5 addresses reforms to Florida's court system structure and functions. This would revise provisions relating to the repeal of court rules from needing a two-thirds vote of both houses of the Legislature to overturn rules of the court, to now require a majority vote of both houses; limits the re-adoption of repealed court rules; allows for Senate confirmation of Supreme Court Justices; requires the Judicial Qualifications Commission to make all files and records available to the Speaker of the House during an investigation, such that the files remain confidential until impeachment is initiated.

SUPPORT

SUPPORTERS:

The Florida Legislature, Florida Chamber of Commerce

ARGUMENTS:

Amendment 5 provides a secondary check and balance by the peoples' representatives for Supreme Court Justice appointments.

OPPOSE

OPPONENTS:

The Florida Bar, Florida Capitol Resource Center

ARGUMENTS:

This is a dangerous rule that would allow Florida Legislators to have greater influence over the state court system. This amendment seeks to politicize the Supreme Court by shifting more power away from the court and to the Florida Legislature.

AMENDMENT 6:

Public Funds for Abortions (Legislative Joint Resolution)

Amendment 6 would prohibit the spending of public funds for any abortion or for health-benefits coverage that includes the coverage of abortion. Exceptions are expenditures required by federal law; a case in which a woman is in danger of death unless an abortion is performed; or an abortion due to a pregnancy resulting from rape or incest. The Florida Constitution may not be interpreted to create broader rights to an abortion than those contained in the U.S. Constitution.

SUPPORT

SUPPORTERS:

Florida Legislature, Florida Catholic Conference, Florida Right to Life

ARGUMENTS:

The amendment is an opportunity to let voters weigh in on the sanctity of life. The public should speak to it — and that is more important than the cost associated with abortions. Even if *Roe vs. Wade* was overturned and the state was allowed to craft its own abortion regulations, women, citing the Florida charter's privacy clause, could still seek abortions that might otherwise be curtailed.

OPPOSE

OPPONENTS:

National Organization for Women, Florida Alliance of Planned Parenthood Affiliates

ARGUMENTS:

Medicaid already protects against public funding of abortion. There's no reason to put this into the Constitution.

In 2009-10, only 4 abortions were covered under Florida Medicaid at a cost of \$534.60. Based on this, there is no imminent need for new legislation, as the current laws are functioning suitably.

The amendment would roll back women's rights as protected under the Florida Constitution and would reverse that express right to privacy. If this amendment passes, future anti-choice laws would have a harder time being challenged.

This is a direct assault on women and their basic rights, as currently guaranteed here in Florida.

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AMENDMENT 8:

Religious Freedom (Legislative Joint Resolution)

Amendment 8 would remove a prohibition on revenues from the public treasury being used to aid any church, sect or religious denomination in aid of a sectarian institution. This would ensure that no individual/entity can be denied any government benefit, funding or support based on religious identity or belief.

SUPPORT

SUPPORTERS:

Florida Legislature, Florida Catholic Conference, Foundation for Florida's Future

ARGUMENTS:

This measure would rid the state of language that has anti-Catholic origins, eradicate remnants of anti-religious bigotry from the State Constitution and end exclusionary funding practices that discriminate on the basis of religious belief or identity.

Vouchers are just one of many programs that could benefit from the funding mentioned in the amendment. A lot of other things that could be affected: soup kitchens, halfway houses, McKay scholarships, and Catholic charities.

Amendment 8 gives parents the right to select the schools they deem best suited for their children, which will allow poor and disabled children to receive federal and state services necessary to achieve academically and assimilate socially.

OPPOSE

OPPONENTS:

Anti-Defamation League, Florida Education Association, Florida School Board Association, American Civil Liberties Union

ARGUMENTS:

The amendment will require taxpayers to fund houses of worship without their knowledge, and will give religious organizations an unfettered right to receive state funding. So, even the most extreme or repugnant groups who say they are religious would essentially have an unrestricted constitutional right to taxpayer dollars. This would be both offensive and potentially reckless public policy.

The measure is misleading. The real goal of Amendment 8 is to give the Legislature the power to promote taxpayer-financed school vouchers that would require Floridians to subsidize private religious schools. There should be an up or down vote on vouchers and an end to pretending this is about religious freedom.

AMENDMENT HISTORY

This was originally amendment 7 but, was thrown off the ballot due to “ambiguous and misleading” ballot language. Attorney General Pam Bondi rewrote it, and it now appears as Amendment 8.

AMENDMENT 9:

Homestead Property Tax Exemption for Surviving Spouse of Military Veteran or First Responder (Legislative Joint Resolution)

Amendment 9 would allow the Legislature by general law to provide ad valorem homestead property tax relief to the surviving spouse of a military veteran who died from service-connected causes while on active duty or the surviving spouse of a first responder who died in the line of duty, provide definitions with respect thereto, and provide an effective date, etc.

SUPPORT

SUPPORTERS:

Florida Legislature

ARGUMENTS:

This language simply allows the Legislature the authority to provide ad valorem tax relief to surviving spouses of either military veterans or first responders who died in the line of duty.

OPPOSE

OPPONENTS:

No organized opposition.

ARGUMENTS:

This amendment would cost schools approximately \$0.6 million in the first year.

AMENDMENT 10:

Tangible Personal Property Tax Exemption (Legislative Joint Resolution)

The joint resolution amends the section of law regarding the exemption for tangible personal property. It primarily does two things.

First, it provides an exemption from ad valorem taxes levied by counties, municipalities, school districts, and other local governments on tangible personal property if the assessed value of an owner's tangible personal property is greater than \$25,000 but less than \$50,000.

Second, it authorizes a county or municipality to provide additional tangible personal property tax exemptions by ordinance.

SUPPORT

SUPPORTERS:

Florida Legislature, Florida Tax Watch, National Federation of Independent Business, FL Chamber of Commerce, Manufacturers Association of Florida

ARGUMENTS:

Amendment 10 relieves the tax burden on Florida's small businesses, while also allowing flexibility for local governments to further reduce the Tangible Personal Property tax in order to attract private capital investment, and help to create and retain more jobs in Florida.

OPPOSE

OPPONENTS:

No organized opposition.

ARGUMENTS:

It would have a negative impact on local government revenues of \$20.2 million in the first year.

AMENDMENT 11:

Additional Homestead Tax Exemption for Seniors (Legislative Joint Resolution)

Amendment 11 would authorize the Legislature to allow counties and municipalities to grant an additional homestead tax exemption equal to the assessed value of a homestead property, if the property has a value lower than the specified amount, to the owner who has maintained permanent residency on the property for a specified duration, who has attained age 65, and whose household income does not exceed a specified amount.

SUPPORT

SUPPORTERS:

Florida Legislature

ARGUMENTS:

This amendment will give the legislature needed flexibility to provide further tax relief to senior citizens.

OPPOSE

OPPONENTS:

No organized opposition.

ARGUMENTS:

True tax reform is comprehensive, not piecemeal, and addresses all levels of government and all types of taxes. Further, this amendment adds yet another layer of complexity to an already complicated property tax system and this ad hoc limit may shift the tax burden to those who don't fall into any of the categories.

This amendment would have an estimated cost of \$9.1 million in first year.

AMENDMENT 12:

Board of Governors/Student Member of Board of Governors (Legislative Joint Resolution)

Amendment 12 would revise the selection process for the student member of the Board of Governors of the State University System. It would remove the president of the Florida Student Association as a student member of the Board of Governors of the State University System and replace the member with the chair of the council of student body presidents. The council will include all universities, not just the universities that are members of the Florida Student Association.

SUPPORT

SUPPORTERS:

Florida Legislature

ARGUMENTS:

OPPOSE

OPPONENTS:

No organized opposition.

ARGUMENTS:



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