

Note: Many of the amendments are being challenged in court, some have been removed and the removal is being appealed. As a result, not all of these amendments are certain to be on the actual November 2010 ballot. For the most recent information, please visit www.TheFloridaVoter.org August 3, 2010

Amendment #1 Repeal of public campaign financing requirement

Ballot Summary: Proposing the repeal of the provision in the State Constitution that requires public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

Effect of Passage: Would repeal the public campaign financing requirement in the Florida Constitution, (Article VI, Section 7, Fla. Const.)

Sponsor: The Florida Legislature

Background: Sixty-four percent of Florida voters approved using public financing for campaigns in 1998, raising to constitutional status public financing of statewide campaigns. Article VI, section 7 is implemented by statute which establishes the voluntary campaign spending limits that candidates who accept public financing must adhere to. In 2005, the Florida legislature dramatically increased the spending limits by more than 300%, distorting the original purpose of the public financing system which was to hold down the cost of campaigns. In 2010, those voluntary spending limits are \$24.9 million in the gubernatorial race and \$12.5 million for other cabinet races. Candidates for governor and four cabinet offices received a total of \$11 million in public funds to finance campaigns in the last statewide election in 2006. The Legislature could reduce the spending limits but have thus far refused to do so.

To qualify for public funding, gubernatorial candidates also must raise at least \$150,000 from Florida residents and other cabinet candidates must raise \$100,000. Candidates qualify for public financing if they loan themselves no more than \$25,000 and receive no more than \$250,000 from a political party.

A Vote For Amendment #1...

- would end campaign financing that requires expenditure of substantial public monies beginning in the 2014 election cycle.
- would increase the influence of special interests in elections.
- would reduce the number of candidates who can afford to run for office.
- would eliminate what some believe is one of the most significant campaign finance reforms in Florida history.
- would end limits on campaign spending that some believe infringe on the First Amendment right to freedom of speech.

A Vote Against Amendment #1:

- would continue the present system of public campaign financing.
- would continue to allow substantial public monies to be used to help finance the political campaigns of candidates who qualify for public financing.

Amendment #2 Homestead ad valorem tax credit for deployed military personnel

Ballot Summary: Proposing an amendment to the State Constitution to require the Legislature to provide an additional homestead property tax exemption by law for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The exempt amount will be based upon the number of days in the previous calendar year that the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The amendment is scheduled to take effect January 1, 2011.

Effect of Passage: Would amend Constitution to provide added property tax relief to designated military personnel. (Article VII, Section 3, Fla. Const.; would create Article XII, Section 31, Fla. Const.)

Sponsor: The Florida Legislature

Background: State Representative Mike Horner (R-Kissimmee), joined by the Finance & Tax Council, filed the resolution to place this proposal on the ballot. Republican Majority Whip Andy Gardiner filed a similar resolution in the Senate. The Revenue Estimating Conference estimates that this proposal would have reduced receipts statewide approximately \$13 million if it had been in effect in FY 2009-2010, assuming current millage rates.

A Vote For Amendment #2:

- would reduce property taxes for military personnel.
- would limit local property tax revenues statewide.
- would place a limitation on revenue in the Florida Constitution where it will be difficult to modify or remove.

A Vote Against Amendment #2:

- would leave property taxes for military personnel at their locally established rates.
- would not place a new limit on property taxes for military personnel.
- would not place a limitation on state revenue in the Florida Constitution where it will be difficult to modify or remove.

Amendment #3

Property tax limit for non-homestead property; additional homestead exemption for new homestead owners

Ballot Summary: The State Constitution generally limits the maximum annual increase in the assessed value of non-homestead 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 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.

Effect of Passage: Would amend Article VII, Sections 4, 6 Fla. Const. to lower the annual cap on assessment increases for businesses, rental properties, and vacation homes; would create two new sections in Article XII, Fla. Const. to offer a tax break for first-time home buyers.

Sponsor: The Florida Legislature

Background: Senator Evelyn Lynn (R-Ormond Beach) sponsored the bill to place this proposal on the ballot. Governor Crist, together with the Florida Realtors, lobbied for the tax breaks in this proposal in the past session. According to bill analysis, over the next three years the proposed non-homestead cap would save property owners \$551 million and the additional exemptions would reduce local non-school collections by \$386 million.

A Vote For Amendment #3...

- will cost schools and local governments over \$1 billion over the next few years.
- might help to stimulate Florida's economy.
- would create new incentives for home ownership and real estate investment.
- would encourage first-time homebuyers.
- would increase complexity and inequity in Florida's tax structure.

A Vote Against Amendment #3...

- would continue to treat new homestead owners and current homeowners as they are treated presently.
- would not place tax exemptions in the Florida Constitution where they will be difficult to modify or repeal.

Amendment #4

Referenda required for adoption and amendment of local government comprehensive land use plans

Ballot Summary: Establishes that before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, the proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body and notice. Provides definitions.

Effect of Passage: Would amend Fla. Constitution to require voter approval of development proposals that conflict with already established comprehensive land use plans. Comprehensive plans are blueprints that cities and counties use to define how the lands in local communities may be developed. Article II, Section 7.

Sponsor: Florida Hometown Democracy, Inc., PAC

Background: Florida Hometown Democracy has collected signatures since 2003 to place its initiative on the ballot. Supporters contend the proposed amendment is necessary to deal with overdevelopment and unfunded, inadequate infrastructure in Florida. The opponents argue it will delay comprehensive plan changes and adoptions by requiring each change be approved by referendum.

The Hometown Democracy petition initiative is led by a land use attorney and an environmental attorney with backing from groups such as Sierra Club of Florida. The Florida League of Cities, the Florida Association of Counties and the Florida Chamber of Commerce are among groups that oppose passage of the proposal.

A Vote For Amendment #4...

- would change the current land use planning system to require citizen referendums on comprehensive plan changes.
- would reduce the authority of local elected officials for comprehensive land use plan adoption and change.
- would entail extra cost for referendum elections and could slow the comprehensive land use process.
- would introduce the potential for political advertising to influence referendum voting on land use decisions.

A Vote Against Amendment #4...

- would continue the current method of land use planning as established by the legislature.
- would maintain the current level of public input.
- would maintain the status quo for lobbyists to influence decisions of local elected officials on land use plans.

Amendment #5

Standards for Legislature to follow in legislative redistricting

Ballot Summary: Legislative districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

Effect of Passage: Would set standards for drawing legislative districts after each census to reduce gerrymandering. (Would add a new section 21 to Article III, Fla. Const.)

Sponsor: FairDistrictsFlorida.org

Background: FairDistrictsFlorida.org is a bi-partisan organization which includes the League of Women Voters of Florida, NAACP, and Democracia Ahora. This proposal would place standards in the constitution that would prohibit the manipulation of legislative district lines for political purposes. It would also prohibit the drawing of districts that reduce the ability of minorities to equally participate in the political process. It would make compactness and community-based boundaries constitutional requirements, which the Florida Supreme Court previously found were not constitutionally mandated.

Opponents of the proposed amendment argue the standards are conflicting and will be difficult for the legislature to implement. They also contend it could potentially reduce minority representation.

A Vote For Amendment #5...

- would set non-political standards for redistricting.
- would reduce gerrymandering or the drawing of districts for political purposes.
- would protect the ability of minorities to participate in the political process.
- would likely increase competition within elections
- could lead to filing of litigation in implementing the provisions.

A Vote Against Amendment #5...

- would continue to allow the legislature to draw districts to favor an incumbent or a particular political party.
- would allow many incumbents to remain unchallenged.

Amendment #6

Standards for Legislature to follow in congressional redistricting

Ballot Summary: Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

Effect of Passage: Would add a new section 20 to Article III, Fla. Const.

Sponsor: FairDistrictsFlorida.org

Background: (This proposal is identical to proposal 5, except that it would provide for federal congressional districting.) FairDistrictsFlorida.org is a bi-partisan organization which includes the League of Women Voters of Florida, NAACP, and Democracia Ahora. This proposal would place standards in the constitution that would prohibit the manipulation of legislative district lines for political purposes. It would also prohibit the drawing of districts that reduce the ability of minorities to equally participate in the political process. It would make compactness and community-based boundaries constitutional requirements, which the Florida Supreme Court previously found were not constitutionally mandated.

Opponents of the proposed amendment argue the standards are conflicting and will be difficult for the legislature to implement. They also contend it could potentially reduce minority representation.

A Vote For Amendment #6...

- would set non-political standards for redistricting.
- would reduce gerrymandering or the drawing of districts for political purposes.
- would protect the ability of minorities to participate in the political process.
- would likely increase competition within elections
- could lead to filing of litigation in implementing the provisions.

A Vote Against Amendment #6...

- would continue to allow the legislature to draw districts to favor an incumbent or a particular political party.
- would allow many incumbents to remain unchallenged.

Amendment #7

Standards for Legislature to follow in legislative and congressional redistricting

Ballot Summary: In establishing congressional and legislative district boundaries or plans, the state shall apply federal requirements and balance and implement the standards in the State Constitution. The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of common interest other than political parties may be respected and promoted, both without subordination to any other provision of Article III of the State Constitution. Districts and plans are valid if the balancing and implementation of standards is rationally related to the standards contained in the State Constitution and is consistent with federal law.

Effect of Passage: Would effectively override standards contained in Amendments 5 and 6, and add a new Section 20 to Article III, Fla. Const.

Sponsor: The Florida Legislature

Background: Following ballot qualification by the Fair District initiatives, the legislature, which will oversee redistricting in 2012, added proposal 7 to the ballot with virtual party-line approval. The League of Women Voters of Florida and other groups sued in May of this year to have proposed amendment 7 removed from the ballot because its summary and title fail to inform voters of its chief purpose and effect. A Leon County Circuit Judge has ruled in the League's favor to remove the amendment from the ballot, but the decision is being appealed.

A Vote For Amendment #7...

- would allow the drawing of districts to favor election of members of undefined "communities of common interests."
- would weaken the minority voter protections that are contained in Amendments 5 and 6.
- would allow the manipulation of district lines for political purposes.
- could lead to filing of court cases in implementing the provision.

A Vote Against Amendment #7...

- would maintain present minority voter protections.
- would mean that re-districting is done based on current standards in the State Constitution and those in Amendments 5 & 6 if approved by voters.

Amendment #8

Revision of the class size requirements for public schools

Ballot Summary: The Florida Constitution currently limits the maximum number of students assigned to each teacher in public school classrooms in the following grade groupings: for prekindergarten through grade 3, 18 students; for grades 4 through 8, 22 students; and for grades 9 through 12, 25 students. Under this amendment, the current limits on the maximum number of students assigned to each teacher in public school classrooms would become limits on the average number of students assigned per class to each teacher, by specified grade grouping, in each public school. This amendment also adopts new limits on the maximum number of students assigned to each teacher in an individual classroom as follows: for prekindergarten through grade 3, 21 students; for grades 4 through 8, 27 students; and for grades 9 through 12, 30 students. This amendment specifies that class size limits do not apply to virtual classes, requires the Legislature to provide sufficient funds to maintain the average number of students required by this amendment, and schedules these revisions to take effect upon approval by the electors of this state and to operate retroactively to the beginning of the 2010-2011 school year.

Effect of passage: Would amend the Constitution to increase permissible classroom size. (Would create new Section 31 in Article XII, Fla. Const. that would increase permissible classroom size)

Sponsor: The Florida Legislature

Background: Current class size limits were passed in 2002 by 52 % of Florida voters. These limits set caps on a class-by-class basis. The current limits are being phased in and are scheduled to take full effect in August 2010. The state estimates it has spent approximately \$16 billion since 2002 to implement the class size limits. An additional \$2.9 billion is proposed for the 2010-2011 school year to meet the current limits. The proposed amendment would ease the existing class size limits in the constitution by changing the maximum number of students allowed in the classroom. Senator Don Gaetz (R-Destin) and Representative Will Weatherford (R-Wesley Chapel) sponsored the resolution to place this amendment on the ballot and they argue the current class size limits are too inflexible and cost the state too much. The Florida Education Association opposes the amendment and the teachers' union is calling on the state to fulfill the constitutional mandate approved by voters in 2002.

A Vote For Amendment #8...

- would provide more flexibility in meeting class size requirements.
- would allow limits to be increased (by no more than five) on the maximum number of students in a class.
- would provide more local level control of teacher-student ratios.

A Vote Against Amendment #8...

- would leave class sizes as provided by the 2002 constitutional amendment.
- would discourage legislature from proposing that class size limits be eliminated.
- would cost the state additional dollars in fully implementing the original class size amendment.

Amendment #9

Health Care Freedom

Ballot Summary: HEALTH CARE SERVICES.—Proposing an amendment to the State Constitution to ensure access to health care services without waiting lists, protect the doctor-patient relationship, guard against mandates that don't work, prohibit laws or rules from compelling any person, employer, or healthcare provider to participate in any health care system; permit a person or an employer to purchase lawful health care services directly from a health care provider; permit a health care provider to accept direct payment from a person or an employer for lawful health care services; exempt persons, employers, and health care providers from penalties and fines for paying directly or accepting direct payment for lawful health care services; and permit the purchase or sale of health insurance in private health care systems. Specifies that 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; affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or an employer for paying directly for lawful health care services or a health care provider for accepting direct payment from a person or an employer for lawful health care services; or affect any general law passed by two-thirds vote of the membership of each house of the Legislature, passed after the effective date of the amendment, provided such law states with specificity the public necessity justifying the exceptions from the provisions of the amendment. The amendment expressly provides that it may not be construed to prohibit negotiated provisions in insurance contracts, network agreements, or other provider agreements contractually limiting copayments, coinsurance, deductibles, or other patient charges.

Effect of Passage: Would create a new section 28 in Article I, Fla. Const. that attempts to prohibit the state from passing laws that require any person to participate in a health care system.

Sponsor: The Florida Legislature

Background: The first major federal involvement in health care began in 1965 with the creation of Medicaid and Medicare. In March 2010, Congress passed national health care reform bills, which will require most Americans to purchase insurance by 2014 or pay a penalty. The new law also lowers preventative care and prescription drug costs for Medicare recipients and offers free preventive services to Medicaid recipients. The Florida Attorney General, joined by attorney generals in a number of other states, has sued the federal government asserting that the new law usurps states' rights and will be exorbitantly expensive. The proposed amendment seeks to overturn the recently adopted federal health care reform law with state law but also would make changes or raise issues in the delivery of ongoing programs. For example, the promise to "provide health care services without waiting lists," ignores the fact that many of the state's waiting lists are created by legislature's choices to limit eligibility and would strengthen the hand of groups suing the state to get rid of these waiting lists. "Protecting the doctor-patient relationships" might restrict the state's ability to direct Medicaid patients into Medicaid Managed Care. Prohibiting people from being forced into a health care system and permitting direct purchases of insurance from a provider seems to also prohibit the legislature from directing Medicaid patients into Medicaid managed care. The proposed amendment says it is not intended

to change required health care services or interfere with existing contracts, seeming to cancel some of what it proposes.

A Vote For Amendment #9...

- would likely strengthen the hand of groups suing the state for its efforts to limit access to state programs to those in most severe need.
- would throw barriers in the way of the legislature's efforts to move Medicaid patients into Medicaid Managed Care.
- would create a clash between federal and state law, which if decided in the state's favor, would make it impossible for insurance companies to end the practice of imposing pre-existing conditions over price and service in their sale of insurance policies to poor people.
- would produce years of litigation while the courts sorted out the effects of the highly ambiguous language in this amendment.

A Vote Against Amendment #9...

- would keep a complex, changing issue from being incorporated into the constitution, where it will impact, and possibly impede, future legislation on this subject.
- would permit the consumer protections in the new federal health reform law to go into effect without first having to pursue multiple cases in federal court.

Referendum

Balancing the Federal Budget — A Nonbinding Referendum Calling for an Amendment to the United States Constitution

Referendum Language: In order to stop the uncontrolled growth of our national debt and prevent excessive borrowing by the Federal Government, which threatens our economy and national security, should the United States Constitution be amended to require a balanced federal budget without raising taxes?

Background: The Congressional Budget Office estimates that the national debt in 2011 will reach \$15.5 trillion. The rapid rise of the national debt since 2000 was caused by the expense of foreign wars, tax cuts, structural debt and recent bail out and economic stimulus packages. The legislature proposed this non binding referendum to allow Floridians to send a message to Washington. While Florida, like 48 other states, must balance their budgets annually, it is noteworthy that the state's FY recent budget was balanced largely using federal stimulus monies.

A Vote For This Referendum...

- would send a message that Floridians would like a balanced federal budget with no new taxes.
- would only be advisory if passed.

A Vote Against This Referendum...

- would suggest that the legislature needs to be more specific as to where the federal budget will be cut.