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Amendment Sponsors Vary
**Voters Asked to
Consider Six
Proposed
Amendments to
the Florida
Constitution**



On November 4, Florida voters will decide the fate of several constitutional proposals. Each will require a 60 percent favorable vote for adoption. This issue of Capitol Report discusses the six proposals that made it to the 2008 General Election ballot, and the three that were lost on the way.

*By Rheb Harbison
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As of today, 56 proposed constitutional amendments are filed and are active with the Florida Division of Elections. On November 4, Florida's 10.5 million voters will have choices to make relating to six of those proposals seeking to amend the State Constitution.

Some of this year's proposed amendments are suggested by the Florida Legislature; others originated from the state's Taxation

and Budget Reform Commission; and one comes by way of a citizen ballot initiative.

The Taxation and Budget Reform Commission concluded work on their set of proposals in the spring of this year. The Commission is a constitutionally created group that meets every 20 years with a charge reflected in its name.

The Commission has the power to place constitutional amendments directly on the ballot, bypassing both the Governor and Legislature.

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There is one hitch, however, with any proposed amendment regardless of its source. Challenges can be made within the court system using an assertion that a particular proposal does not deal with a single subject and/or that a proposal's ballot summary does not accurately describe the measure and its true fiscal impact on tax payers. Both tests must be met in Florida.

However, of the would-be nine proposals that were slated for the November ballot, three Commission proposals were tossed off the ballot by the Florida Supreme Court in a ruling that said the Commission exceeded its authority with the proposals.

Those lost were:

X AMENDMENT #5: THE "TAX SWAP"
Sought to lower the property tax millage rate for schools and replace those taxes with state revenues generating an equivalent hold harmless amount for schools through one or more of the following options: repealing sales tax exemptions not specifically excluded; increasing sales tax rate up to one percentage point; spending reductions; other revenue options created by the legislature. The proposal also sought to limit the subject matter of laws granting future exemptions, and limit annual increases in assessments of non-homestead real property.

X AMENDMENT #7: PUBLIC FUNDING FOR RELIGIOUS INSTITUTIONS
Sought to provide that an individual or entity may not be barred from participating in any public program because of religion and to delete the prohibition against using revenues from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

X AMENDMENT #9: SIXTY-FIVE PERCENT ON CLASSROOM INSTRUCTION AND EDUCATION FUNDING FOR SCHOOL CHOICE PROGRAMS

Sought to require that at least 65 percent of school funding received by school districts be spent on classroom instruction, rather than administration; allowed for differences in administrative expenditures by district. Provided that the constitutional requirement for the state to provide a "uniform, efficient, safe, secure, and high quality system of free public schools" is a minimum, nonexclusive duty. The proposal would have reversed legal precedent prohibiting public funding of private school alternatives to public school programs without creating an entitlement.

Amendments to be Considered by Voters on November 4

The following proposed constitutional amendments will reach the ballot at the General Election in November for voter consideration.

► AMENDMENT #1

Relating to Property Rights/Ineligible Aliens

Sponsor:
The Florida Legislature

Official Ballot Summary

Proposing an amendment to the State Constitution to delete provisions authorizing the Legislature to regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship.

Five Ways to Amend Florida's Constitution:*	
Method	What it Means
Ballot Initiative Process	A committee registers with the state, and then collects signatures with certain percentages coming from each congressional district.
Constitutional Convention	Florida voters may call a constitutional convention by collecting a designated number of signatures and then gaining a majority of the vote to the question: " <i>Shall a constitutional convention be held?</i> "
Constitutional Revision Commission	This 37-member commission meets every 20 years to examine the constitution and propose any amendments deemed necessary.
Legislative Joint Resolution	The Florida Legislature can pass a joint resolution supported by 3/5ths vote of each house of the legislature.
Taxation and Budget Reform Commission	This 22-member Commission meets every 20 th year. Its last meeting year was 2007.

► **AMENDMENT #2**

Florida Marriage Protection Amendment

Sponsor:
Florida4Marriage.org

Official Ballot Summary

This amendment protects marriage as the legal union of only one man and one woman as husband and wife and provides that no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

* Courtesy of VoteSmartFlorida.org

► **AMENDMENT #3**

Changes and Improvements Not Affecting the Assessed Value of Residential Real Property

Sponsor:
Florida Taxation and Budget Reform Commission

Official Ballot Summary

Authorizes the Legislature, by general law, to prohibit consideration of changes or improvements to residential real property which increase resistance to wind damage and installation of renewable energy source devices as factors in assessing the property's value for ad valorem taxation purposes. Effective upon adoption, repeals the existing renewable energy source device exemption no longer in effect.

► **AMENDMENT #4**

Property Tax Exemption of Perpetually Conserved Land; Classification and Assessment of Land Used for Conservation

Sponsor:
Florida Taxation and Budget Reform Commission

Official Ballot Summary

Requires Legislature to provide a property tax exemption for real property encumbered by perpetual conservation easements or other perpetual conservation protections defined by general law. Requires Legislature to provide for classification and assessment of land used for conservation purposes, and not perpetually encumbered, solely on the basis of character or use. Subjects assessment benefit to conditions, limitations, and reasonable definitions established by general law. Applies to property taxes beginning in 2010.

In order to vote on November 4, you must be registered to vote by October 6.

► AMENDMENT #6

Assessment of Working Waterfront Property Based Upon Current Use

Sponsor:

Florida Taxation and Budget Reform Commission

Official Ballot Summary

Provides for assessment based upon use of land used predominantly for commercial fishing purposes; land used for vessel launches into waters that are navigable and accessible to the public; marinas and drystacks that are open to the public; and water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities, subject to conditions, limitations, and reasonable definitions specified by general law.

► AMENDMENT #8

Local Option Community College Funding

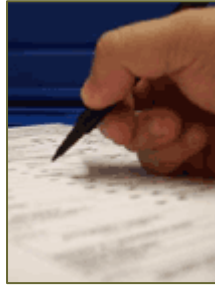
Sponsor:

Florida Taxation and Budget Reform Commission

Official Ballot Summary

Proposing an amendment to the State Constitution to require that the Legislature authorize counties to levy a local option sales tax to supplement community college funding; requiring voter approval to levy the tax; providing that approved taxes will sunset after 5 years and may be reauthorized by the voters.

i MORE INFORMATION



Voters may obtain more information on these and other issues through VoteSmartFlorida.org. The organization is a non-profit, non-partisan 501(C)(4) organization comprising more than 60 diverse groups including community

organizations, trade associations, chambers of commerce and others. "Vote Smart" provides unbiased, non-partisan and factual information on proposed constitutional amendments and the process by which they get on the ballot. Hit the organization on the web at:

www.VoteSmartFlorida.org.



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Rheb has 28 years of progressive senior level experience in lobbying, public affairs, communications, media relations, and marketing in both the public and private sectors. Rheb counsels clients on political action strategy and is also responsible for fund-raising and the activities of the Firm's political action committee, which supports the election of local and state candidates for public office.

Since May he has participated in more than 160 interviews with legislative candidates.

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