

Summary of Proposed 2018 Constitutional Amendments

Amendment 1 – Increased Homestead Property Tax Exemption

Sponsor – Legislature

Summary – Permits the creation of an additional \$25,000 homestead exemption for all levies other than school district levies applicable to assessed value between \$100,000 and \$125,000. Implementing legislation has already been passed by the Legislature which also provides that the rolled back rate for FY 19-20 must be calculated as if the tax base had not been reduced by the new exemption. The law also directs the Legislature to appropriate funds to offset ad valorem tax revenue losses in fiscally constrained counties.

Amendment 2 – Limitations on Property Tax Assessments

Sponsor – Legislature

Summary – Permanently retains existing Constitutional provisions set to expire in 2019 which limit property tax assessment increases on non-homestead real property, other than for school taxes, to 10% each year.

- If not passed, could have a massive financial impact as properties that were previously protected by the 10% cap would be subject to reassessment at just value.

Amendment 3 – Voter Control of Gambling

Sponsor – Citizen’s Initiative (Voters In Charge)

Summary – Grants Florida voters exclusive right to decide whether to authorize casino gambling in the State. To expand casino gambling in the future, it would require a citizen’s initiative. “Casino Gambling” defined as any of the types of games typically found in casinos. Does not include pari-mutuel wagering on horse/dog racing or jai alai.

Amendment 4 – Voting Restoration Amendment

Sponsor – Citizen’s Initiative (Floridians for a Fair Democracy)

Summary – Provides for voting rights of convicted felons to be automatically restored upon completion of all terms of sentence (including parole/probation). Does not apply to felons convicted of murder or felony sexual offense (must seek restoration under current system).

- Current system of restoring voting rights to felons (Clemency Board made up of Governor and three others has final say) is being litigated in federal court. Challengers claim it is arbitrary, places essentially unfettered discretion in the hands of the Clemency Board. In April 2018, U.S. Circuit Court of Appeals overturned trial court's decision finding current system unconstitutional.

Amendment 5 – Supermajority Vote Required to Impose or Raise State Taxes or Fees

Sponsor – Legislature

Summary – Prohibits the Legislature from imposing any new state tax or fee raising an existing state tax or fee except through legislation approved by a two-thirds vote of each house of the legislature in a bill containing no other subject.

Amendment 6 – Rights of Crime Victims; Judges

Sponsor – CRC

Summary – Creates “Victim’s Bill of Rights,” which includes right to: due process and fairness, right to be free from intimidation and harassment, right to be protected from the accused, right to have safety and welfare of the victim and victim’s family considered when setting bail, right to protect disclosure of information or records that could be used to locate/harass victim and their family.

Upon request, also gives victims the right to (among other things): notice of criminal proceedings, to be involved in such proceedings (from pretrial through postconviction), right to return of property when no longer needed as evidence, right to full and timely restitution for all losses suffered, and right to proceedings free from unreasonable delay. Provides for victims to assert and seek enforcement of these rights through the courts.

Requires all state level appeals be completed within 2 years from date of appeal in non-capital cases and 5 years in capital cases, unless a court makes findings as to specific circumstances causing delay.

Also increases mandatory retirement age for judges from 70 to 75, to take effect on July 1, 2019.

Amendment 7 – First Responder and Military Member Survivor Benefits; Public Colleges

Sponsor – CRC

Summary – Grants mandatory payment of death benefits and waiver of certain educational expenses to qualifying survivors of certain first responders (firefighters, paramedics, EMTs, law enforcement or correctional officers) and military members who die performing official duties. Requires supermajority votes by university trustees and state university system board of governors to raise or impose all legislatively authorized fees if law requires approval by those

bodies. Establishes existing state college system as a constitutional entity, supervised by State Board of Education. Each college institution is to be governed by a local board of trustees.

Amendment 8 – School Board Term Limits and Duties; Public Schools

Sponsor – CRC

Summary – Restricts school board members to 8 consecutive years in office. Requires the Legislature to promote civic literacy in public schools “to ensure students understand and are prepared to exercise their rights and responsibilities as citizens of a constitutional republic.” Permits the State (rather than the School Board) to operate and control public schools within a School Board’s district that were not established by the School Board.

Amendment 9 – Prohibition of Offshore Oil and Gas Drilling; Prohibition of Vaping in Indoor Workplaces

Sponsor – CRC

Summary – Prohibits drilling for the exploration or extraction of oil and natural gas beneath all state-owned waters between the mean high water line and the state’s outermost territorial boundaries.

Adds use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces (excluding tobacco shops and vapor device retailers); permits more restrictive local vapor ordinances.

Amendment 10 – State and Local Government Structure and Operation

Sponsor – CRC

Summary – Requires legislature to retain department of veterans’ affairs.

Creates office of domestic security and counterterrorism within FDLE.

Changes annual legislative session commencement date in even- numbered years from March to January and removes legislature’s authorization to fix another date.

Removes ability of Charter Counties to abolish, transfer duties, change term of office, or provide for a method of selection other than election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties.

- The ballot title and summary of this proposed amendment are currently being challenged by Broward and Volusia County. Argument centers around the summary failing to inform voters that it actually restricts home rule authority of charter counties, misleads voters into thinking that there is a danger that if not passed, then Constitutional officers will not be elected (when in fact most are).

Amendment 11 – Property Rights; Removal of Obsolete Provision; Criminal Statutes

Sponsor – CRC

Summary – Removes discriminatory language relating to ownership of property by “aliens ineligible for citizenship.”

Deletes provision that amendment of a criminal statute will not affect prosecution or penalties for a crime committed before the amendment.

Removes obsolete language from the Constitution regarding high speed rail.

Amendment 12 – Lobbying and Abuse of Office by Public Officers

Sponsor – CRC

Summary – Prohibits public officers (includes statewide elected officers and most local officers and heads of agencies) from lobbying for compensation on issues of policy before the federal government, the Legislature, any state government body or agency, or political subdivision during their term of office. Prohibits officers and judges from lobbying their agencies (for judges, applies to lobbying legislative/executive branch) on issues of policy, appropriations, or procurement for 6 years after leaving office. Prohibits public officers/employees from using their position to obtain disproportionate benefits for themselves, family members, or business interests. Directs Commission on Ethics to define by rule “disproportionate benefit,” and the Legislature to provide penalties for violations of the abuse of public position provision.

The prohibition on lobbying provisions would take not take effect until December 31, 2022.

Amendment 13 – Ends Dog Racing

Sponsor – CRC

Summary – Prohibits racing dogs for money or anything of value and gambling on dog racing after December 31, 2020. Directs Legislature to provide civil/criminal penalties for violations.

- Ballot title/summary are being challenged by Florida Greyhound Association. Main arguments are that the summary doesn’t specify that it only bans commercial dog racing and that dog tracks would still be able to show broadcast live greyhound races from other states.

