

TAB 1

Amendment 1 Health Care Services



Synopsis: Amendment 1 is more of a political referendum than a meaningful change to our Constitution. Since the Supreme Court has upheld the federal government's right to impose the individual mandate, the legal standing of Amendment 1 is precarious. The passage or defeat of Amendment 1 may have no practical implications other than to send a message that a majority of Florida's voters are either for or against the individual mandate.

A vote YES on Amendment 1 would:

- Represent an attempt to opt Florida out of federal health care reform requirements
- Add language to the Florida Constitution that could be found unconstitutional under the Supremacy Clause of the U.S. Constitution if determined by the courts to be in conflict with federal law
- Prevent the Florida Legislature from passing health care coverage mandates independent of federal law

A vote NO on Amendment 1 would:

- Mean that Florida should comply with federal health care reform requirements
- Ensure that the Florida Constitution does not conflict with the U.S. Constitution with regard to health care coverage
- Not prohibit Florida lawmakers from passing state laws requiring health care coverage

Amendment 2

Veterans Disabled Due to Combat Injury; Homestead Property Tax Discount



Synopsis: Amendment 2 relaxes the eligibility requirements for an existing property tax discount offered to disabled veterans. Currently, disabled veterans who meet the following four requirements are eligible for a property tax discount commensurate with the

How and Why We Amend Florida's Constitution

The amendments that you will see on this year's ballot are proposed changes to the Florida Constitution. Like the U.S. Constitution, our Florida Constitution establishes rules and basic rights. The Constitution consists of 12 articles, including a Declaration of Rights. It covers freedoms such as religion, speech, press, assemblage, work and bearing of arms.

How do we amend the Florida Constitution?

1. Proposal by Legislature:

An amendment of the Florida Constitution may be proposed by joint resolution and passed by three-fifths of each house of the Legislature. This is the most common method.

2. Constitutional Revision Commission:

Every 20 years, a commission is appointed by the Governor, Speaker of the House, President of the Senate, Chief Justice of the Supreme Court and Attorney General to convene and propose amendments to the

Constitution, which are then voted on by citizens.

3. Citizen Initiative: Citizens may place an amendment on the ballot. After filing a copy of the amendment that has been signed by 8% of the number of voters in the previous

language by the Florida Supreme Court. Citizens have two years to gather signatures.

4. Other methods: The Taxation and Budget Reform Commission meets every 10 years. Additionally, a Constitutional Convention may be called for by citizens.



The proposed amendments must pass with 60% of the vote to become law. This year, all 11 constitutional amendments were proposed by members of the Florida Legislature. Amendment 7 was removed from the ballot by a Leon County Circuit Court judge for having language misleading to voters. The measure was rewritten by the Florida Attorney General's office and reappears as Amendment 8.

presidential election (which must be signed by voters in at least half of the congressional districts in the state), it goes through a number of steps including a review of the

The analyses of the ballot amendments in this Voter Guide were drafted by League members in cooperation with the Collins Center for Public Policy after thorough research.

degree of their disability: 1) current Florida resident; 2) 65 or older; 3) disabled in combat; 4) Florida resident when they entered the military. If passed, Amendment 2 would eliminate that fourth eligibility requirement. As an example of how it works, a veteran eligible for the discount with a 50 percent disability can claim 50 percent off the assessed value of his home. Roughly 1,200 veterans received that discount in 2010, allowing them to subtract, on average, \$24,000 from their home's value before property taxes were calculated. This proposed amendment would give that same tax break to veterans, age 65 and older, who were disabled in combat but living in another state when they entered the military so long as they now claim Florida residency. The state estimates that if Amendment 2 passes, school districts and local governments would lose a total of \$15 million over the first three years.

A vote YES on Amendment 2 would:

- Give the existing homestead tax exemption to disabled veterans who were not Florida residents at the time they entered military service

How to Read this Section

These explanations of the constitutional amendments on the ballot include the amendment number, its title on the ballot, a synopsis of its purpose, what a YES vote would mean, and what a NO vote would mean.

Here is a key to help you identify and organize the amendments by issue or topic area:



Tax Code



Military Service



Health Care

Government Spending



Social Policy



Government Structure



Education



Housing



Court System/
Judicial Branch

- Reduce property tax revenue for schools and local government services by an estimated total of \$15 million over the first three years
- Expand the property tax exemption for some disabled veterans who are not currently eligible for a similar property tax exemption

A vote NO on Amendment 2 would:

- Not expand the property tax exemption to disabled veterans who were not Florida residents at the time they entered military service
- Not reduce property tax revenue for schools and local government services by an estimated \$15 million over three years
- Not place a limitation on state revenue in the Florida Constitution where it would be difficult to modify or remove

Amendment 3
State Government Revenue Limitation



Synopsis: Since 1995, Florida has set a cap for the amount of revenue it can spend every year from taxes and fees imposed on everything from gasoline and tobacco sales to business licenses and auto titles. Any excess revenue above the cap is to be deposited in the state's rainy day fund or returned to taxpayers rather than be spent by the government. The cap is considered by its backers to be a self-imposed restraint on government growth. The current cap is set using a formula based on changes in Florida's personal income (a cumulative total of all personal earnings such as wages, dividends, rent or interest income received in a given year by Florida residents). To date, state revenue collections have never exceeded the cap (largely due to rising personal income and falling tax rates). If passed, Amendment 3 would impose a stricter formula for calculating the revenue limit and, as a result, increase the likelihood it would affect government spending. The new formula would be based on annual population growth and inflation, instead of personal income. Those indicators are considered less volatile than personal income growth and more

likely to constrain growth in state revenues. Critics fear the strict revenue limits would affect spending on necessary services like schools and public safety. According to one opposition group, the Center on Budget and Policy Priorities, the proposed amendment would result in allowable revenues 26 percent below pre-recession levels (2006-07) by 2025, potentially resulting in major cuts to all government services. Supporters say the cap is needed to limit government spending.

A vote YES on Amendment 3 would:

- Replace the existing state revenue limitation based on personal income growth with a new, more restrictive limitation based on changes in population and inflation
- Restrict government revenue (taxes, licenses, fees, fines or charges for services) in good and poor economic times
- Limit the Legislature's ability to increase revenue beyond what the formula allows

A vote NO on Amendment 3 would:

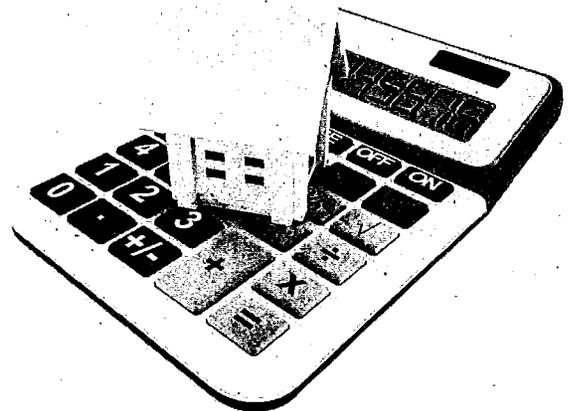
- Maintain the existing state revenue limitation based on personal income growth
- Protect the state's ability to provide the current level of government services
- Preserve the Legislature's current flexibility in responding to budgetary concerns and changing economic conditions

Amendment 4
Property Tax Limitation; Property Value Decline; Reduction for Non-Homestead Assessment Increases; Delay of Scheduled Repeal



Synopsis: This proposal would extend tax breaks to property owners and to first-time homebuyers.

If passed, it would: 1) prevent the assessed value of homesteaded and specified non-homesteaded properties from increasing if the market value of that property decreases compared to the previous year. This would allow the Legislature to eliminate a provision in the current law known as "recapture," which can cause the taxable value of a property to rise even if its market value drops; 2) reduce from 10 percent to 5 percent the cap on annual increases in the assessments of specified non-homesteaded properties such as residential rental property, seasonal homes and commercial property; 3) authorize a homestead exemption to first-time homebuyers or to buyers who have not owned property during the previous three years or longer.



The exemption would phase out over five years and be equal to 50 percent of the market value of the property but not greater than the median market value of all homesteaded properties in the county where the property is located; 4) delay until 2013 the scheduled repeal of assessment caps on certain types of non-homesteaded properties. Proponents say the tax breaks will stimulate the housing and commercial real estate markets. They also say it will help property owners in a down economy. Critics say the proposal will hurt cash-strapped school districts, cities and counties already forced to cut services. Total tax revenue losses to local governments and schools over a three-year period have been estimated at nearly \$1 billion.

A vote YES on Amendment 4 would:

- Reduce local government revenue by cutting in half the taxable rate on non-homestead property, such as commercial income properties and second homes
- Reduce local government revenue by prohibiting increases in the assessed value of homestead property and certain non-homestead property in any year where the market value of the property decreases
- Reduce local government revenue by extending an additional homestead tax exemption to some first-time homeowners

A vote NO on Amendment 4 would:

- Maintain existing property tax exemptions
- Prevent schools and local governments from losing an estimated \$1 billion in property tax revenue over three years
- Not place a limitation on local government revenue in the Florida Constitution where it would be difficult to modify or remove



**Amendment 5
State Courts**



Synopsis: This proposed amendment would alter the balance of power among the judicial, legislative and executive branches of government. Its most meaningful provision is the one granting the state Senate confirmation power over appointees to the Florida Supreme Court. Currently, the governor fills openings on the court by appointing a nominee from a list presented by a judicial nominating commission. If passed, this amendment would allow the Senate to reject or approve nominees. It would also give members of the state House of Representatives expanded access to confidential files involving judges accused of misconduct, and would give lawmakers the right to repeal procedural court rules, such as speedy trial time limits or deadlines for filing court documents, with a simple majority vote rather than a two-thirds majority vote, as currently required. Supporters of Amendment 5 say it would bring much needed change to a court system that gives the governor too much power in appointing judges. Opponents say the measure is a dangerous attempt to exert political influence over the judicial branch by giving legislators more authority.

A vote YES on Amendment 5 would:

- Require the Florida Senate to vote to confirm or reject a gubernatorial appointment to the state Supreme Court
- Allow the Legislature to repeal statewide judicial rules adopted by the Supreme Court by a simple majority vote instead of a two-thirds vote
- Expand the ability of the state House of Representatives to review confidential files about judges, even if they are not being considered for impeachment

A vote NO on Amendment 5 would:

- Maintain the current method of selecting justices for the Florida Supreme Court by allowing the governor to make appointments without legislative approval
- Continue to require a two-thirds vote to repeal statewide judicial rules adopted by the Supreme Court
- Continue to require that files on judges remain confidential unless needed for use in consideration of impeachment

**Amendment 6
Prohibition on Public Funding of
Abortions; Construction of Abortion
Rights**



Synopsis: Federal law prohibits the expenditure of federal funds for most abortions (exceptions include rape, incest and threats to a mother's life). If passed, Amendment 6 would enshrine those prohibitions in the state constitution. Because Florida law already prohibits public funds from being spent on abortion, this would not change current abortion funding practices. Rather, passage would show a majority of the state's voters support existing federal restrictions. There is another provision in the amendment, however, that would affect abortion law in Florida. That provision concerns a privacy right in the state Constitution that is sometimes used to thwart anti-abortion measures in Florida. In 1980, Florida voters passed an amendment that says, in part: "Every natural person has the right to be let alone and free from governmental intrusion into the person's private life..." This privacy clause has been cited when defending abortion rights in Florida. If passed, Amendment 6 would prevent courts from concluding in abortion cases that the right to privacy in Florida is broader in scope than the right to privacy afforded in the U.S. Constitution. Supporters say this amendment puts the state on even footing with the federal government. Opponents say it is a pre-emptive strike on a woman's right to make her own health care choices.

— continued on page 6 —

A vote YES on Amendment 6 would:

- Mean that Florida's constitutional right to privacy is not applicable to abortion-related issues
- Allow more restrictive abortion laws to be found constitutional by Florida courts
- Restate in the Florida Constitution federal and state law that prohibits public funds from being used for abortion or health insurance coverage of abortion

A vote NO on Amendment 6 would:

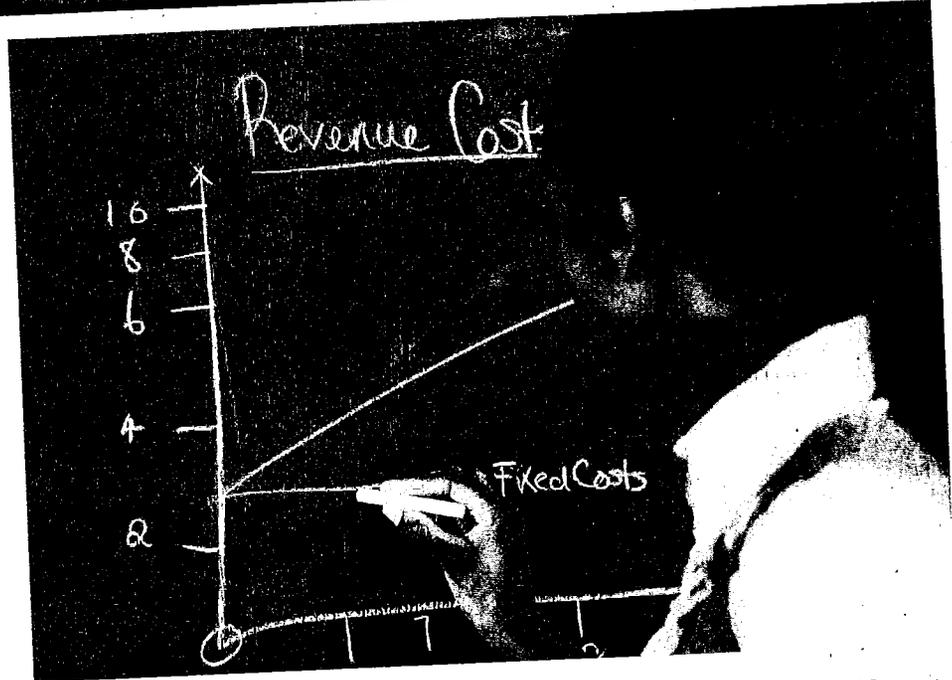
- Continue to allow Florida's constitutional right to privacy to include abortion-related issues
- Continue to extend Florida's constitutional right to privacy to any future attempts to restrict abortion
- Not place language in the Florida Constitution that prohibits public funding of abortion where it would be difficult to modify or remove

Amendment 7
(removed from ballot)

Amendment 8
Religious Freedom



Synopsis: Amendment 8 revives long-standing debates over the separation of church and state. It would repeal a 126-year-old provision in the state Constitution that prohibits taxpayer funding of religious institutions. The provision – commonly known as the “no aid” provision – states more unequivocally than the U.S. Constitution that state funds not be spent “directly or indirectly” in support of any entity that promotes religion. If passed, the amendment would remove that prohibition. An important aspect of Amendment 8 concerns its impact on future school voucher programs. Past programs that included religiously affiliated schools have been deemed unconstitutional partly due to the “no aid” provision. Amendment 8 would remove that obstacle to restarting these programs, which allow parents to remove students from failing public schools and send them to private



schools at taxpayers' expense. Supporters say the “no aid” provision discriminates against religious organizations. They argue this proposal offers support to groups with religious affiliations that provide valuable community services, like prison ministries or church-run after-school programs. Opponents say Amendment 8 will divert money from public schools and other public funding recipients and that it blurs the separation of church and state. Opponents point out that many religious groups, such as Catholic Charities, can receive public funding under the current law provided they do not promote their religion.

A vote YES on Amendment 8 would:

- Repeal the “no aid” provision in the Florida Constitution and allow public money to go to private religious institutions
- Allow the expansion of Florida's school voucher program to religious institutions and could result in money being directed to private religious schools at the expense of public schools
- Allow for a greater number of religious programs to be supported by taxpayer funding

A vote NO on Amendment 8 would:

- Maintain the “no aid” provision in the state Constitution that prohibits the government from funding religious institutions and groups that promote religion
- Maintain the constitutional provision the courts have cited when rejecting school voucher programs that fund religiously affiliated schools
- Maintain the separation of church and state as provided by the state Constitution since 1885

Amendment 9
Homestead Property Tax Exemption
for Surviving Spouse of Military
Veteran or First Responder



Synopsis: Amendment 9 grants full homestead property tax relief to the surviving spouses of military veterans who die from service-connected causes while on active duty, and to the surviving spouses

of police, firefighters and other first responders who die in the line of duty. In short, the surviving spouses deemed eligible will not pay any property taxes. For a spouse to be eligible, the deceased veteran or first responder must have been a permanent resident of Florida as of Jan. 1 of the year he or she died. That same residency requirement applies to the surviving spouses of first responders. First responders are defined as law enforcement officers, correctional officers, firefighters, emergency medical technicians and paramedics. The proposed amendment covers full-time, part-time or volunteer first responders. State law has granted full homestead property tax relief to surviving military spouses since 1997. This proposed amendment enshrines that exemption in the state Constitution while adding eligibility to the spouses of first responders. Surviving spouses of veterans or first responders who died years ago can apply for eligibility retroactively if Amendment 9 passes, although the tax relief is for future taxes only; they will not receive refunds for any past taxes paid. The state estimates that this amendment, if passed, would reduce local school and government tax revenues by about \$600,000 statewide in the first year it is in effect.

A vote YES for Amendment 9 would:

- Grant full homestead property tax relief to the surviving spouses of first responders who die in the line of duty
- Enshrine in the state Constitution a law that currently offers full property tax relief to surviving spouses of veterans who die while on active duty
- Allow spouses whose partners died before the passage of the Amendment to be eligible for the tax exemption

A vote NO for Amendment 9 would:

- Maintain existing property tax exemptions
- Prevent local governments from losing a combined \$600,000 in estimated property tax revenues over the course of a year
- Not place a limitation on local government revenue in the Florida Constitution where it would be difficult to modify or remove

**Amendment 10
Tangible Personal Property Tax Exemption**



Synopsis: Most taxpayers are familiar with paying property taxes on a home. This proposed amendment is about taxes assessed on tangible personal property used in a business or to earn income. Furniture, fixtures, machinery, tools, shelving, signs and equipment are examples of property that is subject to the state's tangible personal property tax. By April 1 of each year, anyone owning tangible personal property that is used in a business or to earn income must file a return with the local property appraiser. Under current law, the first \$25,000 of tangible personal property is exempt from taxation. If passed, Amendment 10 would boost that exemption to \$50,000. It would also allow cities and counties to grant additional tangible personal tax exemptions

beyond the \$50,000 exemption. The state estimates that tangible personal property taxes represented an estimated 7.6 percent of the total county property taxes levied in Florida in fiscal year 2011-12. The corresponding amount for cities was 6.1 percent. Statewide, if Amendment 10 passes, the added exemption amount proposed would reduce property tax collections by \$61 million over the first three years combined, according to state estimates. Supporters say it will help small businesses. Opponents question whether it will benefit the economy and warn it will further erode the local tax base.

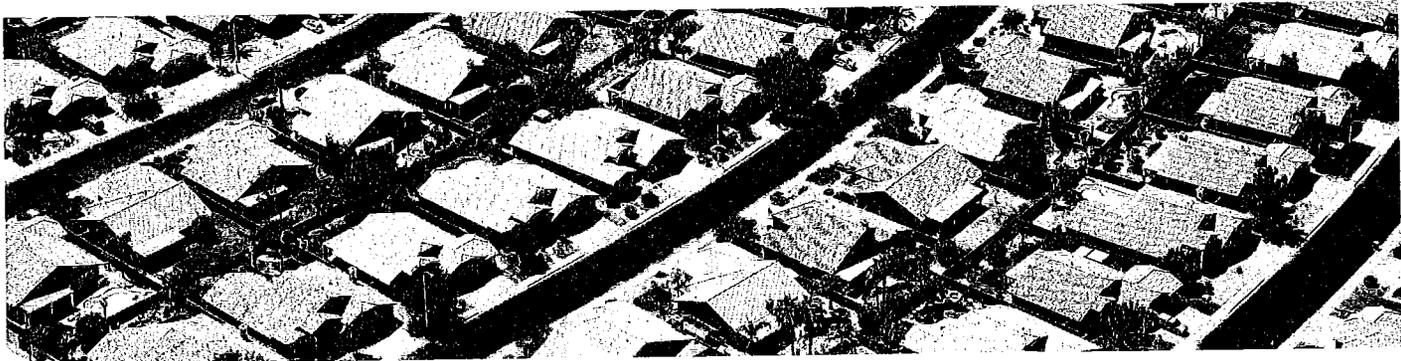
A vote YES for Amendment 10 would:

- Double the tax exemption on tangible personal property
- Allow cities and counties to grant additional tangible personal property tax exemptions
- Reduce local property tax revenues across the state by an estimated \$61 million combined over the first three years it is implemented

A vote NO for Amendment 10 would:

- Leave the tax exemption on tangible personal property at its current rate
- Not reduce local property tax revenues across the state by an estimated \$61 million combined over three years
- Not place a limitation on local government revenue in the Florida Constitution where it would be difficult to modify or remove

— continued on page 8 —



Amendment 11

Additional Homestead Exemption; Low-Income Seniors Who Maintain Long-Term Residency on Property; Equal to Assessed Value



Synopsis: Amendment 11 authorizes cities and counties to grant full homestead property tax relief to low-income seniors who have lived in their home for at least 25 years. In short, it would eliminate the entire property tax bill for qualifying seniors. Homeowners who meet the following requirements would be eligible: 1) aged 65 and older; 2) have a household income of less than \$27,030; 3) own a home with a market value of less than \$250,000; 4) have lived in the home for at least 25 years. City councils and county commissions must pass the exemption by a supermajority vote before the full exemption can be offered. The state estimates that the tax revenues local governments would lose if Amendment 11 passes, and if every city and county in the state were to approve the exemption, would be a combined \$18.5 million over the first two years it was offered.

A vote YES on Amendment 11 would:

- Authorize cities and counties to grant a full homestead exemption to certain low-income seniors
- Require a super-majority vote by local governments to grant the exemption
- Reduce tax revenues to local governments across the state by an estimated \$18.5 million combined over the first two years it is implemented

A vote NO on Amendment 11 would:

- Retain current property tax exemptions for seniors
- Prevent local governments from granting an exemption that could cost an estimated \$18.5 million in tax revenues combined over the first two years of implementation
- Not place a potential limitation on local government revenue in the Florida Constitution where it would be difficult to modify or remove

Amendment 12

Appointment of Student Body President to Board of Governors of the State University System



Synopsis: The state's 11 public universities are part of the State University System, which is governed by a 17-member Board of Governors. Under current law, the president of the Florida Student Association is, by virtue of the position, a member of the Board of Governors. Not every university is an active FSA member, however. Currently, 10 of the 11 universities take an active role. Florida State University prefers not to pay the FSA dues, feeling its interests are better represented in other ways. Under the current system, student council presidents from schools that are non-FSA participants, like FSU, can never be the student representative on the Board of Governors. If passed, Amendment 12 would instruct the Board of Governors to create a new

council consisting of the student body presidents of all 11 universities. Presumably, all 11 universities would participate. The chair of that new council would replace the chair of the FSA as the student representative to the Board of Governors.

A vote YES on Amendment 12 would:

- Create a new council of student body presidents from which the student representative to the Board of Governors would be selected
- Remove the Florida Student Association president from the Board of Governors
- Require all state university student body presidents to participate in the newly created council

A vote NO on Amendment 12 would:

- Not authorize the creation of a new council of student body presidents
- Retain the Florida Student Association's current role on the Board of Governors
- Require that state universities participate in the Florida Student Association in order to be represented by the student member of the Board of Governors

ADDITIONAL RESOURCES FOR VOTERS

To view local candidate questionnaires, as well as voter registration and election information, please visit www.FloridaVote.org, a voter service website provided by the Florida State League of Women Voters of Florida Education Fund.

For voting information including voter registration, election dates, early voting, precinct and Supervisor of Elections, please visit the Florida Division of Elections online at election.do.state.fl.us.

The state of Florida also offers a toll-free Voter Assistance Hotline to help and answer questions at 1-866-308-6729.

To learn more about the League of Women Voters of Florida, or obtain our Voter Guide, check out www.TheLeagueVoter.org.

The Ballot Center for Public Policy offers detailed analysis of the constitutionality of Amendment 11 at www.BallotCenter.org.

The Florida Bar provides a number of resources aimed at helping voters learn more about their constitution and the judicial candidates who will appear on the ballot. www.FloridaBar.org/HowtoVoteYourBallot.

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