



## 2018 Florida Constitutional Amendments

Voters have a big task before them this election day. In addition to the election for various political offices, there may be as many as 13 proposed Amendments to the Florida Constitution on the ballot. (The number may be reduced by the Courts). The proposed Amendments are below in the bold print. Some comments are indented below each proposal. There may be as many as six proposed amendments that are “bundled” containing 2 to 4 different proposals. These will be on the ballot in one paragraph but below they have been numbered to make it easier for the reader.

I give my suggested vote after my comments. I certainly expect no one to follow my suggestions blindly. My personal biases certainly have guided my decisions on each amendment. Prominent among these are beliefs that: 1) a constitution ought to be a conservative document that is not changed without a very good reason, 2) it ought to focus on the structure of government, 3) it should be used to protect the people from government and 4) that it should be something that most citizens will read and be able to understand.

Bob Solari

**Amendment 1--INCREASED HOMESTEAD PROPERTY TAX EXEMPTION.—Proposing an amendment to the State Constitution to increase the homestead exemption by exempting the assessed valuation of homestead property greater than \$100,000 and up to \$125,000 for all levies other than school district levies. The amendment shall take effect January 1, 2019.**

Amendment 1 would provide for a homestead exemption on the portion of home values between \$100,000 and \$125,000, meaning the \$25,000 between \$100,000 and \$125,000 of a home's value would be exempted from property taxes other than school district taxes.

Who benefits? In Indian River County (IRC) some 40% of the homes (2017 numbers) have a value of less than \$100,000, therefore will get no benefit from the additional exemption. As home value is a decent proxy for income, low-income families in IRC will receive no benefit. Low income homeowners and renters will most probably see their taxes increase if Amendment 1 passes.

**Vote No on Amendment 1.**

**Amendment 2--LIMITATIONS ON PROPERTY TAX ASSESSMENTS.—Proposing an amendment to the State Constitution to permanently retain provisions currently in effect, which limit property tax assessment increases on specified nonhomestead real property, except for school district taxes, to 10 percent each year. If approved, the amendment removes the scheduled repeal of such provisions in 2019 and shall take effect January 1, 2019.**

A "yes" vote supports this amendment to make permanent the cap of 10 percent on annual nonhomestead parcel assessment increases set to expire on January 1, 2019.

The nonhomestead properties are properties like rental units, second homes, commercial property and vacant land.

Over the years the Save Our Homes and Homestead amendments have grossly distorted our Ad Valorem tax system, this amendment is simply the nonhomestead property owners fighting back.

**Vote No on Amendment 2.**

**Amendment 3-- VOTER CONTROL OF GAMBLING IN FLORIDA.—This amendment ensures that Florida voters shall have the exclusive right to decide whether to authorize casino gambling by requiring that in order for casino gambling to be authorized under Florida law, it must be approved by Florida voters pursuant to Article XI, Section 3 of the Florida Constitution. Affects articles X and XI. Defines casino gambling and clarifies that this amendment does not conflict with federal law regarding state/tribal compacts.**

A "yes" vote supports this amendment to provide voters, through citizen-initiated ballot measures, with the exclusive right to decide whether to authorize casino gambling in Florida.

This proposed amendment has been bought and paid for by Disneyworld and the Seminole Tribe of Florida who have put up over \$25,000,000 to get it on the ballot and passed. It should not be the job of the people of Florida to make these two entities richer.

**Vote No on Amendment 3.**

**Amendment 4-- VOTING RESTORATION AMENDMENT.—This amendment restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment would not apply to those convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis.**

A "yes" vote supports this amendment to automatically restore the right to vote for people with prior felony convictions, except those convicted of murder or a felony sexual offense, upon completion of their sentences, including prison, parole, and probation.

After doing time for their crime people should be reintegrated into their communities as quickly as possible.

**Vote Yes on Amendment 4**

**Amendment 5-- SUPERMAJORITY VOTE REQUIRED TO IMPOSE, AUTHORIZE, OR RAISE STATE TAXES OR FEES.—Prohibits the legislature from imposing, authorizing, or raising a 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. This proposal does not authorize a state tax or fee otherwise prohibited by the Constitution and does not apply to fees or taxes imposed or authorized to be imposed by a county, municipality, school board, or special district.**

A "no" vote opposes the amendment, thus allowing the state legislature to continue to enact new taxes or fees or increase existing ones, except the corporate income tax, through a simple majority vote.

The requirement that the vote of 2/3rds of both houses of the legislature are required to raise a tax or fee undermines majority rule. Words from Federalist 22 by Alexander Hamilton sum up the 2/3 vote problem: "Its operation contradicts the fundamental maxim of republican government, which requires that the sense of the majority should prevail."

The Florida budget should not be held hostage by a minority in the legislature.

If this amendment passes along with amendments 1 and 2 there will be unanticipated consequences, which I believe will hit the poorest among us the hardest.

**Vote No on Amendment 5.**

#### **Amendment 6--Rights of Crime Victims; Judges;**

- 1) A proposal to amend Section 16 of Article I of the State Constitution to revise and establish additional rights of victims of crime;**
- 2) create Section 21 of Article V of the State Constitution to require a state court or an administrative law judge to interpret a state statute or rule de novo in litigation between an administrative agency and a private party and not merely defer to the administrative agency's interpretation;**
- 3) and amend Section 8 of Article V and to create a new section in Article XII of the State Constitution to increase the age after which a justice or judge may no longer serve in a judicial office.**

This is a CRC Bundle of 3 proposals:

- 1) The Legislature has already provided for significant Victim's Rights. This proposal is some 151 lines – a good 3 more pages in our already bloated constitution.
- 2) This is to do away with Florida's version of the Chevron Deference, which presently gives too much power to the Administrative State. In short, the Chevron Deference: undermines the separation of power provisions of our constitution, undermines our due process rights and undermines good government. Passing this proposal will bolster the separation of powers and checks and balances necessary for a well-functioning constitution.
- 3) This proposal simply increases the retirement age of judges from a soft 70 years old (the judge may finish his term) to a hard 75 (judge must retire when he hits this date).

On August 27, 2018, a Leon County judge ruled that the amendment must be removed from the ballot because the language does not "meet the requirements of Florida laws ... in fully, fairly and accurately telling voters the chief purpose of the proposed amendment."

**Vote No on amendment 6. The damage to defendants' constitutional rights will be greater than the benefits of this amendment.**

**Amendment 7--FIRST RESPONDER AND MILITARY MEMBER SURVIVOR BENEFITS; PUBLIC COLLEGES AND UNIVERSITIES.**

- 1) Grants mandatory payment of death benefits and waiver of certain educational expenses to qualifying survivors of certain first responders and military members who die performing official duties.**
- 2) 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.**
- 3) Establishes existing state college system as constitutional entity; provides governance structure.**

This is a CRC Bundle of 3 proposals:

- 1) Mandates unspecified benefits to first responders and members of military who die performing their duties. This proposal is “modeled after existing statutes”. And it is a given that we all want to do right by our first responders and military personnel. But again, the legislature had addressed the issue in an appropriate manner.
- 2) Supermajorities ought to be rare and certainly are not appropriate as a means to control university budgets.
- 3) The third proposal in this bundle simply places the state college system in the constitution similarly to K-12 and the University system. Unfortunately, it then tries to micro-manage by mandating that the State Board of Education oversee the system.

**Vote No on Amendment 7.**

**Amendment 8--SCHOOL BOARD TERM LIMITS AND DUTIES; PUBLIC SCHOOLS.**

- 1) Creates a term limit of eight consecutive years for school board members**
- 2) and requires the legislature to provide for the promotion of civic literacy in public schools.**
- 3) Currently, district school boards have a constitutional duty to operate, control, and supervise all public schools. The amendment maintains a school board’s duties to public schools it establishes, but permits the state to operate, control, and supervise public schools not established by the school board.**

**Courts have removed Amendment 8 from the ballot.**

**Amendment 9--PROHIBITS OFFSHORE OIL AND GAS DRILLING; PROHIBITS VAPING IN ENCLOSED INDOOR WORKPLACES.—**

- 1) 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.**

- 2) **Adds use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces with exceptions; permits more restrictive local vapor ordinances.**

A CRC Bundle of two that the voters will be able to understand!!!

There are good reasons both pro and con for the first part of this proposal, but I simply I not going to shuffle off this mortal coil having voted to put vaping in the Florida Constitution.

**Vote No on Amendment 9.**

**Amendment 10--STATE AND LOCAL GOVERNMENT STRUCTURE AND OPERATION.—**

- 1) **Requires legislature to retain department of veterans' affairs.**
- 2) **Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices.**
- 3) **Changes annual legislative session commencement date in even-numbered years from March to January; removes legislature's authorization to fix another date.**
- 4) **Creates office of domestic security and counterterrorism within department of law enforcement.**

This is a CRC Bundle of 4 proposals:

- 1) **Changes wording of an existing constitutional provision from may to shall.**
- 2) **Removes choice from Charter Counties. Further erodes Home Rule. Another step in the homogenization of Florida. No diversity allowed here!**
- 3) **If passed, legislative families will be able to spend spring break together.**
- 4) **At the CRC nothing was pointed out that was not already being done for the health, safety and welfare of the people of the State of Florida, which indicated that this proposal is necessary.**

**Vote No on Amendment 10.**

**Amendment 11--PROPERTY RIGHTS; REMOVAL OF OBSOLETE PROVISION; CRIMINAL STATUTES.—**

- 1) **Removes discriminatory language related to real property rights.**
- 2) **Removes obsolete language repealed by voters.**
- 3) **Deletes provision that amendment of a criminal statute will not affect prosecution or penalties for a crime committed before the amendment; retains current provision allowing prosecution of a crime committed before the repeal of a criminal statute.**

This is a CRC Bundle of 3 proposals:

- 1) **The first removes a racist anti-Asian provision that fortunately was never implemented in Florida but is an insult to all Asian-Americans in Florida and has no place in our Constitution.**

- 2) The second deletes a provision dealing with high-speed rail that is obsolete, the original provision having been repealed in 2004.
- 3) The third rationalizes provisions dealing with criminal law.  
removes prohibition on the retroactive application of changes in criminal laws to the punishment of previously committed crimes.

**Vote Yes on Amendment 11.**

**Amendment 12--LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS.—Expands current restrictions on lobbying for compensation by former public officers; creates restrictions on lobbying for compensation by serving public officers and former justices and judges; provides exceptions; prohibits abuse of a public position by public officers and employees to obtain a personal benefit.**

A single proposal Amendment!

This Amendment further uses the Constitution to micro-manage the behavior of officials who have worked in government.

The legislature should have the guts and stomach to set the rules of behavior for its members.

It totally misses the idea that the people of the state of people want legislators who are basically good moral people not people who can simply follow a bunch of complicated rules. It totally misses the idea that adherence to a provision of positive law (an ordinance, statute, provision in the constitution) is not a moral act, it simply keeps the person out of jail.

This provision will do nothing to improve the morals of legislators it will simply make service more complicated.

**Vote no on Amendment 12.**

**Amendment 13--ENDS DOG RACING.—Phases out commercial dog racing in connection with wagering by 2020. Other gaming activities are not affected.**

Amendment 13 was taken off the ballot by a lower court earlier this month. The ruling found the ballot summary didn't inform voters Floridians could still legally place bets on out-of-state dog races.

This is something that the legislature, not the constitution should fix.

**Vote No on Amendment 13.**