



Analysis of Constitutional Amendments

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, Florida Constitution)

Sponsor: The Florida Legislature

Background: Sixty-four percent of Florida voters approved using public financing for campaigns in 1998, raising public financing of statewide campaigns to constitutional status. Article VI, section 7 is implemented by statute that establishes the voluntary campaign spending limits that must be adhered to by candidates who accept public financing. In 2005, the Florida legislature dramatically increased the spending limits by more than 300%, distorting the original purpose of the public financing system 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 has 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 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 as described previously. 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, Florida Constitution; would create Article XII, Section 31, Florida Constitution)

Sponsor: The Florida Legislature

Background: 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: Struck from ballot by Florida Supreme Court, 31 Aug 2010

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 Florida. 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.

A land use attorney and an environmental attorney lead the Hometown Democracy petition initiative 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, Florida Constitution)

Sponsor: FairDistrictsFlorida.org

Background: FairDistrictsFlorida.org is a bipartisan organization that 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, Florida Constitution

Sponsor: FairDistrictsFlorida.org

Background: (This proposal is identical to proposal 5, except that it would provide for federal congressional districting.) FairDistrictsFlorida.org is a bipartisan organization that 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: Struck from ballot by Florida Supreme Court, 31 Aug 2010

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, Florida Constitution 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. To meet the current limits an additional \$2.9 billion is proposed for the 2010-2011 school year. 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: Struck from ballot by Florida Supreme Court, 31 Aug 2010

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 nonbinding 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.