



On November 6, 2018, voters considered 12 proposed amendments to the Florida Constitution. Provided below are a summary, background information, and status of each proposal.

### **Amendment 1 - Increased Homestead Property Tax Exemption**

**Summary:** If approved, this proposal would 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.

**Background:** This proposal was placed on the ballot by the Legislature with the passage of HJR 7105. Under current law, homesteads in Florida enjoy two homestead exemptions from all property tax other than school district property tax: the first homestead exemption applies to the first \$25,000 of assessed value. The second homestead exemption applies to the assessed value between \$50,000 and \$75,000. This proposed amendment would add a third exemption for the assessed value between \$100,000 and \$125,000. This would provide a maximum homestead exemption of \$75,000. Homeowners eligible for the additional exemption would enjoy a property tax savings of about \$200 per year. Local governments (NOT including school boards) would see a reduction in tax revenue of about \$645 million per year.

**Status:** **FAILED**

### **Amendment 2 - Limitations on Property Tax Assessments**

**Summary:** If approved, this proposal would permanently retain provisions currently in effect, which limit property tax assessment increases on specified nonhomestead real property, except for school district taxes, to 10% each year. If approved, the amendment removes the scheduled repeal of such provisions in 2019 and shall take effect January 1, 2019.

**Background:** This proposal was placed on the ballot by the Legislature with the passage of HJR 21. The 10% cap on non-homestead property was approved by the voters in 2008 as part of a broad tax reform package that increased homestead exemption and allowed for portability of Save Our Homes (SOH) benefits. The 10% non-homestead assessment cap helped to stem the multi-billion dollar tax shift from homestead to non-homestead properties. The amendment also included a scheduled repeal of the cap on January 1, 2019. It is estimated that if the cap is allowed to be repealed, the resultant tax increase in 2019 would be \$688 million or more.

**Status:** **PASSED**

### **Amendment 3 – Voter Control of Gambling in Florida**

**Summary:** If approved this proposal would ensure that Florida voters 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. Revises constitutional provisions to define casino gambling and clarify that this proposed amendment does not conflict with federal law regarding state/tribal compacts.

**Background:** This proposal was placed on the ballot as a citizen initiative. Despite a general prohibition against gambling in Florida law, several legal forms currently exist, including horse and dog racing, the Florida Lottery, card rooms, Indian gaming, and slots. Some of these have been approved by voters, but voters have also rejected proposed constitutional amendments to allow casino gambling in 1978, 1986, and 1994. Because of the contentious nature of this issue, in recent years, the Legislature has been unable to pass any gambling legislation. This amendment would eliminate the authority of the Legislature to propose any amendment to the Florida Constitution in either support or opposition of casino gambling by requiring that a citizens' initiative is the exclusive method to do so. This also reduces local authority because voters in the entire state would have to approve or deny gambling in ANY local jurisdiction in the state.

**Status:** **PASSED**

#### **Amendment 4 – Voting Restoration Amendment**

**Summary:** If approved, this proposal would restore 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.

**Background:** This proposal was placed on the ballot as a citizen initiative. Florida is one of four states (with Iowa, Kentucky, and Virginia) where convicted felons do not regain the right to vote unless a state officer or board restores an individual's voting rights. Florida has over 1.6 million people unable to vote because of felony convictions – a number that constitutes 28% of the nationwide total. Florida's "disenfranchised rate" of 10.4% of the state's voting populations is the highest in the nation. In February 2018, a U.S. District Court ruled Florida's process for the restoration of voting abilities for felons unconstitutional, saying it violated the First Amendment and the Fourteenth Amendment. If passed, this amendment would resolve these constitutional issues.

**Status:** **PASSED**

#### **Amendment 5 – Supermajority Vote Required to Impose, Authorize, or Raise State Taxes or Fees**

**Summary:** If approved, this proposal would prohibit 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.

**Background:** This proposal was placed on the ballot by the Legislature with the passage of HJR 7001. Requiring a supermajority vote to raise taxes is not new to Florida and 31 other states have some form of state revenue, appropriation, and/or tax limitation. The last major tax increase in Florida was in 2009 and in response to revenue losses associated with the Great Recession. Tax increases passed at that time passed each chamber with or near a two-thirds vote. The Legislature has cut taxes in every session since then.

**Status:** **PASSED**

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

**Summary:** If approved, this proposal would create constitutional rights for victims of crime, require courts to facilitate victims' rights, and authorize victims to enforce their rights throughout criminal and juvenile justice processes. The proposal would require judges and hearing officers to independently interpret statutes and rules rather than deferring to government agency's interpretation. The proposal would raise the mandatory retirement age of state justices and judges from 70 to 75 years and delete the authorization to complete a judicial term if one-half of term has been served by retirement age.

**Background:** This proposal was placed on the ballot by the Constitution Revision Commission. The proposal "bundles" three separate issues together into one proposal. With regard to victims' rights, Florida was the first state to amend its constitution to include the rights of crime victims and has enacted a comprehensive body of laws protecting the rights of crime victims. However, the proposal would expand these rights in some ways, especially for certain notifications to be sent not only the victim, but to "family" members. With regard to judicial interpretation of statutes and rules, current practice calls for the courts to presume that an agency's interpretation is valid unless it can be shown that the agency's interpretation is erroneous. This proposal would allow the courts to ignore agency interpretations. Finally, the proposals would increase the mandatory retirement age for judges in keeping with longer life expectancies.

**Status:** **PASSED**

### **Amendment 7 – First Responder & Military Member Survivor Benefits; Colleges & Universities**

**Summary:** If approved, this proposal would grant 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. The proposal would require a supermajority vote 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. The proposal would also establish the existing state college system as a constitutional entity and provide a governance structure.

**Background:** This proposal was placed on the ballot by the Constitution Revision Commission. The proposal "bundles" three separate issues together into one proposal. Though covered extensively in Florida statutes, the proposal would cement into the constitution guarantees of specific death benefits for first responders or active military personnel. In addition, a supermajority vote, rather than the current simple majority vote, would be required of a public university's Board of Trustees and the state Board of Governors in order to increase any fee. Both of these provisions have been, or can be, easily addressed in statute rather than the state constitution. Finally, the proposal would establish the current structure and governance model for the Florida College System in the constitution in a manner similar to the constitutional provisions governing the K-12 education system and the State University System. This would put the Florida College System on par with these related education systems.

**Status:** **PASSED**

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

This proposal was removed from the ballot by the Florida Supreme Court because the ballot title and summary failed to advise voters of the true meaning and ramifications of the proposed amendment.

## **Amendment 9 – Prohibits Offshore Oil & Gas Drilling; Prohibits Vaping in Indoor Workplaces**

**Summary:** If approved, this proposal would prohibit drilling for the exploration or extraction of oil and natural gas beneath all state-owned waters and would add use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces with some exceptions and with allowances for more restrictive local ordinances.

**Background:** This proposal was placed on the ballot by the Constitution Revision Commission. The proposal “bundles” two separate issues together into one proposal. With regard to oil drilling, in 2006, Congress approved a federal moratorium that bans drilling along almost all of the eastern Gulf of Mexico. This ban extends 125 miles off Florida’s west coast and includes protections added in the aftermath of the Deepwater Horizon disaster. However, in April 2018, an executive order signed by President Trump calls for these regulations to be reconsidered. With regard to vaping, in 2002, the constitution was amended to prohibit tobacco smoking in enclosed indoor work places with some specific exceptions but this current prohibition against tobacco smoking does not reference vaping. Health studies indicates health risks from passive exposure to such vapor and that certain cancer-causing chemicals are measurable in some e-cigarette vapor.

**Status:** **PASSED**

## **Amendment 10 – State and Local Government Structure and Operation**

**Summary:** If approved, this proposal would require the Legislature to retain the Department of Veterans’ Affairs (FDVA); changes annual legislative session commencement date in even-numbered years from March to January; create the office of domestic security and counterterrorism within the Department of Law Enforcement (FDLE); and require the election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties and remove the ability of county charters to abolish, change term, transfer duties, or eliminate election of these offices.

**Background:** This proposal was placed on the ballot by the Constitution Revision Commission. The proposal “bundles” four separate issues together into one proposal. With regard to Veterans’ Affairs, Florida Statutes establishes the FDVA. The proposal would amend the constitution to require, rather than authorize, the Legislature to provide for the FDVA and prescribe its duties by general law. With regard to the legislative session, currently, the constitution specifies that, in odd-numbered years, the regular 60-day Legislative Session must commence on the first Tuesday after the first Monday in March and provides the Legislature the flexibility to set a different commencement date in even-numbered years. The proposal would remove the current flexibility and would require that, in even-numbered years, the regular legislative session must commence on the second Tuesday after the first Monday in January. With regard to counterterrorism, Florida Statutes designate FDLE as the lead agency to coordinate counterterrorism efforts. The proposal would establish FDLE’s counterterrorism responsibilities in the constitution rather than only in state law. With regard to the election of local officials, the Florida Constitution specifies five specific county officers – sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court – and provides for the local election, term of service, and duties of each officer. The Florida Constitution also permits charter counties to abolish one or all of these offices, to transfer the powers to another department of the county government, or to provide for a different manner of selecting any of these officers. The proposal would eliminate this authority in charter counties.

**Status:** **PASSED**

### [Amendment 11 – Property Rights; Removal of Obsolete Provision; Criminal Statutes](#)

**Summary:** If approved, the proposal would remove discriminatory language related to real property rights, remove obsolete language repealed by voters, delete a provision stating that amendment of a criminal statute will not affect prosecution or penalties for a crime committed before the amendment and retain a current provision allowing prosecution of a crime committed before the repeal of a criminal statute.

**Background:** This proposal was placed on the ballot by the Constitution Revision Commission. The proposal “bundles” three separate issues together into one proposal. With regard to discriminatory language, the proposal would delete language authorizing the Legislature to regulate or prohibit the ability of foreign-born persons ineligible for citizenship to own, inherit, dispose of, and possess property. With regard to criminal statutes, the proposal would allow the legislature to apply reduced sentencing requirements and other criminal law changes retroactively to people who committed crimes before the new changes went into effect. The proposal would also delete obsolete language regarding high-speed rail that was repealed in 2004.

**Status:** **PASSED**

### [Amendment 12 – Lobbying and Abuse of Office by Public Officers](#)

**Summary:** If approved, the proposal would expand current restrictions on lobbying for compensation by former public officers, would create restrictions on lobbying for compensation by currently serving public officers, and would prohibit certain abuses of public office for personal benefit.

**Background:** This proposal was placed on the ballot by the Constitution Revision Commission. The proposal “bundles” two separate issues together into one proposal. With regard to lobbying, Florida law and ethics provisions imposes a two-year mandatory waiting periods before a legislators and other officials may register as a lobbyist or engage in lobbying activities. The proposal would extend this waiting period to prohibit state lawmakers and statewide elected officials from lobbying the Legislature or any state agency for six years after they leave office and state agency heads would not be able to lobby the Legislature, the governor’s office or their former agencies for the six-year period. Judges would be precluded from lobbying the Legislature or the executive branch of state government for six years after they leave office. In addition, local government officials – *including county commissioners, school board members and city commissioners* – would be banned from lobbying their former governments for six years after they leave office. The ballot measure would also prohibit state and local elected officials from lobbying other governmental agencies, (including the federal government) for compensation while in office. The six-year ban would not apply to current office holders. With regard to personal benefit, the proposal would prohibit public officials from using their offices to obtain a “disproportionate benefit” for themselves, their families or their business interests. The term “disproportionate benefit” is undefined and it would be left to the Legislature or Florida Commission on Ethics to define what that term means.

**Status:** **PASSED**

### **Amendment 13 – Ends Dog Racing**

**Summary:** If approved, this proposal would phase out commercial dog racing in connection with wagering by 2020. Other gaming activities would not be affected.

**Background:** This proposal was placed on the ballot by the Constitution Revision Commission. Florida is the leader in greyhound racing in the United States but there has been a steady decline in the total amount of money wagered in recent years and there has been a similar decline in the total amount of state tax revenue generated from greyhound races. In addition, animal rights advocates say that the greyhound racing industry's treatment of the dogs is cruel and inhumane, citing hundreds of greyhound deaths in Florida and the banning of commercial greyhound racing in 40 states. The proposal would decouple the operation of cardrooms from the requirement to conduct live racing which would allow the pari-mutuel permit holders to focus on their cardroom operations and discontinue greyhound racing.

**Status:** **PASSED**

### **Sources:**

[Florida Department of State Division of Elections](#)

[Florida TaxWatch 2018 Florida Voter Guide](#)

[Florida Supreme Court Ruling on Amendment 8](#)

Various news articles