

## Summary of Proposed Constitutional Amendments on Nov 6, 2018 Ballot from the League of Women Voters Florida

### **Amendment 1: Increased Homestead Property Tax Exemption – would increase homestead exemption by \$25,000 for homes valued at more than \$100,000** (proposed by State Legislature)

**Quick summary:** Grants an additional \$25,000 homestead exemption for homes valued over \$125,000. Owners of homes worth more than \$100,000 would also receive an increase in their exemption.

**Full summary:** This proposed amendment was approved during the 2017 legislative session and scheduled to appear on the 2018 ballot. Amendment 1 would increase the state's homestead exemption by another \$25,000 (a legislative analysis of the proposal is here). A little background: Florida's homestead exemption, originally passed to help people after the Great Depression, allows homeowners to reduce their tax bills by shaving some of the value off the assessment of their primary residence. For many years the exemption stood at \$25,000, which meant if the property appraiser said your home was worth \$125,000, you could deduct \$25,000 off that value. That meant a smaller tax bill paid to local governments. In 2008, voters amended the state Constitution to exempt another \$25,000 for homes valued at more than \$50,000. The amendment on this year's ballot would add another \$25,000 exemption, this one applying to the value of a home between \$100,000 and \$125,000. Those with homes valued at 125,000 and more would receive the full \$25,000 exemption other than school taxes. Those homes valued between \$100,000 and \$125,000 would receive a pro-rated benefit. If voters approve the additional \$25,000 exemption in this amendment, that will increase to \$75,000 the total amount a homeowner can deduct for a home valued at \$125,000 or more. This newest exemption, if passed, would *not* reduce the taxes homeowners pay to local school districts. The new exemption would take effect on Jan. 1, 2019.

A yes vote would:

- Allow homeowners to deduct up to another \$25,000 from the taxable value of a home worth more than \$10,000, starting on Jan. 1, 2019.
- Exclude local school taxes from the new exemption.
- Cost Florida's cities, counties and other taxing authorities an estimated \$687.5 million annually, starting in 2019, according to the Florida Association of Counties.
- Likely result in cuts to services or higher local rates to make up for the revenue losses, or possibly both.

A note vote would:

- Retain the current homestead tax exemptions, which total \$50,000.
- Have no effect on the amount of tax revenue collected by city and county governments.

**Supporting Organizations:** None at this time

**Opposing Organizations:** League of Women Voters of Florida; Florida Policy Institute; Florida League of Cities; Progress Florida; Florida Education Association; Florida Association of Counties; Florida City and County Management Association; Southern Poverty Law Center

### **Amendment 2: Would make permanent a 10% cap on non-homestead assessments (ie 2<sup>nd</sup> homes & rental apartments) that was set to expire Jan 2019** (proposed by State Legislature)

**Quick Summary:** Makes permanent what currently is a temporary cap of 10 percent on annual property value increases for vacation homes, apartments and commercial property, effectively limiting increases on tax bills.

**Full Summary:** In 2008, Florida voters amended the state Constitution to provide a 10-percent cap on annual property value increases for non-homestead property. This includes vacation homes, apartment buildings, vacant land, shopping centers and office buildings. The amendment excluded limits on assessments for school taxes. The amendment gave those properties some measure of tax protection from fast-rising property values, something homeowners get under the state's Save Our Homes amendment, which limits property value increases for a primary residence to 3 percent each year. Property value matters because it determines how much you pay in property taxes. However, the 2008 amendment on non-homestead property value limits is scheduled to automatically repeal on Jan. 1, 2019. Amendment 2, placed on the ballot by the Florida Legislature, would make the 10-percent limit on property value permanent. Like the 2008 amendment, Amendment 2 would exclude local school district taxes from the property value limits. The limits also do not apply if the property changes hands or if it undergoes substantial improvements. In other words, if a store is built on a piece of vacant land, the property value increase would not be protected by the 10-percent limit. If approved by voters, this amendment would take effect on Jan. 1, 2019.

A yes vote would:

- Make permanent the 10 percent limit on increases in tax value for non-homestead property, thus reducing tax bills.
- Continue to deny local governments (excluding school districts) tax revenue they would otherwise collect from rising property values.

A no vote would:

- End the practice of limiting tax increases on non-homestead property by limiting property-value increases to 10 percent.
- Possibly lead to higher tax bills for non-homestead property, resulting in additional revenue to local governments of about \$700 million, according to the state Revenue Estimating Conference.

**Supporting Organizations:** Florida Association of Realtors; Florida TaxWatch; Florida Chamber of Commerce

**Opposing Organizations:** League of Women Voters of Florida

**Amendment 3: Would require a constitutional amendment to approve any new casino gambling** (proposed by private citizen initiative)

**Quick Summary:** Requires approval of any new casino gambling through a citizen-initiative constitutional amendment, effectively barring the Legislature from making those gambling decisions by passing laws.

**Full Summary:** This amendment would require a constitutional amendment, through a citizen initiative only, for any new casino gambling in Florida. A citizen initiative is the process where signatures are gathered to place an amendment on the ballot. Amendment 3 would effectively stop the Legislature from either passing laws to allow casino gambling or placing its own casino amendments on the ballot. It also would preclude the CRC, which meets every 20 years, from putting casino amendments on the ballot. If this amendment is approved, for example, a gambling company that wanted to open new casinos in Florida would have to get hundreds of thousands of petition signatures, then mount an expensive statewide campaign and get approval from 60 percent of voters. Amendment 3 defines casino gambling as games such as slot machines, blackjack, roulette, craps and keno, as well as an array of electronic and video games of chance. Under current law, the Legislature could vote to approve new casinos with a simple majority, although such legislative efforts in recent years – including this year – have mostly failed. The amendment doesn't change the Legislature's authority over dog- and horse-racing, the Lottery or fantasy sports. Nor does it affect casinos owned and operated by Native-American tribes. It also doesn't hinder the state from taxing or regulating any type of gambling, including casinos. Various iterations of constitutional amendments to approve casinos appeared on the ballot in 1978, 1986 and 1994, each of them defeated. In 2004, voters narrowly approved an amendment allowing slot machines at pari-mutuel facilities – dog- and horse-racing tracks – in Miami-Dade and Broward counties. If the casino amendment on November's ballot is approved, it will take effect immediately.

A yes vote would:

- Require that voters approve a constitutional amendment through citizen initiative to authorize any new casino gambling in Florida, essentially stripping that authority from the Legislature.
- Preclude constitutional approval of casinos through other means, including amendments offered by the Legislature or by the CRC.
- Continue to allow the Legislature to approve other types of non-casino gambling, such as poker rooms, bingo, lotteries and fantasy sports.
- Allow the Legislature to oversee, regulate and tax any casino-type gambling that voters approve through a constitutional amendment.
- Not affect the state's ability to negotiate casino agreements with Native-American

A no vote would continue to allow casino gambling either through new laws passed by the Legislature or through various types of constitutional amendments.

**Supporting Organizations:** Disney Worldwide Services; Seminole Tribe of Florida; No Casinos Inc.; Florida Restaurant and Lodging Association; League of Women Voters of Florida; Florida Chamber of Commerce

**Opposing Organizations:** None

**Amendment 4: Would restore the voting rights of former felons (except those convicted of murder or felony sex offenses) after completing their sentences** (proposed by private citizen initiative)

**Quick Summary:** Allows those who have completed their entire sentence to earn the right to vote back except for those convicted of murder or felony sex offenses.

**Full Summary:** Florida is one of four states that bar felons from voting after they've completed their sentences. The restriction on felon voting goes back to Florida's post-Civil War 1868 Constitution, which included several measures designed to ensure Florida's freed slaves could not exercise their right to vote. The ex-felon provision was largely re-enacted in the state's 1968 Constitution, and in the 1970s the courts affirmed the power of the governor and Cabinet to restore voting rights. Former Gov. Charlie Crist streamlined the rights restoration process and during his four-year term more than 150,000 felons were given the right to vote. However, in 2011, newly elected Gov. Rick Scott, with the assent of the Cabinet, enacted strict new rules that included mandatory waits of five to seven years before ex-felons could apply to have their rights restored after serving out their sentences. Felons whose applications were rejected by the Cabinet are forced to wait two more years before reapplying. As of 2017, six years after Scott imposed the new rules, about 30,000 ex-felons applied to have their rights restored. Of those, about 3,000 ex-felons had their rights restored by the Cabinet. About 10,000 applications for rights restoration are pending, and the Clemency Board – the governor and Cabinet – hear about 50 cases each quarter. Today, some 1.6 million Floridians are disenfranchised. That's the highest number in the nation and it accounts for nearly 10 percent of the total adult population in Florida. This amendment would change the Constitution so that most ex-felons who have completed their full sentences, including paying fines, paying restitution, doing their prison time and completing parole or probation – would be granted the right to vote. It would not grant any other rights that ex-felons lose, including the ability to sit on a jury, hold public office or possess a firearm.

A yes vote would Grant people convicted of felonies – excluding those convicted of murder or felony sex crimes – eligibility to vote after completing all the terms of their sentence. The Governor's Clemency Board studies have shown that recidivism rates drop

about 30% if person has their voting rights restored. Another study shows that with a lower recidivism rate, costs of incarceration go down, employment goes up and that the positive impact on the Florida economy is \$365 million per year.

A note vote would:

- Continue the current requirement that people convicted of felonies wait a minimum of five years before applying to have their eligibility to vote restored, and then appear before the governor and Cabinet to appeal for those rights.
- Continue allowing the governor and Cabinet sole authority to determine whether a person convicted of a felony is allowed to vote again.

**Supporting Organizations:** Florida Rights Restoration Coalition; Floridians for a Fair Democracy; American Civil Liberties Union; League of Women Voters of Florida; Progress Florida; Florida Policy Institute; Florida Education Association; Florida National Organization for Women. Southern Poverty Law Center

**Opposing Organizations:** Floridians for a Sensible Voting Rights Policy

**Amendment 5: Supermajority vote required to impose, authorize or raise taxes or fees** (proposed by State Legislature)

**Quick Summary:** Requires a two-thirds vote of the Legislature to approve any new or increased taxes or fees, rather than a simple majority.

**Full Summary:** This proposed amendment would require that all increases in taxes or fees, or the creation of any new taxes or fees, must pass both chambers of the Florida Legislature by a two-thirds vote, or 67 percent. Under current law, nearly every bill related to taxes or fees must pass the state House and Senate by a simple majority. (The state has a few exceptions, including increases in the corporate tax beyond 5 percent, which requires a three-fifths approval.) This amendment would dramatically expand those supermajority requirements to include taxes on sales, gasoline, alcohol and unemployment, as well as fees for fishing, drivers licenses and concealed firearms licenses, to name a few (a legislative analysis of the proposal is here). In the Florida House, that means 80 of its 120 members would have to vote in favor of raising taxes or fees. In the Senate, it would take a vote of 27 of that body's 40 members. While bills in the Legislature often contain multiple provisions, this amendment requires that any tax or fee increase must stand by itself in a separate bill. Amendment 5 does not place any limits on tax or fee increases by local governments, such as cities and school boards. The amendment does not include a provision that would allow for tax or fee increases during times of emergency. If the amendment passes, Florida will join about a dozen other states that require supermajority votes to raise taxes. The last attempt to limit government revenue or spending was in 2012, when the Legislature placed on the ballot an amendment that tied the amount of money the state can collect in taxes and fees to population changes and inflation. That amendment, known by the acronym TABOR, for taxpayer bill of rights, was defeated. Florida already is ranked by the Tax Foundation as the fourth most business-friendly state in the nation when it comes to taxes, and Wallethub ranks Florida as the 47th overall lowest tax burden in the nation.

A yes vote would:

- Require a two-thirds vote by the state House and Senate to increase existing taxes and fees or impose new ones.
- Require that any new or increased taxes or fees be voted on in stand-alone bills.
- Exclude local governments from any supermajority requirements if they choose to raise taxes or fees.

A no vote would:

- Allow the Legislature to continue approving increased or new taxes and fees through a simple majority vote.
- Allow the Legislature to continue bundling tax and fee increases with bills that include other measures.

**Supporting Organizations:** Florida TaxWatch; Florida Chamber of Commerce

**Opposing Organizations:** League of Women Voters of Florida; Florida Policy Institute; Progress Florida; Florida Education Association; Southern Poverty Law Center

**Amendment 6: Expands victims' rights, many of which are in state law, while limiting time for accused to file appeals. Eliminates an existing constitutional provision that victims' rights do not interfere with the constitutional rights of the accused. Raises the retirement age of judges from 70 to 75. Prohibits courts and judges from deferring to state agencies interpretation.**

**Quick Summary:** Vastly expands the scope of victims rights under the state Constitution; increases the mandatory retirement age for judges from 70 to 75; forces courts and judges to interpret laws and rules for themselves rather than rely on interpretations by government agencies.

**Full Summary:** This question has three parts:

1. The first part is about victims rights. It borrows many of the elements of what are known as Marsy's laws that voters have approved in a half-dozen states. Florida is one of five additional states with some version of a Marsy's law on the ballot this fall. These existing and proposed laws are named for Marsy Nicholas, a California college student murdered in 1983. Shortly after her death, Marsy's brother, who founded a technology company, encountered his sister's accused killer in a grocery store, unaware he had been granted bail. Many of the rights outlined in the proposed amendment already are found in Florida statutes, and the state Constitution has a victims-rights provision. But this measure would dramatically expand, and outline in deep detail, those constitutional provisions to include victims' rights to due process; freedom from intimidation and abuse; protection from the accused; protections for victims if bail is granted; and protections from disclosing victims' information. The proposal also allows victims to request a broad array of additional rights, such as access to and notification of all proceedings; the ability to speak at proceedings that involve sentencing or pre-trial release; access to prosecutors to discuss various facets of the case; input into

pre-sentencing investigations; and access to sentencing reports. Other elements of the victims' rights portion address restitution and the return of property. The proposal also sets deadlines to complete any state appeals: two years for a non-capital case and five years for a capital case, with limited exceptions. The amendment would require that all of these rights be distributed to victims on some type of card. Finally, the proposed amendment eliminates an existing constitutional provision that victims' rights "do not interfere with the constitutional rights of the accused."

2. The second part of this proposal raises the mandatory retirement age of Florida judges, including Supreme Court justices, from 70 to 75. It also deletes a provision that lets judges complete a term on the bench past retirement age if they were halfway through that term. According to Ballotpedia, Florida is one of 18 states that sets retirement at 70. Other states either have a higher retirement age or none. The new retirement age would take effect on July 1, 2019.
3. The third part of this proposal relates to how courts interpret state laws (a CRC analysis of this part is here). When a new law or rule is passed, it's often up to a state government agency to interpret the law when deciding how to implement it. When those laws or rules are challenged, state courts and administrative judges "generally defer to an administrative agency's interpretation of a statute or rule," according to an analysis by the CRC. Under this proposed change to the Constitution, courts and judges would be prohibited from deferring to a state agency's interpretation and decide on their own if the law was interpreted correctly. While this issue may seem arcane, it essentially forces courts and judges, before deciding on a case, to first decide if a state agency interpreted the law correctly.

A yes vote would:

- Enshrine in the state Constitution an array of victims rights, many of which are currently in state law.
- Place new time limits on filing appeals.
- Require that victims receive some type of written notification of their rights.
- Eliminate an existing constitutional provision that ensures victims' rights don't infringe on the rights of accused criminals.
- Raise the mandatory retirement age for Supreme Court justices and judges from 70 to 75.
- Prohibit courts and judges from deferring to an administrative agency's interpretation of state laws or rules when deciding cases.

A no vote would:

- Retain existing victims rights in the Constitution and in state law.
- Keep the mandatory retirement ages for justices and judges at 70.
- Continue allowing courts and judges to rely on state agencies' interpretation of state laws and rules when deciding cases.

**Supporting organizations:** 37 Florida sheriffs; Florida Smart Justice; Marsy's Law for Florida

**Opposing organizations:** Florida Public Defender Association; ACLU of Florida; League of Women Voters of Florida; Southern Poverty Law Center

**Amendment 7: First responder and military member survivor benefits, public colleges and universities creates a supermajority requirement for universities to impose new or increase student fees. Enshrine guidelines for state colleges in Constitution. Mandates a death benefit for first responders and military killed in the line of duty.**

**Quick Summary:** Creates a supermajority requirement for universities to impose new or increase existing student fees; enshrines in the Constitution guidelines for the State College System; mandates that employers or the state pay a death benefit to first responders and members of the military killed in the line of duty.

**Full Summary:** This question has three parts.

1. The first issue is a new requirement for supermajority votes when universities want to increase student fees or impose new ones (a CRC analysis of this proposal is here). Currently, a board of trustees overseeing a university needs a simple majority of its 13 members to increase student fees or add new ones. That request then needs approval from a majority of the state's 17-member Board of Governors. Under this proposal, nine of the university's 13 trustees must vote in favor, and 12 of the 17 members of the Board of Governors must approve the university's request. This proposal does not address tuition, just fees such as those universities charge students to pay for athletics, health and transportation.
2. The second part of this question would add a new section to the Constitution addressing the State College System, which includes Florida's 28 institutions formerly known as community colleges (a CRC analysis of this proposal is here). While the Constitution currently addresses the responsibilities of school districts and universities, it is silent on state colleges. The additional language proposed in this section of the amendment includes a broad statement of purpose for the colleges, including offering bachelor's degrees, as well as the role of each school's board of trustees and the state Board of Education, which oversees the state college system.

The final part of this question creates a constitutional requirement for governments to pay death benefits when first responders they employ, or members of the military, are killed in the course of their duties (a CRC analysis of this proposal is here). Florida law already provides those benefits to survivors of law enforcement officers, corrections officers, firefighters and members of the National Guard. Those benefits include monetary payments to survivors, as well as waivers for educational costs. This amendment would provide a new constitutional guarantee of those benefits and would add paramedics, emergency medical technicians and members of the U.S. military who are residents of Florida or stationed here. The amount of the payments will be determined by the state Legislature. An analysis by the state Department of Management Services could not determine how much the additional

military benefits would cost but noted that Florida has more than 90,000 men and women on active duty or in the reserves. If the amendment is approved, this part would take effect on July 1, 2019.

A yes vote would:

- Force universities' boards of trustees and the state Board of Governors to get supermajority approval from their members to increase student fees or impose new ones.
- Make the governing framework for state colleges a part of the Constitution.
- Create a constitutional requirement for state and local governments to pay death benefits to first responders.
- Expand the definition of first responders under state law to include paramedics and emergency medical technicians.
- Require the state to provide death benefits to members of the U.S. military who are either residents of Florida or who are stationed in the state.
- Create an undetermined financial burden on local and state government from paying death benefits to a larger group of first responders and members of the military. The amendment does not specify a funding source for those payments.

A no vote would:

- Continue allowing universities to increase student fees or impose new ones with a simple majority of votes from governing bodies.
- Exclude a governing framework for state colleges from the Constitution, while keeping it in state law.
- Continue providing death benefits for first responders through state law rather than making it part of the Constitution.
- Maintain the current definition of first responders eligible for death benefits, which excludes paramedics and emergency medical technicians.
- Continue providing death benefits to the families of National Guardsmen who are killed in the line of duty, but not extend those benefits to the families of U.S. service members who live in Florida.

**Supporting organizations:** Association of Florida Colleges

**Opposing organizations:** League of Women Voters of Florida; Florida Education Association

## **Amendment 8 – STRICKEN FROM BALLOT**

### **Amendment 9: Prohibits offshore drilling beneath waters controlled by Florida. Prohibits use of e-cigarettes (vaping).**

**Quick Summary:** Prohibits oil drilling beneath waters controlled by Florida; prohibits the use of e-cigarettes, also known as vaping, at indoor workplaces.

**Full Summary:** [This question](#) has two parts.

1. The first part would prohibit oil and gas drilling off Florida's coast (a CRC analysis of this proposal is [here](#)). Former Gov. Charlie Crist and several legislators tried but failed to place a similar question on the 2010 ballot after the Deepwater Horizon oil rig explosion and spill. The proposal on November's ballot would fall under a section of the Constitution titled "Natural resources and scenic beauty." If approved, this addition to the Constitution would prohibit drilling beneath "state waters," which are defined as about nine miles off the western and southern coastlines and at least three miles off the eastern coastline. "State waters" also means bays, estuaries and other waters under Florida's jurisdiction. The proposed prohibition applies to drilling for both exploration and extraction of oil and gas. Florida law has prohibited offshore oil and gas drilling since 1988, but a constitutional amendment would give the ban more permanence. The proposed amendment would not affect shipping oil and gas products on state waters. The amendment also does not apply to federally controlled waters that extend beyond state boundaries. This proposal comes against a backdrop of moves by the Trump administration to loosen restrictions on offshore drilling and seismic testing in federal waters off U.S. coasts.
2. The amendment's second part addresses vaping, which is the act of inhaling and exhaling a nicotine-containing aerosol produced by various devices (a CRC analysis of this proposal is [here](#)). These so-called "e-cigarettes" were not on the market in 2002 when voters overwhelmingly approved a constitutional amendment that banned smoking tobacco in indoor workplaces. Vaping has since become an increasingly popular way for people to consume tobacco products without smoking. However, the long-term health consequences of vaping are not fully understood, and the vapor contains chemicals and compounds that bystanders might inhale. The vaping part of this amendment would add the term "vapor-generating electronic devices" to the current constitutional restrictions on enclosed indoor workplace smoking. As with the tobacco limits, this addition would exclude a private residence unless it's being used for child care, adult care or health care. And as with tobacco smoking, the amendment would allow tobacco vaping in other situations, including in bars, at retailers where vaping products are sold, and in hotel rooms designated for vaping. The proposed amendment also specifies that local governments are free to pass more restrictive regulations of vapor-generating electronic devices. This part of the amendment instructs the lawmakers to pass vaping restrictions at their next session and to make that law effective on July 1, 2019.

A yes vote would:

- Enshrine in the Constitution a ban on oil and gas drilling beneath Florida state waters.
- Exempt shipments of oil and gas on Florida's waters.
- Possibly signal to the federal government Floridians' opposition to offshore drilling.
- Apply constitutional restrictions to drilling only to waters under state control, not to waters under federal control.

- Add new restrictions to the Constitution on the use of electronic vaping devices, largely mirroring current constitutional restrictions on indoor workplace smoking.
- Create exceptions to the vaping restrictions in homes, bars, vaping retailers and hotel rooms designated for vaping.
- Allow local governments to pass stricter regulations on the use of vaping devices.

A no vote would:

- Keep a drilling ban out of the state Constitution but would not alter existing state laws that ban drilling.
- Allow Florida legislators to change the current law that bans offshore drilling in state-controlled waters.
- Possibly signal to the federal government Floridians' openness to offshore drilling.
- Keep restrictions on vaping and the use of vaping devices out of the state Constitution.
- Leave any such vaping restrictions to the discretion of the state Legislature.

**Supporting Organizations:** Florida Wildlife Federation; Gulf Restoration Network; American Cancer Society Cancer Action Network; League of Women Voters of Florida; Florida Policy Institute; Progress Florida; SACE, Southern Alliance for Clean Energy

**Opposing Organizations:** Florida Petroleum Council; Associated Industries of Florida; Consumer Advocates for Smoke-Free Alternatives Association; Florida Chamber of Commerce

**Amendment 10: State and local government structure and operation.** Requires the Legislature to hold its session in early January on even-numbered years; creates an Office of Domestic Security and Counterterrorism within the Florida Department of Law Enforcement; mandates the existence of a state Department of Veterans' Affairs; forces all counties to elect a sheriff, tax collector, property appraiser, supervisor of elections and Clerk of Circuit Court.

**Quick Summary:** Requires the Legislature to hold its session in early January on even-numbered years; creates an Office of Domestic Security and Counterterrorism within the Florida Department of Law Enforcement; mandates the existence of a state Department of Veterans' Affairs; forces all counties to elect a sheriff, tax collector, property appraiser, supervisor of elections and Clerk of Circuit Court.

**Full Summary:** This question has four parts.

1. The Constitution requires the Legislature to begin its 60-day lawmaking session on the first Tuesday in March in odd-numbered years but allows the Legislature to set a date for even-numbered years. This part of the amendment would force the Legislature to begin its session on the second Tuesday in January during even-numbered years (a CRC analysis of this proposal is [here](#)). In recent years, lawmakers have opted for January sessions, saying it allows them to spend spring break with their children. An earlier session in even-numbered years also allows politicians to get an earlier start campaigning for re-election.
2. State law already designates the Florida Department of Law Enforcement as the lead agency in coordinating efforts to prevent acts of terrorism and respond to them. Other laws outline various responsibilities for combatting terrorism (a CRC analysis of this proposal is [here](#)). This part of the amendment creates an Office of Domestic Security and Counterterrorism within the FDLE and mandates that the office will support other agencies involved with investigation and prosecution related to terrorism. According to an analysis, the proposal designates the FDLE is the "lead domestic security and counter-terrorism agency in Florida."
3. The Constitution currently authorizes the Legislature to create a Department of Veterans' Affairs. In other words, it's optional. Although the state has created such a department, this part of Amendment 10 makes a Veterans' Department mandatory, not optional. This part also places the governor and Cabinet in charge of the department, which it already is under current state law (a CRC analysis of this proposal is [here](#)).
4. Florida's counties are divided into charter and non-charter counties. County charters are voter-approved documents that act much like local constitutions in that they outline how the county is governed. Twenty of the state's counties, including its largest – Miami-Dade, Broward, Pinellas, Orange and Duval, to name a few – operate under charters. Some of those counties have stopped holding elections for offices such as tax collector, instead transferring those duties to county departments. In other instances those offices are elected but some of their duties have been removed or altered. This part of the amendment would apply to those 20 charter counties by requiring them to let voters elect someone to all five of the county offices in the state Constitution – sheriff, property appraiser, tax collector, supervisor of elections and clerk of circuit court. According to a [CRC analysis](#), voters in eight counties have approved charters that changed or eliminated at least one constitutional office. Miami-Dade, for example, does not elect a sheriff. Volusia and Broward counties don't have elected tax collectors. These offices would have to be restored if this amendment passes, and voters allowed to elect someone to those offices every four years. The amendment is silent on whether charter counties could make those races non-partisan, as Orange County voters have attempted to do, and it's not clear whether those counties could impose term limits. For most counties, this amendment would take effect on Jan. 5, 2021, if it passes, but counties would be required to hold elections for those offices in 2020. For Miami-Dade and Broward counties, it takes effect on Jan. 2, 2025, but those two counties have to hold elections for the constitutional offices in 2024.

A yes vote would:

- Fix the date for state legislative sessions in even-numbered years as the second Tuesday in January.
- Create an Office of Domestic Security and Counterterrorism within the Florida Department of Law Enforcement and establish it as the lead agency in terrorism investigations and responses.
- Force the Legislature to always have a Department of Veterans' Affairs.

- Force all of Florida’s counties, even those with a charter, to hold elections for all five local constitutional offices found in the state Constitution – sheriff, property appraiser, supervisor of elections, tax collector and clerk of the circuit court.

A no vote would:

- Continue allowing the Legislature to set a start date for its lawmaking session in even-numbered years.
- Reject a constitutionally mandated Office of Security and Counterterrorism under the FDLE.
- Reject a constitutionally mandated Department of Veterans’ Affairs, allowing the Legislature to determine if Florida should have such a department (which it currently does).
- Allow Florida’s charter counties to continue determining the duties of five county offices identified in the state Constitution, and whether those offices should be elected posts.

**Supporting Organizations:** Florida’s 66 elected Sheriffs, and Florida’s elected Tax Collectors, Clerks of the Courts, and the Property Appraisers

**Opposing Organizations:** League of Women Voters of Florida

**Amendment 11: Repeals the state’s ability to prohibit non-citizens from buying, owning and selling property; deletes a provision that forces the state to prosecute criminal suspects under the law they were originally charged under, even if the Legislature changes that law; deletes obsolete language having to do with high-speed rail in Florida.**

**Quick Summary:** Repeals the state’s ability to prohibit non-citizens from buying, owning and selling property; deletes a provision that forces the state to prosecute criminal suspects under the law they were originally charged under, even if the Legislature changes that law; deletes obsolete language having to do with high-speed rail in Florida.

**Full Summary:** [This question](#) has three parts.

1. Florida’s Constitution currently has a clause that allows the Florida Legislature to pass laws restricting the property rights of “aliens ineligible for citizenship.” In other words, the Legislature has the authority to prevent non-citizens from owning, inheriting, buying or selling property. Known as “Alien Land Laws,” these restrictions swept the nation in the early 20th century, largely out of fear of the Japanese. Florida’s land-ownership amendment was approved by voters in 1926, but the state currently has no laws on the books restricting the property rights of non-citizens. In 2008, Florida voters rejected an amendment that would have done away with the ownership restrictions, partly because of confusion over its meaning and anti-immigrant sentiment. Amendment 11 is a second attempt to repeal these property-rights restrictions (a CRC analysis of this proposal is [here](#)).
2. This part of the amendment would affect criminal defendants (a CRC analysis of this proposal is [here](#)). Currently, if someone is arrested for a crime, they’ll be prosecuted under the statute that is in effect when the alleged crime was committed. Say a person is arrested on June 30 for a drug crime. Even if a new law took effect the following day that reduced the sentence for the crime, the defendant would be subject to the stricter sentence under the old law. This amendment would ensure that criminal defendants are prosecuted under the most current laws on the books. However, this question does *not* alter the Constitution’s mandate that if a law is repealed altogether, a person arrested before that repeal could still face prosecution for the crime.
3. The third part of this amendment deletes language about high-speed transportation (a CRC analysis of this proposal is [here](#)). In 2000, Floridians approved an amendment that mandated building some type of high-speed ground transportation. Four years later, voters overturned that amendment but the language about high-speed transportation wasn’t removed from the Constitution. This amendment would do that.

A yes vote would:

- Repeal a nearly century-old provision that allows the Legislature to restrict the property rights of non-citizens.
- Deletes language that requires criminal suspects to be prosecuted under the provisions of the law they’re accused of breaking, even if that law is changed by the Legislature. Keeps language that requires prosecution if the law is repealed.
- Deletes a section of the Constitution – concerning high-speed transportation – that was repealed by voters in 2004. The language, however, was not removed.

A no vote would:

- Continue to allow the Legislature to pass laws restricting the property rights of non-citizens.
- Continue to mandate that criminal suspects prosecuted under the law they’re accused of breaking even if the state changes that law.
- Retain a section of the Constitution about high-speed transportation even though voters repealed that section in 2004.

**Supporting Organizations:** Florida Chamber of Commerce; Southern Poverty Law Center

**Opposing Organizations:** None at this time

**Amendment 12: Expands ethics rules for elected officials and government employees, notably by expanding from two to six years the time that many officials would have to wait before they could lobby state government.**

**Quick Summary:** Expands ethics rules for elected officials and government employees, notably by expanding from two to six years the time that many officials would have to wait before they could lobby state government.

**Full Summary:** [This proposed amendment](#) would make sweeping changes to the state Constitution’s “ethics in government” provisions, following a failed attempt by the Legislature in 2018 to reform lobbying practices. It’s also one of the most complex

questions on the ballot, with a number of different elements for voters to consider. The proposal that generates the most headlines is a six-year ban preventing legislators and other elected officials from lobbying the Legislature or any other part of state government, which has been widely described as the longest such ban in the nation. The current ban on lobbying after leaving office is two years, and the prohibition applies to the government body or agency that person belonged to. In other words, under current law a state legislator who leaves office must wait two years before he or she could make money by lobbying the Legislature. Under this proposal, that senator couldn't lobby any part of state government until six years after leaving office. The proposed amendment also expands the range of governments that a sitting legislator may not lobby. The current prohibition applies to state government, but the proposed amendment would add federal and local governments, and the new prohibition would include statewide officeholders, such as Cabinet members. In addition to those changes, the proposed amendment would add some new provisions, including a six-year lobbying ban for state agency department heads who leave their jobs; a total ban on paid lobbying by local elected officials while they're in office, along with a six-year ban on lobbying their former governing body after they leave; and a ban on judges lobbying state government for six years after they leave the bench. The lobbying changes in this amendment would take effect on Dec. 31, 2022. Amendment 12 includes a new prohibition against officeholders and public employees using their positions to gain a "disproportionate benefit" for themselves or their families. The amendment leave it to the [Florida Commission on Ethics](#) to define a "disproportionate benefit" and determine penalties for violators by Oct. 1, 2019, and this part of the amendment would take effect on Dec. 31, 2020. The Ethics Commission has nine members, five appointed by the governor and two each by the House speaker and the Senate president. The commission has the power to investigate ethics and lobbying complaints but does not have the power to initiate investigations on its own. According to its annual report, the commission fielded 180 complaints in 2017, the lowest number since 2011. Of those, 70 were dismissed, 87 were investigated and 23 were pending.

A yes vote would:

- Extend the ban on state lobbying by legislators and statewide elected officials from two to six years.
- Prohibit legislators and statewide elected officials from lobbying federal and local government agencies while in office.
- Prohibit top state agency employees from any lobbying while working for the state and from lobbying state government for six years after leaving their job.
- Prohibit local elected officials from getting paid to lobby anyone while in office and from lobbying their own governing body for six years after leaving office.
- Prohibit judges from lobbying any branch of state government for six years after leaving the bench.
- Prohibit any elected official or public employee from using his or her position to gain a "disproportionate benefit," a term to be defined by the state Ethics Commission.

A no vote would keep in place the current constitutional restrictions on lobbying by sitting and former government officials.

**Supporting Organizations:** Integrity Florida; Common Cause; Florida Policy Institute

**Opposing Organizations:** Florida Chamber of Commerce

**Amendment 13: Bans wagering on any type of dog racing, notably greyhounds, as of Dec. 31, 2020, while continuing to allow dog tracks to continue offering other types of gambling, including poker rooms.**

**Quick Summary:** Bans wagering on any type of dog racing, notably greyhounds, as of Dec. 31, 2020, while continuing to allow dog tracks to continue offering other types of gambling, including poker rooms.

**Full Summary:** [This amendment](#) would ban wagering on dog racing in Florida. Dog racing – usually greyhounds – is one of several "pari-mutuel" wagering sports in Florida. Others include horse racing and jai-alai. Florida has 12 of the nation's 18 dog-racing tracks. Under Amendment 13, dog tracks would be allowed to use their permits to host other pari-mutuel sports. Also, the amendment waives a state requirement that tracks hold greyhound races in order to continue operating poker rooms or slot machines as part of their pari-mutuel licenses (a CRC analysis of this proposal is [here](#)). The amendment requires the Legislature to set criminal and civil penalties for violating the dog-racing ban. The Department of Business and Professional Regulation, which regulates pari-mutuels, estimated an annual loss of \$1 million in tax revenue if voters approve the ban. If approved, the amendment takes effect immediately but allows greyhound racing to continue until Dec. 31, 2020.

A yes vote would:

- Ban all dog racing in Florida by Dec. 31, 2020, while allowing tracks to continue operating card rooms and slot machines.
- Result in a loss of about \$1 million in taxes and fees.

A no vote would continue to allow wagering on dog racing in Florida.

**Supporting Organizations:** Grey2K USA; League of Women Voters of Florida

**Opposing Organizations:** Florida Greyhound Association; Florida Chamber of Commerce