

SUMMARY OF 2008 BALLOT AMENDMENTS

AMENDMENT 1 – *Relating to Property Rights/Ineligible Aliens* (Legislature)

Deletes current provisions in the Constitution which authorize the Legislature to regulate or prohibit ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship.

Arguments For:

- 1. The current language is probably unconstitutional. US Supreme Court has overturned this kind of language in the Oregon, California and Montana constitutions.*
- 2. All residents should be treated equally under the law. This current language could result in discrimination on basis of race, or ethnicity, nationality or being an “undesirable”*
- 3. There has not implementing legislation approved by the Legislature so there has obviously been no great need for the constitutional provision.*

Arguments Against

- 1. There has been no harm in having this provision, and it should remain in Constitution where it's been since 1926 in case it is needed in the future.*
- 2. It does allow citizens to be treated equally. This doesn't apply to all “illegal aliens” but only applies to those aliens who are “ineligible for citizenship”, because of specific things such as communicable diseases, no vaccinations, drug abuse, conviction of a crime of moral turpitude, involved in the trafficking of a controlled substance or certain chemicals; has been involved with money laundering or trafficking of people.*

AMENDMENT 2 - *Florida Marriage Protection Amendment* (Citizen Petition)

Defines marriage as the legal union of one man and one woman as husband and wife and makes invalid any other legal union that is treated as marriage or the substantial equivalent thereof.

Arguments For:

- 1. Marriage serves an extraordinary personal and public purpose in our society. It is sacred and should be protected in every way.*
- 2. Merely having the definition in Florida Statutes is inadequate because a law can be changed in any legislative session by a simple majority vote.*
- 3. Children always do better growing up in a home with a married father and mother.*
- 4. Same sex marriage subjects children to a vast untested social experiment.*

Arguments Against:

- 1. Marriage is already protected through both state law (FS. 741.212 adopted 1997) and federal legislation (28 USC Section 1738 and 1 USC Section 12 adopted 1996). No need exists for including this reinforcement in the Constitution.*
- 2. The provision creates an unnecessary intrusion of government into people's private lives. It allows government to make decisions which are best left to individuals and their families.*
- 3. Could prohibit employers from extending employment benefits, including health*

insurance benefits to domestic partners of all kinds, including many of our seniors who live together in domestic partnerships since getting married would reduce pension incomes.

4. The language of the amendment affects more than married people and can have devastating effects on people living together who could lose health care benefits and be barred from medical decisions about their domestic partner.

5. This language could affect HIPPA (medical privacy) issues and health care decisions for domestic partners.

6. The amendment would terminate domestic partnerships registries currently in effect in Broward, Key West, Miami, West Palm Beach and Palm Beach County.

AMENDMENT 3 - *Changes and Improvements Not Affecting the Assessed Value of Residential Real Property*

Authorizes Legislature to prohibit consideration by the local Property Appraiser of changes in residential property assessments for improvements which increase resistance to wind damage and installation of renewable energy source devices; repeals existing renewable energy source device exemption no longer in effect.

Arguments For:

1. This amendment creates improvements to residences that are in the public interest: energy efficiency and decreasing insurance costs.

2. The amendment would exempt storm shutters, hurricane resistant shingles, doors and windows and renewable energy source devices from taxation.

Arguments Against:

1. Creates inequities in taxation while increasing value in an individual's property,

2. Creates additional exemptions in an already faltering tax system on which counties and cities rely.

3. It applies only to residential real estate, again creating a divided taxation system. If the state were really serious about energy efficiency and decreasing insurance costs it would also include commercial properties in this tax exemption.

AMENDMENT 4 - *Property Tax Exemption of Perpetually Conserved Land; Classification and Assessment of Land Used for Conservation*

Requires Legislature to create an a valorem property tax exemption for real property encumbered by perpetual conservation easements or other perpetual conservation protection. Requires Legislature to provide for classification and assessment of land used for conservation purposes (but not perpetually encumbered) solely on the basis of character or use, starting in 2010.

Arguments For:

1. This creates a significant public benefit by conserving land for current agricultural uses, or water recharge areas, woods or pasture land, and not allowing them to be available for development.

2. It encourages land owners to enter into conservation easements by reducing taxes.

3. It allows some land to be temporarily classified as land for conservation uses until

growth encroaches or market values hit new highs

4. The amendment will help solve the need to continue financing by the state for public land acquisition.

Arguments Against:

1. This creates an additional tax exemption, creating a loss of tax base to cities and counties which rely on the property tax for significant portions of their budgets. Other citizens will have to pay more to make up the revenue.

2. It will most likely affect large property holders only, creating more inequities in taxation of large landowners and small landowners.

3. There is no language requiring such easements to allow public access.

4. The temporary classification of conservation lands means owners will get a tax benefit while holding on to the land for planned future development. It could become a boon to mega-developers

5. The amendment doesn't define "conervation" but instead leaves it to the legislature to define it at some point in the future.

AMENDMENT 5 - *Eliminating State Required School Property Tax and Replacing with Equivalent State Revenues to Fund Education*

**THIS AMENDMENT WAS REMOVED FROM THE BALLOT BY
THE FLORIDA SUPREME COURT**

AMENDMENT 6 - *Assessment of Working Waterfront Property Based Upon Current Use*

Provides ad valorem assessments based upon current use (rather than potential use) of land used for working waterfront property such as commercial fishing purposes; vessel launches into navigable, public access waters; marinas and drystacks; water dependent marine manufacturing facilities; commercial fishing facilities and marine vessel construction and repair facilities.

Arguments For:

1. The amendment creates a public good by allowing people to maintain viable fishing and marine industries who might otherwise be taxed out of business.

2. Marine based industries are an important part of Florida's economy and of its tourism attractions. A loss of many marine based businesses could significantly affect Florida's overall economy.

Arguments Against:

1. The amendment creates taxing inequities one more time by creating another special interest exemption.

2. It creates a "preferred status" of taxpayers since it applies only to "working waterfront" and doesn't take into account mom and pop motels or restaurant properties which suffer the same issues of high taxation based on potential use of waterfront property rather than on current use.

AMENDMENT 7 - *Religious Freedom*

**THIS AMENDMENT WAS REMOVED FROM THE BALLOT BY
THE FLORIDA SUPREME COURT**

AMENDMENT 8 - *Local Option Community College Funding*

Requires Legislature to authorize counties to levy a local option sales tax to supplement community college funding; requires voter approval; provides that taxes will sunset after 5 years and may be reauthorized by the voters.

Arguments For:

- 1. This amendment is in the public interest since our greatest common challenge is to train a workforce and that is best done in our community colleges.*
- 2. This additional funding will allow community colleges to offer more coursework and programs.*
- 3. This would enhance local control and community choice by allowing local communities to increase funding for training and education in their own county*
- 4. This is not an untested approach to improving community college funding and has already been successfully done in Miami-Dade*

Arguments Against:

- 1. Community colleges should be funded by the state and by tuition, not by local residents having to increase their local sales tax.*
- 2. This creates another sales tax, the most regressive form of taxation which hurts the poor the most.*
- 3. This could create inequities in the community college system.*
- 4. There is the concern about the possibility that the legislature may reduce funding at the state level to community college and some see parallels with what happened with lottery money.*

**AMENDMENT 9 - *Requiring 65 Percent of School Funding for Classroom Instruction;
State's Duty for Children's Education***

**THIS AMENDMENT WAS REMOVED FROM THE BALLOT BY
THE FLORIDA SUPREME COURT**