

Volusia County Democratic Party
Position on Proposed Amendments to the Florida Constitution

#1 Increased Homestead Property Tax Exemption

VOTE NO.

(Florida's League of Women Voters, Democratic Progressive Caucus, and AFL-CIO also say vote no.)

The Legislature proposed this amendment to create a new \$25,000 homestead exemption that helps only those with homes worth over \$100,000. This proposal would exempt from assessment the value of a home from \$100,000 to \$125,000. For a house valued at \$100,000 or less, there would be no change. A house worth \$125,000 would be taxed the same as a house worth \$100,000. This proposal would cause a substantial revenue loss to local governments. It's not designed to help the lowest income taxpayers and it pays no attention to the revenue needs of city and county government. This amendment solves no problem, and it cripples local government for no good reason. (There is already a homestead exemption that exempts the first \$25,000 of a home's value, and a second exemption that exempts the value from \$50,000 to \$75,000. The second exemption and this proposed exemption apply to non-school taxes only.)

#2 Limitations on Property Tax Assessments

VOTE NO.

(Florida's League of Women Voters, Democratic Progressive Caucus, and AFL-CIO also say vote no.)

In 2008, in response to the housing bubble, Florida's constitution was amended to provide that, for ten years, for most non-homestead, non-agricultural real property, such as residential rental property, commercial property, and vacation homes, increases in assessed value for taxation would be limited to 10% per year. This language will expire January 1, 2019, unless #2 passes. #2, proposed by the Legislature, would make the 10% limitation permanent. The cap has an effect only when real estate prices rise more than 10% in one year. A 10% cap does not make sense in all high inflation conditions. For example, in a time of systemic high inflation, when not just real estate prices but also everything else, including wages and profits, is going up, there's no reason to shelter real estate from tax increases. When just real estate prices are going up, it can make sense to smooth out the tax increases, but local governments can moderate or eliminate the increase by lowering the millage. If a cap on assessed value increases is also needed, it would be better for the Legislature, or the Chief Financial Officer, to have the power to impose or remove a cap, relatively quickly, based on current conditions. Installing a permanent cap into the constitution is not a good idea.

#3 Voter Control of Gambling in Florida

VOTE YES.

This initiative petition proposal would prevent the Legislature from legalizing casino gambling off tribal lands without a citizen initiative constitutional amendment to approve it. In other words, this provision prohibits casino gambling other than on tribal lands. Per news reports, this proposal is supported by the Disney company. It has been endorsed by the League of Women Voters.

#4 Voting Restoration Amendment

VOTE YES.

(NAACP, ACLU, League of Women Voters, Florida AFL-CIO, Democratic Progressive Caucus, and Florida Democratic Party all say vote yes.)

This initiative petition proposal automatically restores the right to vote to people who were previously convicted of a felony, upon completion of their sentence, except for those convicted of murder or a felony sex crime. Excluding people who've been convicted of felonies from voting is a massive voter suppression measure. Florida bans more than 1.4 million ex-felons from voting, more than any other state, and Florida is one of only four states that make the ban permanent. The only way for a former felon to ever regain the right to vote in Florida is to obtain an act of clemency from the Executive Clemency Board, which is the Governor, Attorney General, Commissioner of Agriculture, and Chief Financial officer. Under Governor Scott, the process has been so slow and arbitrary that a federal judge found the process unconstitutional. Voting is a responsibility of citizenship and our society is stronger when more people participate, not less. The campaign for this change was started by a formerly homeless ex-felon who later graduated from law school but still could not vote.

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

VOTE NO.

(Florida's League of Women Voters, Democratic Progressive Caucus, and AFL-CIO also say vote no.)

The Legislature proposed this amendment. It would prevent any future legislature from creating any new tax, increasing any existing tax, or removing or decreasing any tax exemption, without a two thirds majority vote in both houses of the legislature and approval of the governor. This proposal would preserve in the constitution the anti-tax, anti-government policies of our Republican-dominated Legislature, along with all the unfair tax exemptions that were inserted into the law in the past. Republicans in power have repeatedly lowered taxes and then used the resulting lower revenue to justify failure to adequately fund programs that help everyone. They have implemented their anti-tax anti-government policy by simple majority vote. This amendment would prevent a new Democratic majority in the legislature from implementing Democratic policies with the same majority. In effect, this amendment says that even if Republicans are voted out of office, their policies will remain. Defeating this proposal should be a critical priority. And we agree with the League of Women Voters statement explaining its opposition: This amendment does not include a provision that would allow for tax increases in times of emergencies (hurricane, floods, recession, etc.) and is an abrogation of the Legislature's fiduciary responsibility to pass a reasonable budget.

#6 Rights of Crime Victims; Judges

VOTE NO.

(Florida's League of Women Voters, Democratic Progressive Caucus, and AFL-CIO also say vote no.)

Multi-Issue Proposal by the Constitutional Revision Commission

(1) The first part of this proposal claims to give rights to victims in criminal cases, but the rights listed are already protected. Putting redundant language into the constitution will not help. Existing rights of victims to be informed and to be heard need to be enforced. This amendment also gives prosecutors the right to demand trial within sixty days, and imposes arbitrary deadlines for completion of all appeals and post-conviction proceedings, and when the deadlines are not met, forces judges explain why. This proposal is in keeping with the Legislature's typical approach to

criminal cases: increase punishments, create more crimes, make more people eligible for the death penalty, underfund criminal defense, and push the courts to get criminal cases, especially death penalty cases, over with quickly. One of the major causes of wrongful convictions is overworked and unprepared defense lawyers. And one of the major causes of failure to rectify wrongful convictions on appeal and in post-conviction litigation is the pressure on appellate and post-conviction lawyers with too many cases to meet arbitrary deadlines. Defending persons accused of crimes is complicated work. Leaning on judges and prosecutors to rush justice will lead to more wrongful convictions and fewer exonerations of the wrongfully convicted. The sensible way to reduce delays in the criminal justice process - delays that affect both victims and defendants - is to more adequately fund the system as a whole, not place more pressure on it.

Note the League of Women Voters explanation for its opposition to this amendment: Victims' rights are already protected in the Constitution, and this amendment would eliminate an existing provision that victims' rights do not interfere with the constitutional rights of the accused.

(2) Another part of this proposal raises the mandatory retirement age for judges from 70 to 75, starting July 1, 2019, but it also removes a provision that allows judges to finish out a term of office that's half over when they reach retirement age. In other words, mandatory retirement comes on the judge's actual birthday, which usually will not be at the end of the term. This has the perverse effect of giving more power to pick new judges to the governor rather than the voters. Trial judges are elected by the voters, but there's an exception when there's a vacancy in the middle of the term. Then the vacancy is filled by the governor. By causing more mandatory retirement dates to be other than at the end of a term, this proposal means that more judges will be appointed by the governor and less will be elected by the voters. Note also that the effective date of this amendment was picked to come after the three remaining Florida Supreme Court justices chosen by a Democratic governor will have been forced to retire. (The third, Justice Peggy Quince, was jointly chosen by Governor Lawton Chiles and Governor Jeb Bush.)

(3) Another part of the proposal says that when judges and hearing officers interpret statutes and rules, they may not defer to a government agency's interpretation. This makes no sense, especially for rules the agency has written.

#7 First Responder and Military Member survivor benefits; Public Colleges and Universities VOTE NO.

(Florida's League of Women Voters, Democratic Progressive Caucus, and AFL-CIO also say vote no.)
Multi-Issue Proposal by the Constitutional Revision Commission

(1) One part of this proposal prevents universities from imposing or increasing fees without a supermajority vote of the university board of trustees or the board of governors. This would make it harder for universities to impose new or increased fees. We want the Legislature to fully fund universities to make them great institutions without having to charge tuition or fees at all. Given the inadequate levels of funding that exist now, it's a bad idea to put into the constitution a requirement that makes it harder for universities to make up for some of the Legislature's underfunding. And we agree with the League of Women Voters statement: We oppose a supermajority vote to increase fees or taxes.

(2) Another part of this proposal establishes a state college system for public colleges, to be supervised by State Board of Education, with local boards of trustees. This seems to preserve the status quo. Community colleges are grouped with K-12 education. As a practical matter, this has allowed the colleges some autonomy. It's not clear that this proposal is necessary, but neither does it seem to be something that will cause harm.

(3) Another part of this proposal requires state and local employers of law enforcement officers, firefighters, prison guards, probation officers, paramedics, and members of the Florida National Guard, to pay a death benefit, and requires the state to pay a death benefit when an "active duty member of the US Armed Forces" dies. Also, when any of these designated people dies, this provision requires that certain education expenses be waived for the children and spouse of the person who died. This amendment creates an unfunded mandate to local government. Also, as the League of Women Voters has pointed out: 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.

#8 School Board Term Limits and Duties; Public Schools

REMOVED FROM BALLOT BY FLORIDA SUPREME COURT SEPTEMBER 7.

#9 Prohibits Offshore Oil and Gas drilling; Prohibits Vaping in Enclosed Indoor Workplaces

VOTE YES.

(Florida's League of Women Voters and Democratic Progressive Caucus also say vote yes.)

Multi-Issue Proposal by the Constitutional Revision Commission

(1) One part of this proposal prohibits oil and gas drilling on land under state waters and on shoreline up to the high-water mark. The proposal does not prevent drilling on submerged land that is already "alienated." In other words, if the state has given an oil or gas lease for submerged land, the proposal does not prevent drilling at the area covered by the lease. And this proposal does not address fracking. Still, it's a positive step. And we agree with the League of Women Voters statement in support of this amendment that: if this amendment doesn't pass, it sends a signal to the federal government that Florida does not care about off-shore drilling.

(2) Another part of this proposal extends the restrictions on tobacco smoking to the electronic cigarette, which does not burn and thus produces tobacco vapor, not smoke. This seems like a reasonable extension of the existing tobacco restrictions and is not a reason to oppose this amendment.

#10 State and Local Government Structure and Operation

VOTE NO.

(Florida's League of Women Voters, Democratic Progressive Caucus, and AFL-CIO also say vote no.)

Multi-Issue Proposal by the Constitutional Revision Commission

- (1) One part of this proposal changes by one week the date of the legislative session in even numbered years. This seems unobjectionable.
- (2) Another part of this proposal creates an anti-terrorism office within the Department of Law Enforcement. This is unnecessary as the Department of Law Enforcement already has the ability to work against terrorism and does.
- (3) Another part of this proposal changes the constitution's authorization for a veterans' affairs department to a requirement for such a department, and provides the department be headed by the governor and cabinet. There already is a Florida Department of Veterans' Affairs.
- (4) Another part of this proposal prevents charter counties from abolishing the offices of sheriff, tax collector, property appraiser, supervisor of elections, or clerk of court, and prevents county charters from providing that those offices be selected other than by election to a four-year term. This provision is the only part of #10 that has a significant effect. It is an attack on the independence of charter counties.

Also, we agree with the statement of the League of Women Voters explaining its opposition to this proposal: This limits local governments from deciding on the election of county officers. It adds an unnecessary provision as the Constitution already has the power to set dates during even numbered years. FDLE is already the lead agency in coordinating efforts to prevent terrorism, and the Constitution already has authorized the Legislature to create a Department of Veteran Affairs. This amendment is clearly an effort to restrict the powers of local government.

#11 Property Rights; Removal of Obsolete Provision; Criminal Statutes

VOTE YES

Multi-Issue Proposal by the Constitutional Revision Commission

- (1) One part of the proposal removes a portion of the Declaration of Rights that authorized the Legislature to prevent non-citizens ineligible for citizenship from owning real estate. Florida law does not implement this authorization, and it's not clear that Florida could discriminate against non-citizens in this way consistent with the United States Constitution, so removing this portion of the Florida constitution would have no immediate effect, but it's still a good idea.
- (2) Another part of this proposal relates to the retroactivity of changes in criminal law. The United States Constitution prohibits laws that create new crimes or that *increase* the punishment for old crimes from being applied to crimes committed before the law took effect. Florida's constitution also prevents laws that abolish crimes or that *reduce* punishment from being applied to crimes committed before the change in the law. This part of #11 seems to mean that a law reducing punishment may be applied to a crime that was committed before the law was passed. This for example would allow the Legislature to change the punishment for felony marijuana offenses to a fine rather than imprisonment, and apply the changed law to free everyone already in prison for such offenses. This is a good change.

(3) The Florida constitution contains a provision that directs the legislature, governor and cabinet to develop a high-speed rail system and requires that construction begin by November 1, 2003, but a previous constitutional amendment negated this provision. This amendment just removes the negated language. It has no effect on what's required.

#12 Lobbying and Abuse of Office by Public Officers

VOTE NO.

(Florida's Democratic Progressive Caucus and AFL-CIO also say vote no.)

The Florida constitution now prevents legislators from being paid to lobby any state agency while they are in the Legislature, and prevents legislators and statewide elected officials from lobbying their own agency for two years after they leave office. This Constitutional Revision Commission proposal increases the lobbying ban to six years after leaving office and expands it to cover agency heads and county officials. This proposal would prevent many former government officials from making a living by lobbying, for a long time. Lobbying is not inherently bad. Liberal causes need to educate legislators too. And this restriction on the employment of former officials does not address the real sources of corruption, campaign donations and the business interests of elected officials.

#13 Dog Racing

VOTE YES.

(Florida's League of Women Voters and Democratic Progressive Caucus also say vote yes.)

This Constitutional Revision Commission proposal prohibits dog racing businesses (those with licenses to run dog racing gambling operations) from racing dogs, and bans gambling on dog races. Animal rights advocates have long decried the cruelty to greyhounds inherent in being trained and kept for racing. Slot machines and poker rooms now allowed at dog racing venues would still be allowed.

*To see the actual language of the proposed amendments, go to
<http://dos.elections.myflorida.com/initiatives/>. Put a check at "Made Ballot" and hit enter.
Click each title to get to each of the 13 proposals.*

Adapted from Leon County Democratic Party.