

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

WORKSHOP SUMMARY

Meeting Date: July 24, 2018

Department: Administration

I. EXECUTIVE BRIEF

Title: Presentation of the State Constitutional Amendments to Appear on the 2018 General Election Ballot (Administration)

Summary: In November 2018, Florida voters will have the opportunity to decide on 13 proposed amendments to Florida's Constitution. The amendments were placed on the ballot by a combination of three different processes. Three were placed on the ballot directly by the Florida Legislature, two were placed on the ballot by citizen led initiatives, and the Constitution Revision Commission placed eight on the ballot. This workshop item will discuss the amendments, what they mean and the potential pros and cons of the passage and/or failure of each.

The amendments will appear on the ballot by title in the following order:

Amendment 1, Increased Homestead Property Tax Exemption

Amendment 2, Limitations on Property Tax Assessments

Amendment 3, Voter Control of Gambling in Florida

Amendment 4, Voting Restoration Amendment

Amendment 5, Super-majority Vote Required to Impose, Authorize, or Raise State Taxes or Fees

Amendment 6, Rights of Crime Victims; Judges

Amendment 7, First Responder and Military Member Survivor Benefits; Public Colleges and Universities

Amendment 8, School Board Term Limits and Duties; Public Schools

Amendment 9, Prohibits Offshore Oil and Gas Drilling; Prohibits Vaping in Enclosed Indoor Workplaces

Amendment 10, State and Local Government Structure and Operation

Amendment 11, Property Rights; Removal of Obsolete Provision; Criminal Statutes

Amendment 12, Lobbying and Abuse of Office by Public Officers

Amendment 13, Ends Dog Racing

Constitution amendments must be approved by at least 60% of voters in order to be passed.

Background and Policy Issues continued on page 3:

Attachments:

- 1. Presentation of the State Constitutional Amendments to Appear on the 2018 General Election Ballot.

Recommended by: _____ N/A _____
Department Director Date

Approved By: Walter J. Guler 7/19/18
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| | | | | | |
|---|--|--|--|--|--|
| Fiscal Years | | | | | |
| | | | | | |
| Capital Expenditures | | | | | |
| Operating Costs | | | | | |
| External Revenues | | | | | |
| Program Income(County) | | | | | |
| In-Kind Match(County) | | | | | |
| NET FISCAL IMPACT | | | | | |
| #ADDITIONAL FTE POSITIONS (CUMULATIVE) | | | | | |

Is Item Included in Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No:


Fund Dept Unit

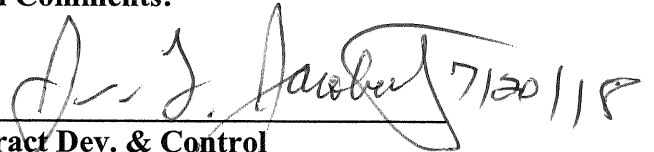
B. Recommended Sources of Funds/Summary of Fiscal Impact: No fiscal impact.

C. Departmental Fiscal Review:

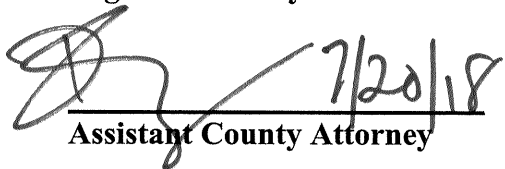
III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:


 OFMB PD-7/19 9/19


 Contract Dev. & Control
 7/20/18

B. Legal Sufficiency


 Assistant County Attorney

C. Other Department Review

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Continued from page 1:

Background and Policy Issues: There are several ways an amendment to Florida's Constitution can be placed on the ballot. Three of those were used for the November ballot. One was by the Florida Legislature where the membership of both the House and Senate can place an item directly on the ballot with 60% of the vote of each chamber.

Another method used was by citizen led petition initiative. In order to get a proposed amendment by initiative on the 2018 General Election ballot, a petition must be signed by 766,200 voters and the signatures must come from at least 14 of Florida's 27 congressional districts.

The third method used was by the Constitution Revision Commission. The CRC is an organization provided for in the state constitution that reviews and proposes changes to the Florida Constitution. The 37-member commission meets every 20 years. The CRC of 2017-2018 was sworn in on March 20, 2017, and had until May 10, 2018, to hold public hearings, review proposals, and refer amendments to the ballot for the election on November 6, 2018.



PRESENTATION OF THE STATE CONSTITUTIONAL AMENDMENTS TO
APPEAR ON THE 2018 GENERAL ELECTION BALLOT

Amendment 1 INCREASED HOMESTEAD PROPERTY TAX EXEMPTION

Proposing an amendment to the State Constitution to 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. The amendment shall take effect January 1, 2019.

Amendment 1 INCREASED HOMESTEAD PROPERTY TAX EXEMPTION

- ▶ Amendment 1 would provide for a homestead exemption on the portion of home values between \$100,000 and \$125,000, meaning the \$25,000 between \$100,000 and \$125,000 of a home's value would be exempted from property taxes other than school district taxes.
- ▶ As of 2018, Section 6(a) of Article VII of the Florida Constitution provides for a homestead exemption on the portion of home values between (a) \$0 and \$25,000 and (b) \$50,000 and \$75,000. If voters approve Amendment 1, the homestead exemption for a home valued at \$200,000 would be \$75,000. If voters reject Amendment 1, the homestead exemption for a home valued at \$200,000 would remain at \$50,000.
- ▶ What could this mean for Palm Beach County?
- ▶ PBC General Fund would be impacted with a \$27.5 million reduction.
- ▶ PBC Fire Rescue would see an \$7.5 million impact.
- ▶ PBC Library System would experience a \$1.8 million shortfall.
- ▶ This is billed as a “tax cut” for many, but for many, it may result in a “tax hike” or “tax shift” since in most cases business owners and renters of homes and apartments could be forced to pay more to make up the difference.
- ▶ FAC – Voted to Oppose

Amendment 2 LIMITATIONS ON PROPERTY TAX ASSESSMENTS

Proposing an amendment to the State Constitution to permanently retain provisions currently in effect, which limit property tax assessment increases on specified non-homestead real property, except for school district taxes, to 10 percent each year. If approved, the amendment removes the scheduled repeal of such provisions in 2019 and shall take effect January 1, 2019.

Amendment 2 LIMITATIONS ON PROPERTY TAX ASSESSMENTS

- ▶ Amendment 2 would make permanent the cap of 10 percent on annual non-homestead parcel assessment increases that is set to expire on January 1, 2019
- ▶ Property considered non-homestead parcels include non-homestead residential properties and non-residential property
- ▶ Cap does not apply to school district taxes
- ▶ Supported by the Florida Association of Realtors
- ▶ FAC – Voted to remain neutral
- ▶ If the Amendment passes, the current cap would remain in place indefinitely as the sunset would be removed.
- ▶ According to the Property Appraiser, If the amendment failed, approximately \$28 million in unrealized tax revenue for PBC would be added.

Amendment 3 VOTER CONTROL OF GAMBLING IN FLORIDA

This amendment ensures that Florida voters shall 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. Affects articles X and XI. Defines casino gambling and clarifies that this amendment does not conflict with federal law regarding state/tribal compacts.

The amendment's impact on state and local government revenues and costs, if any, cannot be determined at this time because of its unknown effect on gambling operations that have not been approved by voters through a constitutional amendment proposed by a citizens' initiative petition process.

Amendment 3 VOTER CONTROL OF GAMBLING IN FLORIDA

- ▶ Amendment 3 would provide Florida voters the “exclusive right to decide whether to authorize casino gambling in the State of Florida”
- ▶ Casino gambling is defined to include card games, casino games and slot machines
- ▶ Pari-mutual wagering on horse racing, dog racing or jai alai exhibitions is NOT considered casino gambling
- ▶ Supported by Voters In Charge, whose contributors include the Seminole Tribe of Florida and Disney Worldwide Services, Inc.
- ▶ No committee currently registered to oppose (as of June 27)

Amendment 4 VOTING RESTORATION AMENDMENT

This amendment restores 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.

The precise effect of this amendment on state and local government costs cannot be determined, but the operation of current voter registration laws, combined with an increased number of felons registering to vote, will produce higher overall costs relative to the processes in place today. The impact, if any, on state and local government revenues cannot be determined. The fiscal impact of any future legislation that implements a different process cannot be reasonably determined.

Amendment 4 VOTING RESTORATION AMENDMENT

- ▶ Amendment 4 restores the voting rights of Floridians with felony convictions upon completion of ALL terms of their sentence, including parole or probation
- ▶ Amendment 4 would NOT apply to those convicted of murder or sexual offenses, who would only have rights restored on a case-by-case basis by the Governor and Cabinet
- ▶ Amendment 4 costs to the County can not be determined per the financial impact statement.
- ▶ Polling showing strong bipartisan support
- ▶ American Civil Liberties Union supports
- ▶ Floridians for a Sensible Voting Rights Policy (501 (c) 4) opposes

Amendment 5 SUPERMAJORITY VOTE REQUIRED TO IMPOSE, AUTHORIZE, OR RAISE STATE TAXES OR FEES

Prohibits 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.

Amendment 5 SUPERMAJORITY VOTE REQUIRED TO IMPOSE, AUTHORIZE, OR RAISE STATE TAXES OR FEES

- ▶ Amendment 5 would require a 2/3 vote of each chamber of the Florida Legislature to enact new state taxes or fees or increase existing ones
- ▶ Currently requires a simple majority with the exception of the corporate income tax (3/5 majority)
- ▶ Bill to increase taxes or enact new taxes or fees would be required to contain no other subject
- ▶ Would not impact requirements for local or agencies such as school districts
- ▶ Bill would require 27 votes in the Senate and 80 votes in the House
- ▶ Florida Chamber of Commerce and other business groups support

Amendment 6 RIGHTS OF CRIME VICTIMS; JUDGES

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Creates constitutional rights for victims of crime; requires courts to facilitate victims' rights; authorizes victims to enforce their rights throughout criminal and juvenile justice processes. Requires judges and hearing officers to independently interpret statutes and rules rather than deferring to government agency's interpretation. Raises mandatory retirement age of state judges from seventy to seventy-five years; deletes authorization for judges to complete term if one-half of term has been served by retirement age.

Amendment 6 RIGHTS OF CRIME VICTIMS; JUDGES

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- ▶ Amendment 6 would make changes regarding the rights of crimes victims, the age at which judges are required to retire and judicial deference
- ▶ Marsy's Law – provides victims, their families and lawful representatives with specific rights including due process, right to be treated with fairness and respect, right to have their welfare considered when setting bail and right to be free of unreasonable delays in proceedings
- ▶ Would increase required judicial age of retirement from 70 to 75 and eliminate the authority for judges to complete a term if one half of the term has been served by retirement age – effective July 1, 2019
- ▶ Would prohibit state courts from deferring to an administrative agency's interpretation of state statute or rule in lawsuits, overturning established legal precedent

Amendment 7 FIRST RESPONDER AND MILITARY MEMBER SURVIVOR BENEFITS; PUBLIC COLLEGES AND UNIVERSITIES

Creates mandatory payment of education and compensation benefits to qualifying survivors of certain first responders and military members who die performing official duties. Requires supermajority votes 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. Establishes existing state college system as constitutional entity; provides governance structure.

Amendment 7 FIRST RESPONDER AND MILITARY MEMBER SURVIVOR BENEFITS; PUBLIC COLLEGES AND UNIVERSITIES

- ▶ Amendment 7 would make changes to the law regarding death benefits for survivors of first responders and military members, vote requirements to increase college tuition and add the structure of the state college system to the Florida Constitution
- ▶ Require employers to provide death and education benefits, as defined in statute, to the surviving spouses and children of first responders and military members killed while engaged in official duties
- ▶ Require a 9 member vote of a university's 13 member board of trustees and 12 member vote of the 17 member board of governors to increase a college fee (currently simple majority)
- ▶ Add the current structure of the state's system of higher education to the Florida Constitution

Amendment 8 SCHOOL BOARD TERM LIMITS AND DUTIES; PUBLIC SCHOOLS

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Creates a term limit of eight consecutive years for school board members and requires the legislature to provide for the promotion of civic literacy in public schools. Currently, district school boards have a constitutional duty to operate, control, and supervise all public schools. The amendment maintains a school board's duties to public schools it establishes, but permits the state to operate, control, and supervise public schools not established by the school board.

Amendment 8 SCHOOL BOARD TERM LIMITS AND DUTIES; PUBLIC SCHOOLS

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- ▶ Amendment 8 creates a term limit for school board members and limits the authority of the school boards to public schools established by the district school board
- ▶ Establishes term limits of two consecutive 4 year terms for school board members
- ▶ No current state law limiting how long a person can serve on a school board
- ▶ Changes the constitution to limit school boards' authority to those *established* by the school board
- ▶ Allows a different state institution to have oversight of non-board established schools such as private charter schools, lab schools, collegiate high schools, etc.
- ▶ Requires civic literacy as an education subject in the constitution

Amendment 9 PROHIBITS OFFSHORE OIL AND GAS DRILLING; PROHIBITS VAPING IN ENCLOSED INDOOR WORKPLACES

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Prohibits drilling for the exploration or extraction of oil and natural gas beneath all state-owned waters between the mean high water line and the state's outermost territorial boundaries. Adds use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces with exceptions; permits more restrictive local ordinances.

Amendment 9 PROHIBITS OFFSHORE OIL AND GAS DRILLING; PROHIBITS VAPING IN ENCLOSED INDOOR WORKPLACES

- ▶ Amendment 9 would prohibit drilling for the exploration or extraction of oil and natural gas on all state-owned waters
- ▶ Prohibition would include the ocean from the mean high water line to the outermost boundaries of the state's territorial seas
- ▶ Amendment 9 would also ban the use of vapor-generating electronic devices, such as electronic cigarettes, in enclosed indoor workplaces
- ▶ Exceptions would include private residences, retail tobacco and vaping shops, designed smoking guest rooms in hotels, and stand-alone bars
- ▶ Amendment 9 defines vapor-generating electronic devices as "any product that employs an electronic, chemical, or mechanical means capable of producing vapor or aerosol from a nicotine product or other substance"
- ▶ Oil and gas industries oppose

Amendment 10 STATE AND LOCAL GOVERNMENT STRUCTURE AND OPERATION

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Requires legislature to retain department of veterans' affairs. Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices. Changes annual legislative session commencement date in even-numbered years from March to January; removes legislature's authorization to fix another date. Creates office of domestic security and counterterrorism within department of law enforcement.

Amendment 10 STATE AND LOCAL GOVERNMENT STRUCTURE AND OPERATION

- ▶ Amendment 10 would require, rather than authorize, the legislature to provide for a state Department of Veterans Affairs;
- ▶ Create a state Office of Domestic Security and Counter-Terrorism;
- ▶ Require the legislature to convene regular session on the second Tuesday of January in even-numbered years, and;
- ▶ Prohibit counties from abolishing certain local offices – sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court – and require elections for those offices
- ▶ Local government opposition as the amendment is interpreted as undermining the principles of home rule
- ▶ FAC voted to oppose

Amendment 11 PROPERTY RIGHTS; REMOVAL OF OBSOLETE PROVISION; CRIMINAL STATUTES

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Removes discriminatory language related to real property rights. Removes obsolete language repealed by voters. Deletes provision that amendment of a criminal statute will not affect prosecution or penalties for a crime committed before the amendment; retains current provision allowing prosecution of a crime committed before the repeal of a criminal statute.

Amendment 11 PROPERTY RIGHTS; REMOVAL OF OBSOLETE PROVISION; CRIMINAL STATUTES

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- ▶ Amendment 11 would repeal a constitutional provision prohibiting foreign-born persons ineligible for citizenship from owning, inheriting, disposing and possessing property;
- ▶ Repeal an obsolete constitutional provision stating that a high-speed transportation system be developed in Florida, and;
- ▶ Delete the constitutional provision that an amendment to a criminal statute does not affect the prosecution of a crime committed before the statute's amendment
- ▶ Repeal of the Florida Alien Land Law has long been supported by Asian-American groups, although voters rejected a similar effort in 2008
- ▶ Voters in 2004 voted to repeal Amendment 1 (2000), which provided for the development of high speed monorail, but the inoperative language remains in the constitution
- ▶ Florida currently is the only state that does not allow for retroactive applications of amendments to criminal statutes – supported by gun-rights groups

Amendment 12 LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS

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Expands current restrictions on lobbying for compensation by former public officers; creates restrictions on lobbying for compensation by currently serving public officers; provides exceptions; prohibits certain abuses of public office for personal benefit.

Amendment 12 LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS

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- ▶ Amendment 12 will prohibit public officials from lobbying for compensation during the official's term in office and for six years after the official leaves office and prohibit public officials from using their office to obtain a disproportionate benefit
- ▶ Public officials include the governor, Cabinet members, agency heads, state lawmakers, and local elected officials, as well as justices and judges
- ▶ Lobbying ban applies to the Legislature, the federal government, any state government body or agency, and any political subdivision of the state
- ▶ FAC voted to remain neutral

Amendment 13 ENDS DOG RACING

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Phases out commercial dog racing in connection with wagering by 2020. Other gaming activities are not affected.

Amendment 13 ENDS DOG RACING

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- ▶ Amendment 13 prohibits pari-mutual operations from racing greyhounds or other dogs for wagering and prohibits persons in the state from wagering on the outcome of live dog races occurring in the state
- ▶ Effective January 1, 2021
- ▶ Supported by animal rights activists and groups
- ▶ Opposed by the Florida Greyhound Association and tracks that offer dog racing