

## **Commissioner Sue Gunzburger**

*Broward County Commission, District 6*

The newsletter for this month looks at the State of Florida Amendments on the November ballot. The information is taken from the work by the League of Women Voters which is a nonpartisan political organization that does terrific work. On September 3, 2008, the Supreme Court ruled that Amendments # 5, 7 and 9 be struck from the November ballot. I personally feel it is important to vote "no" for amendments 2 and 8. As always, if you have any questions please contact the League of Women Voters at 954-735-1311 or call me at 954-357-7006.

### **AMENDMENT #1 : RELATING TO PROPERTY RIGHTS/INELIGIBLE ALIENS**

**Reference:** Article I, Section 2

**Summary:** Proposing an amendment to the State Constitution to delete provisions authorizing the Legislature to regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship.

**Sponsor:** The Florida Legislature

**Background:** Article I, Section 2 of the Florida Constitution provides that equal rights are for all in Florida, but creates a glaring exception for "aliens ineligible for citizenship," who can be stripped of the right to own property by the Legislature. The exception dates to the early 1900's and is common to many states' law, and was directed at Asian-American immigrants (the "Yellow Peril.") Senate Joint Resolution 166, filed in 2007, proposed this amendment. Only New Mexico and Florida still have these provisions in their constitutions, and both states' leaders are asking voters to remove the language this year.

#### **PRO:**

The amendment would remove an outdated and discriminatory passage from our Declaration of Rights.

#### **CON:**

Constitutional action is not necessary at this time because there is no present Florida statute prohibiting ownership of property by aliens ineligible for citizenship.

### **AMENDMENT #2 : FLORIDA MARRIAGE PROTECTION AMENDMENT**

**Reference:** Article I, newly proposed section

**Summary:** This amendment protects marriage as the legal union of only one man and one woman as husband and wife and provides that no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

**Sponsor:** Florida4Marriage.org

**Background:** A Florida statute already provides that marriage is only recognized between a man and a woman. An Orlando activist, John Stemberger, organized this ballot initiative, which is the only citizens' initiative on the ballot.

#### **PRO:**

Supporters say the amendment would protect children by ensuring that only one form of marriage, between a man and a woman, would ever be celebrated in Florida.

#### **CON:**

A statute already provides for a single form of marriage in Florida.

Health care and pension benefit plans which cover unmarried couples living together and which are now legally valid may be adversely affected.

### **AMENDMENT #3: CHANGES AND IMPROVEMENTS NOT AFFECTING THE ASSESSED VALUE OF RESIDENTIAL REAL PROPERTY**

**Reference:** Article VII, sections 3, 4, and a new section

**Summary:** Authorizes the Legislature, by general law, to prohibit consideration of changes or improvements to residential real property which increase resistance to wind damage and installation of renewable energy source devices as factors in assessing the property's value for ad valorem taxation purposes. Effective upon adoption, repeals the existing renewable energy source device exemption no longer in effect.

**Sponsor:** Florida Budget and Taxation Reform Commission

**Background:** Increased value of residential property based on improvements designed to improve hurricane safety could not be assessed as taxable increased value.

**PRO:**

Hurricane safety may be improved in residential property.

Residential property values may be increased.

The amendment may relieve the burden on non-renewable energy sources.

**CON:**

Local revenues could suffer.

Individuals' savings may be minimal.

The amendment does not apply to new construction.

### **AMENDMENT #4: PROPERTY TAX EXEMPTION OF PERPETUALLY PRESERVED LAND; CLASSIFICATION AND ASSESSMENT OF LAND USED FOR CONSERVATION**

**Reference:** Article VII, sections 3, 4, and Article XII, a new section

**Summary:** Requires Legislature to provide a property tax exemption for real property encumbered by perpetual conservation easements or other perpetual conservation protections, defined by general law. Requires Legislature to provide for classification and assessment of land used for conservation purposes, and not perpetually encumbered, solely on the basis of character or use. Subjects assessment benefit to conditions, limitations, and reasonable definitions established by general law. Applies to property taxes beginning in 2010.

**Sponsor:** Florida Budget and Taxation Reform Commission

**Background:** Numerous provisions of federal estate and tax law favor landowners who preserve their property in its natural state. This provision would provide further tax benefits to those landowners.

**PRO:**

The amendment may encourage further conservation of land in its natural state.

**CON:**

Local revenue will be decreased.

Existing policies already favor those who preserve their land.

The amendment would not require public access to the lands to which it applies.

### **AMENDMENT #5: ELIMINATING STATE REQUIRED SCHOOL PROPERTY TAX AND REPLACING WITH EQUIVALENT STATE REVENUES TO FUND EDUCATION**

**Sponsor:** Florida Budget and Taxation Reform Commission

On September 3, 2008, the Supreme Court ruled that Amendment # 5 be struck from the November ballot.

#### **AMENDMENT #6: ASSESSMENT OF WORKING WATERFRONT PROPERTY BASED UPON CURRENT USE**

**Reference:** Article VII, Section 4, and Article XII, new section

**Summary:** Provides for assessment based upon use of land used predominantly for commercial fishing purposes; land used for vessel launches into waters that are navigable and accessible to the public; marinas and drystacks that are open to the public; and water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities, subject to conditions, limitations, and reasonable definitions specified by general law.

**Sponsor:** Florida Budget and Taxation Reform Commission

**Background:** Access to public waterfront has been reduced as marinas and the like cannot afford to resist developers' offers to convert the land into condominium towers or other private buildings. The amendment would require those properties to be taxed based on their current use rather than on their "highest and best" use.

**PRO:**

Access to public waterfront areas would more likely remain at current levels rather than continuing to diminish.

This measure may reduce property taxes on working waterfront properties and thereby reduce pressure to sell those properties to developers.

**CON:**

Local revenues would suffer.

The measure allows the Legislature to define terms and impose conditions and limitations on any tax break working waterfront owners receive.

#### **AMENDMENT #7: RELIGIOUS FREEDOM**

**Sponsor:** Florida Budget and Taxation Reform Commission

On September 3, 2008, the Supreme Court ruled that Amendment # 7 be struck from the November ballot.

#### **AMENDMENT #8: LOCAL OPTION COMMUNITY COLLEGE FUNDING**

**Reference:** Article VII, section 9

**Summary:** Proposing an amendment to the State Constitution to require that the Legislature authorize counties to levy a local option sales tax to supplement community college funding; requiring voter approval to levy the tax; providing that approved taxes will sunset after 5 years and may be reauthorized by the voters.

**Sponsor:** Florida Budget and Taxation Reform Commission

**Background:** The Legislature has allowed Miami-Dade County to levy a local-option sales tax to assist that area's community college.

**PRO:**

Community colleges serve as a gateway to the university system and to greater employment opportunities; this amendment could increase their funding.

Voters would have the option of denying any proposed local-option sales tax increase under the proposal.

**CON:**

Sales taxes impose a greater burden on lower-income families.

The measure shifts the burden of funding community colleges from state to local authorities. The amendment could create unequal opportunities for Florida residents based on the economy in their county of residence.

**AMENDMENT #9: REQUIRING 65 PERCENT OF SCHOOL FUNDING FOR CLASSROOM INSTRUCTION; STATE'S DUTY FOR CHILDREN'S EDUCATION**

**Sponsor:** Florida Budget and Taxation Reform Commission

On September 3, 2008, the Supreme Court ruled that Amendment # 9 be struck from the November ballot.

**DATES TO REMEMBER:**

**EARLY VOTING: OCTOBER 20, 2008 THROUGH November 2, 2008**

**GENERAL ELECTION: NOVEMBER 4, 2008**