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Florida House of Representatives**

# THE MAYFIELD MINUTE

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Florida's Old and New Capitols

*Recently, concerns have been raised regarding the proposed amendments, and whether the issues addressed by each of them may be better served through legislation.*

*I would like to take the time to address those concerns, hopefully providing some insight in to Florida's Constitution and the legislative process.*

*Passing legislation simply creates a law in Florida statutes. Typically, no further action is required, and changes to the law can be made by future members of the Legislature. If, however, the legislation runs counter to, or in addition to, something which has already been transcribed in the Florida Constitution, the Legislature is charged with revising the current Constitutional law. Not doing so would put that legislation at risk for future lawsuits, whereby an interested party may claim the law as unconstitutional.*

*The Legislature has already passed implementing legislation for several of the proposed amendments. However, the full legal authority of several of these laws would be in jeopardy without the voters passing the Amendment to accompany them.*

*As an example, the method by which we limit revenues in Florida government is written in the Constitution, and Amendment 3 revises it with the aim of being more restrictive and stable year after year.*

*The organization of the state's judicial system and the Board of Governors is also written in the Constitution, and Amendments 5 and 12 proposes some important changes to each.*

*The Constitution also provides the property tax structure for the State, and several of the proposed Amendments redefine, extend, or revise what is currently written.*

*I have taken the opportunity to use this Mayfield Minute to go over each Amendment, detailing the current law and its revision. I've also included some background information, the effective date of the law upon approval, and the status regarding its need for implementing legislation.*

*I hope you take the time to consider these important factors. If you do agree to the change proposed, please bear in mind that it does not have the ability to be implemented by general law - instead, it requires 60% of the voters, like you, to approve the Amendment.*

*These are not frivolous additions to the Constitution. These are not simply well-meaning initiatives. Each of these have been vetted through a strenuous committee process, ultimately being approved on the House and Senate floor. They propose important revisions to current constitutional law, and a revision to the Constitution requires an amendment.*

*Please review these Amendments carefully, and do not hesitate to contact my district office if you need further clarification.*

Email Representative

**Important Changes to Satellite Office**

Traditionally, satellite office hours have been held on the first Monday of every month at the North County Library in Sebastian.

In order to provide the district with easier access to our office, we will now be holding satellite office hours in **Sebastian City Hall** on the **2nd Tuesday** of every month.

Details on the date and time will follow. Special thanks to City Manager, Al Minner, for allowing the use of the space.

**Technology Corner:**

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**CONSTITUTIONAL AMENDMENTS**

The following amendments were sponsored by the Florida Legislature and will be on our November ballot. Passage requires the approval of 60% or more of the voters participating.

<p><b>Amendment 1</b> Health Care Services</p>	<p><b>Current:</b> The Constitution does not contain any law rejecting certain provisions of the Affordable Care Act.</p> <p><b>Revision:</b> <i>Amendment 1 creates a section under Article I, which expressly rejects and prohibits any law which forces or compels individuals or employers to provide health care coverage through taxation or penalty. It allows for an individual or an employer to pay directly for health care coverage without a third party, and for a private health care services market to exist without abolishment by law or rule.</i></p> <p><b>Background:</b> While it will hold little sway in the wake of the recent ruling upholding the individual mandate, it would prevent the state from passing a similar health care law in the future, particularly if the Affordable Care Act is repealed and the authority of introducing similar health care laws are given to the states. It is a proclamation stating that Florida’s voters are against the individual mandate.</p> <p><b>Effective:</b> January 8, 2013. No legislative implementation is required.</p>
<p><b>Amendment 2</b> Veterans Disabled Due to Combat Injury; Homestead Property Tax Discount</p>	<p><b>Current:</b> The Constitution gives a discount to the taxes owed on a homesteaded property for veterans who are disabled due to combat injury and are 65 years of age or older. However, it stipulates that a veteran is only eligible to receive this discount if he or she was a Florida resident at the time of deployment.</p> <p><b>Revision:</b> <i>Amendment 2 extends this discount to homesteaded properties to include disabled Veterans who were not Florida residents when entering military service.</i></p> <p><b>Background:</b> This additional benefit is a discount off of property taxes owed on a Homestead, and equals the percentage of the veterans’ permanent service-connected disability – eg. A 50% disability would garner a 50% discount. The requirements for proving a disability through the US Department of Veterans Affairs remain the same. This aims to provide financial relief for more of our state’s aging combat-injured veterans.</p> <p><b>Effective:</b> January 1, 2013. No legislative implementation is required.</p>
<p><b>Amendment 3</b> State Government Revenue Limitations</p>	<p><b>Current:</b> The Constitution outlines the growth index by which State revenues are limited. It is currently capped by a percentage that describes the rate of change in the aggregate “Florida Personal Income” over a five year period.</p> <p><b>Revision:</b> <i>Amendment 3 replaces the existing limitation with a new percentage based on both CPI (Consumer Price Index, a measure of inflation) and population change. The Legislature is also provided with a five year period to adjust to this new revenue tool.</i></p> <p><b>Background:</b> Florida first introduced its cap on revenues in 1995. This revision aims to provide a stricter formula for future revenue increases. It still allows the Legislature to increase the revenue limitation by supermajority or by proposing the increase to the voters.</p> <p><b>Effective:</b> January 8, 2013, first applying to FY 2014-2015. Legislative implementation is required.</p>

## CONSTITUTIONAL AMENDMENTS

The following amendments were sponsored by the Florida Legislature and will be on our November ballot.  
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<p><b>Amendment 4</b> Property Tax Limitation; Property Value Decline; Reduction for Non-Homestead Exemption</p>	<p><b>Current:</b> The Constitution provides a 3% cap on increasing annual assessments on homesteaded properties, and it allows an increase in assessments when values of property decrease (the “recapture” rule); For businesses, second homes, and other non-homesteaded properties, there is a 10% cap on annual assessments, and the cap is currently scheduled for the option of repeal in 2019. No special exemption is given to new homebuyers.</p> <p><b>Revision:</b> <i>Amendment 4 allows the legislature to repeal the “recapture” rule, which would prohibit increases in homesteaded property tax assessments when the property’s value decreases. Increases in annual assessments of businesses, second homes, and other non-homesteaded properties would drop from 10% to 5%, with option to repeal extended to 2023. First-time homebuyers (someone who has not owned property in the previous 3 calendar years) would receive an additional exemption on a homestead in the amount of 50% off its just value, excluding school district levies, with the exemption amount decreasing over the course of five years. If approved, this would apply to property purchased on or after January 1, 2012.</i></p> <p><b>Background:</b> The aim of these provisions is to reduce taxing inequities. It expands the “Save Our Homes” amendment in the 90s, and a similar amendment in 2008 which reduced taxes for commercial properties.</p> <p><b>Effective:</b> January 1, 2013. Legislative implementation for the repeal of the recapture rule is required. The first time homesteader exemption and the reduction of 10% to 5% has already been implemented.</p>
<p><b>Amendment 5</b> State Courts</p>	<p><b>Current:</b> The Constitution outlines the practices and procedures of each branch of government, including the judiciary. Currently, judicial appointments are made by the Governor and are not subject to confirmation. Supreme Court rules may only be repealed by a general law enacted by 2/3 vote of each house of the Legislature. To discipline a member of the judiciary, confidential proceedings occur before the Judicial Qualification Commission (JQC); Documents are confidential until the initiation of impeachment proceedings.</p> <p><b>Revision:</b> <i>Amendment 5 would require the Senate to confirm the appointment of a Justice before he or she takes office. It would allow rules to be repealed by majority vote of each house (ie. general law). It would give the Speaker exclusive access to any and all records of the JQC prior to official impeachment proceedings.</i></p> <p><b>Background:</b> This revision aims to strengthen checks within the three branches of government.</p> <p><b>Effective:</b> January 8, 2013. No legislative implementation is required.</p>
<p><b>Amendment 6</b> Prohibition on Public Funding of Abortion; Construction of Abortion Rights</p>	<p><b>Current:</b> The Constitution was amended to include the right to privacy in 1980. The right to privacy is a clause that has been used in court to create broader abortion rights in Florida than those provided by the United States Constitution.</p> <p><b>Revision:</b> <i>Amendment 6 does not change the right to privacy. Instead, it enshrines a federal law that prohibits public funds from being used for any abortion or healthcare coverage which includes abortion. This does not apply to expenditures required by federal law, or in a case in which a woman’s life is in danger of death unless an abortion is performed, or in a case of rape or incest.</i></p> <p><b>Background:</b> This revision aims to overrule previous court decisions that have interpreted that the right of privacy in the Florida Constitution creates broader rights to an abortion than the United States Constitution.</p> <p><b>Effective:</b> January 8, 2013. No legislative implementation is required, but it would effectively block any future legislation which attempts to appropriate public funding from abortion.</p>
<p><b>Amendment 8</b> Religious Freedom</p>	<p><b>Current:</b> The Constitution currently prohibits any public dollars from directly or indirectly providing funds to churches or religious groups.</p> <p><b>Revision:</b> <i>Amendment 8 repeals that prohibition, effectively allowing individuals to use public funds at a religious provider, and allowing religious entities the chance to apply for state funds.</i></p> <p><b>Background:</b> This revision aims to allow the state to directly and/or indirectly fund programs that provide a valuable public service but are currently denied that funding because they are affiliated with a religious organization. This would include the use of publicly-funded vouchers to send students to schools run by religious organizations, a practice which has been deemed unconstitutional in the past.</p> <p><b>Effective:</b> January 8, 2013. No legislative implementation is required. The process by which the state determines who is eligible to receive funding and accountability measures will be decided by future legislation.</p>

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<p><b>Amendment 9</b> Homestead Property Tax Exemption for Surviving Spouse of Military Veteran/First Responder</p>	<p><b>Current:</b> The Constitution grants the authorization for an additional homestead exemption to be given to surviving spouses of military veterans or first responders who died on active duty. <b>Revision:</b> <i>Amendment 9 authorizes the Legislature to totally or partially exempt property taxes owed by a surviving spouse of a military veteran or first responder who died on active duty.</i> <b>Background:</b> This revisions aims to recognize the sacrifice of first responders by extending exclusive benefits to their surviving spouses. Current surviving spouses would be eligible to receive this for their future property taxes. <b>Effective:</b> January 1, 2013. The Legislature has already passed implementing legislation requiring that the full exemption be granted.</p>
<p><b>Amendment 10</b> Tangible Personal Property Tax Exemption</p>	<p><b>Current:</b> The Constitution provides an exemption from ad valorem taxes on tangible personal property if the property's assessed value is less than \$25,000. <b>Revision:</b> <i>Amendment 10 essentially doubles the value of tangible personal property eligible for this exemption, creating an exemption for tangible personal property with values assessed below \$50,000. A second part of the amendment authorizes the legislature to allow local governments to provide additional personal property tax exemptions.</i> <b>Background:</b> This revision aims to give tax relief to small business by extending ad valorem exemptions. <b>Effective:</b> January 1, 2013. Legislation for the increase in the amount eligible for exemption does not require implementing legislation, but it is preferred so that it is consistent with state statute. Allowing local governments to provide additional personal property tax exemptions still requires implementing legislation.</p>
<p><b>Amendment 11</b> Additional Homestead Exemption for Low-Income Seniors</p>	<p><b>Current:</b> The Constitution authorizes the Legislature to allow local governments to grant an additional homestead exemption up to \$25,000 for qualifying seniors. <b>Revision:</b> <i>Amendment 11 authorizes the Legislature to allow local governments to grant an additional homestead exemption equal to the assessed value of homestead property owned by qualifying low income seniors.</i> <b>Background:</b> This aims to alleviate property taxes for fixed-income seniors. To be eligible to receive this benefit, a "low-income senior" must be over the age of 65, and have a household income not exceeding \$20,000 annually. The property must have a just value less than \$250,000, and the senior must have maintained permanent residency for 25 years. The decision for extending this exemption is given to each municipality. <b>Effective:</b> January 8, 2013. The Legislature has already passed implementing legislation, allowing local governments the ability to extend this exemption by super-majority vote of the governing body (eg. a city council or county commission).</p>
<p><b>Amendment 12</b> Appointment of Student Body President to Board of Governors</p>	<p><b>Current:</b> The Constitution provides that the president of the Florida Student Association (a nonprofit research group) shall be the student member of the Board of Governors, the overseers of the state's University System. <b>Revision:</b> <i>Amendment 12 requires that the Board of Governors create a council of student body presidents, the chair of which will serve as the student representative on the Board of Governors.</i> <b>Background:</b> Since several of the state's universities have withdrawn their membership to the Florida Student Association, this revision aims to be more representative of students in the University System. <b>Effective:</b> January 8, 2013. No legislative implementation is required.</p>