2018 Florida Constitutional Ballot Amendments

Thirteen proposed amendments to the Florida Constitution are on the Nov. 6, 2018, ballot, nine more than appeared on the 2016 ballot. However, voters face more questions than is apparent. That’s because Florida’s Constitution Revision Commission (CRC), which convenes every 20 years, is allowed by law to bundle more than one issue into each question. This practice, also known as “logrolling,” is prohibited when amendments are placed on the ballot by citizen initiative or by the Florida Legislature. Those amendments must contain just one distinct question.

In 1978, the first CRC proposed eight amendments, at least half of which had multiple questions. All were defeated by voters. Twenty years later, in 1998, the CRC proposed nine amendments, all of which had multiple questions. All but one passed.

An example of the CRC’s issue bundling in 2018 is Amendment 9, which asks voters to decide whether to ban offshore oil drilling, and whether to ban e-cigarettes at workplaces. Like the CRC’s other bundled amendments, voters cannot cast separate votes on drilling and vaping. These are all-or-nothing propositions. Of the 13 amendments on this year’s ballot, eight were proposed by the CRC, three by the Florida Legislature and two by citizen initiative.

To pass, each of them must receive at least 60 percent approval by voters. This is the first time that constitutional amendments proposed by a CRC have faced the 60-percent hurdle, which voters approved in 2006. Before then, amendments just needed a simple majority for approval. Unless otherwise indicated, changes to the Constitution take effect on Jan. 8, 2019.

Amendment 1
Increased Homestead Property Tax Exemption
Source: Florida Legislature

Quick summary: Would allow homeowners to deduct up to another $25,000 from the taxable value of a home worth more than $100,000 up to $125,000 starting on January 19, 2019.

A YES VOTE ON AMENDMENT 1 WOULD:
* Allow homeowners to deduct up to another $25,000 from the taxable value of a home worth more than $100,000, starting on Jan. 1, 2019.
* Exclude local school taxes from the new exemption.
* Cost Florida’s cities, counties and other taxing authorities an estimated $687.5 million annually, starting in 2019, according to the Florida Association of Counties.
* Likely result in cuts to services or higher local rates to make up for the revenue losses, or possibly both.

A NO VOTE ON AMENDMENT 1 WOULD:
* Retain the current homestead tax exemptions, which total $50,000.
* Have no effect on the amount of tax revenue collected by city and county governments.

Amendment 2
Limitations on Property Tax Assessments
Source: Florida Legislature

Quick Summary: Makes permanent what currently is a temporary cap of 10 percent on annual property value increases for vacation homes, apartments and commercial property, effectively limiting increases on tax bills.

A YES VOTE ON AMENDMENT 2 WOULD:
* Make permanent the 10 percent limit on increases in tax value for non-homestead property, thus reducing tax bills.
* Continue to deny local governments (excluding school districts) tax revenue they would otherwise collect from rising property values.

A NO VOTE ON AMENDMENT 2 WOULD:
* End the practice of limiting tax increases on non-homestead property by limiting property-value increases to 10 percent.
* Possibly lead to higher tax bills for non-homestead property, resulting in additional revenue to local governments of about $700 million, according to the state Revenue Estimating Conference.
Amendment 3
Voter Control of Gambling in Florida
Source: Citizen initiative

Quick Summary: Requires approval of any new casino gambling through a citizen-initiative constitutional amendment, effectively barring the Legislature from making those gambling decisions by passing laws.

A YES VOTE ON AMENDMENT 3 WOULD:
* Require that voters approve a constitutional amendment through citizen initiative to authorize any new casino gambling in Florida, essentially stripping that authority from the Legislature.
* Preclude constitutional approval of casinos through other means, including amendments offered by the Legislature or by the CRC.
* Continue to allow the Legislature to approve other types of non-casino gambling, such as poker rooms, bingo, lotteries and fantasy sports.
* Allow the Legislature to oversee, regulate and tax any casino-type gambling that voters approve through a constitutional amendment.
* Not affect the state’s ability to negotiate casino agreements with Native-American tribes.

A NO VOTE ON AMENDMENT 3 WOULD:
* Continue to allow casino gambling either through new laws passed by the Legislature or through various types of constitutional amendments.

Amendment 4
Voting Restoration Amendment
Source: Citizen initiative

Quick Summary: Restores the voting rights of ex-felons after they’ve completed their sentences, except for those convicted of murder or felony sex offenses. Currently, ex-felons who complete their sentences must seek permission to vote from the Florida Cabinet, which rarely agrees.

A YES VOTE ON AMENDMENT 4 WOULD:
* Grant ex-felons - excluding those convicted of murder or felony sex crimes - the right to vote after completing all the terms of their sentence.

A NO VOTE ON AMENDMENT 4 WOULD:
* Continue the current requirement that ex-felons wait a minimum of five years before applying to have their voting rights restored, and then appear before the governor and Cabinet to appeal for those rights.
* Continue allowing the governor and Cabinet sole authority to determine whether an ex-felon is ever allowed to vote again.

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Amendment 6
Rights of Crime Victims; Judges
Source: Constitution Revision Commission

Quick Summary: Vastly expands the scope of victims rights under the state Constitution; increases the mandatory retirement age for judges from 70 to 75; forces courts and judges to interpret laws and rules for themselves rather than rely on interpretations by government agencies.

A YES VOTE ON AMENDMENT 6 WOULD:
* Enshrine in the state Constitution an array of victims rights, many of which are currently in state law.
* Place new time limits on filing appeals.
* Require that victims receive some type of written notification of their rights.
* Eliminate an existing constitutional provision that ensures victims' rights don't infringe on the rights of accused criminals.
* Raise the mandatory retirement age for Supreme Court justices and judges from 70 to 75.
* Prohibit courts and judges from deferring to an administrative agency's interpretation of state laws or rules when deciding cases.

A NO VOTE ON AMENDMENT 6 WOULD:
* Retain existing victims rights in the Constitution and in state law.
* Keep the mandatory retirement ages for justices and judges at 70.
* Continue allowing courts and judges to rely on state agencies' interpretation of state laws and rules when deciding cases.

Amendment 5
Supermajority Vote Required to Impose, Authorize, or Raise State Taxes or Fees
Source: Florida Legislature

Quick Summary: Requires a two-thirds vote of the Legislature to approve any new or increased taxes or fees, rather than the current requirement of a simple majority. If the amendment passes, that would mean 80 of its 120 members of the Florida House would have to vote in favor of raising taxes or fees. In the Senate, it would take a vote of 27 of that body's 40 members.

A YES VOTE ON AMENDMENT 5 WOULD:
* Require a two-thirds vote by the state House and Senate to increase existing taxes and fees or impose new ones.
* Require that any new or increased taxes or fees be voted on in stand-alone bills.
* Exclude local governments from any supermajority requirements if they choose to raise taxes or fees.

A NO VOTE ON AMENDMENT 5 WOULD:
* Allow the Legislature to continue approving increased or new taxes and fees through a simple majority vote.
* Allow the Legislature to continue bundling tax and fee increases with bills that include other measures.

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Amendment 7
First Responder and Military Member Survivor Benefits; Public Colleges and Universities
Source: Constitution Revision Commission

Quick Summary: Creates a supermajority requirement for universities to impose new or increase existing student fees; enshrines in the Constitution guidelines for the State College System; mandates that employers or the state pay a death benefit to first responders and members of the military killed in the line of duty.

A YES VOTE ON AMENDMENT 7 WOULD:
• Force universities’ boards of trustees and the state Board of Governors to get supermajority approval from their members to increase student fees or impose new ones.
• Make the governing framework for state colleges a part of the Constitution.
• Create a constitutional requirement for state and local governments to pay death benefits to first responders.
• Expand the definition of first responders under state law to include paramedics and emergency medical technicians.
• Require the state to provide death benefits to members of the U.S. military who are either residents of Florida or who are stationed in the state.
• Create an undetermined financial burden on local and state government from paying death benefits to a larger group of first responders and members of the military. The amendment does not specify a funding source for those payments.

A NO VOTE ON AMENDMENT 7 WOULD:
• Continue allowing universities to increase student fees or impose new ones with a simple majority of votes from governing bodies.
• Exclude a governing framework for state colleges from the Constitution, while keeping it in state law.
• Continue providing death benefits for first responders through state law rather than making it part of the Constitution.
• Maintain the current definition of first responders eligible for death benefits, which excludes paramedics and emergency medical technicians.
• Continue providing death benefits to the families of National Guardsmen who are killed in the line of duty, but not extend those benefits to the families of U.S. service members who live in Florida.

Amendment 9
Prohibits Offshore Oil and Gas Drilling; Prohibits Vaping in Enclosed Indoor Workplaces
Source: Constitution Revision Commission

Quick Summary: Prohibits oil drilling beneath waters controlled by Florida, which is about nine miles off the western and southern coastlines and at least three miles off the eastern coastline. “State waters” also means bays, estuaries and other waters under Florida’s jurisdiction. The amendment also prohibits the use of e-cigarettes, also known as vaping, at indoor workplaces.

A YES VOTE ON AMENDMENT 9 WOULD:
• Enshrine in the Constitution a ban on oil and gas drilling beneath Florida state waters.
• Exempt shipments of oil and gas on Florida’s waters.
• Possibly signal to the federal government Floridians’ opposition to offshore drilling.
• Apply constitutional restrictions to drilling only to waters under state control, not to waters under federal control.
• Add new restrictions to the Constitution on the use of electronic vaping devices, largely mirroring current constitutional restrictions on indoor workplace smoking.
• Create exceptions to the vaping restrictions in homes, bars, vaping retailers and hotel rooms designated for vaping.
• Allow local governments to pass stricter regulations on the use of vaping devices.

A NO VOTE ON AMENDMENT 9 WOULD:
• Keep a drilling ban out of the state Constitution but would not alter existing state laws that ban drilling.
• Allow Florida legislators to change the current law that bans offshore drilling in state-controlled waters.
• Possibly signal to the federal government Floridians’ openness to offshore drilling.
• Keep restrictions on vaping and the use of vaping devices out of the state Constitution.
• Leave any such vaping restrictions to the discretion of the state Legislature.

Note: Amendment 8 removed from ballot
Amendment 10  
State and Local Government Structure and Operation  
*Source: Constitution Revision Commission*

**Quick Summary:** Forces all counties to elect a sheriff, tax collector, property appraiser, supervisor of elections and Clerk of Circuit Court. This part would apply to Florida’s 20 “charter counties.” Those are counties that have adopted a type of local level constitution. Some of those counties have done away with or changed the duties of constitutional officers. Other parts of this amendment require the Legislature to hold its session in early January on even-numbered years; create an Office of Domestic Security and Counterterrorism within the Florida Department of Law Enforcement; and mandate the existence of a state Department of Veterans’ Affairs;

**A YES VOTE ON AMENDMENT 10 WOULD:**
- Fix the date for state legislative sessions in even-numbered years as the second Tuesday in January.
- Create an Office of Domestic Security and Counterterrorism within the Florida Department of Law Enforcement and establish it as the lead agency in terrorism investigations and responses.
- Force the Legislature to always have a Department of Veterans’ Affairs.
- Force all of Florida’s counties, even those with a charter, to hold elections for all five local constitutional offices found in the state Constitution - sheriff, property appraiser, supervisor of elections, tax collector and clerk of the circuit court.

**A NO VOTE ON AMENDMENT 10 WOULD:**
- Continue allowing the Legislature to set a start date for its lawmaking session in even-numbered years.
- Reject a constitutionally mandated Office of Security and Counterterrorism under the FDLE.
- Reject a constitutionally mandated Department of Veterans’ Affairs, allowing the Legislature to determine if Florida should have such a department (which it currently does).
- Allow Florida’s charter counties to continue determining the duties of five county offices identified in the state Constitution, and whether those offices should be elected posts.

Amendment 11  
Property Rights; Removal of Obsolete Provision; Criminal Statutes  
*Source: Constitution Revision Commission*

**Quick Summary:** Repeals the state’s ability to prohibit non-citizens from buying, owning and selling property; deletes a provision that forces the state to prosecute criminal suspects under the law they were originally charged under, even if the Legislature changes that law; deletes obsolete language having to do with high-speed rail in Florida.

**A YES VOTE ON AMENDMENT 11 WOULD:**
- Repeal a nearly century-old provision that allows the Legislature to restrict the property rights of non-citizens.
- Deletes language that requires criminal suspects to be prosecuted under the provisions of the law they’re accused of breaking, even if that law is changed by the Legislature. Keeps language that requires prosecution if the law is repealed.
- Deletes a section of the Constitution - concerning high-speed transportation - that was repealed by voters in 2004. The language, however, was not removed.

**A NO VOTE ON AMENDMENT 11 WOULD:**
- Continue to allow the Legislature to pass laws restricting the property rights of non-citizens.
- Continue to mandate that criminal suspects prosecuted under the law they’re accused of breaking even if the state changes that law.
- Retain a section of the Constitution about high-speed transportation even though voters repealed that section in 2004.
Amendment 12
Lobbying and Abuse of Office by Public Officers
Source: Constitution Revision Commission

Quick Summary: Expands ethics rules for elected officials and government employees, notably by expanding from two to six years the time that many officials would have to wait before they could lobby state government. The proposed amendment also expands the range of governments that a sitting legislator may not lobby to include federal and local governments. The new prohibition would include statewide officeholders, such as Cabinet members. Amendment 12 also includes a new prohibition against officeholders and public employees using their positions to gain a “disproportionate benefit” for themselves or their families.

A YES VOTE ON AMENDMENT 12 WOULD:
• Extend the ban on state lobbying by legislators and statewide elected officials from two to six years.
• Prohibit legislators and statewide elected officials from lobbying federal and local government agencies while in office.
• Prohibit top state agency employees from any lobbying while working for the state and from lobbying state government for six years after leaving their job.
• Prohibit local elected officials from getting paid to lobby anyone while in office and from lobbying their own governing body for six years after leaving office.
• Prohibit judges from lobbying any branch of state government for six years after leaving the bench.
• Prohibit any elected official or public employee from using his or her position to gain a “disproportionate benefit,” a term to be defined by the state Ethics Commission.

A NO VOTE ON AMENDMENT 12 WOULD:
• Keep in place the current constitutional restrictions on lobbying by sitting and former government officials.

Amendment 13
Dog Racing
Source: Constitution Revision Commission

Quick Summary: Bans wagering on any type of dog racing, notably greyhounds, as of Dec. 31, 2020, while continuing to allow dog tracks to continue offering other types of gambling, including poker rooms.

A YES VOTE ON AMENDMENT 13 WOULD:
• Ban all dog racing in Florida by Dec. 31, 2020, while allowing tracks to continue operating card rooms and slot machines.
• Result in a loss of about $1 million in taxes and fees.

A NO VOTE ON AMENDMENT 13 WOULD:
• Continue to allow wagering on dog racing in Florida.

MORE ON AMENDMENTS
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