

# 2008 General Election Constitutional Amendments Proposals

## PROPOSED AMENDMENT #1

OFFICIAL TITLE: Relating to Property Rights Ineligible Aliens

PROPOSED BY: Florida Legislature

PURPOSE: To delete provisions in the Constitution that prohibits the ownership, inheritance, disposition, and possession of real estate land or buildings by foreigners not eligible for citizenship within the United States.

RECOMMENDATION: NONE-

It is up to each individual. This is mostly an amendment to attempt to correct discriminations within the Constitution. It does have implications for immigration issues

## PROPOSED AMENDMENT #2

OFFICIAL TITLE; Florida Marriage Protection Amendment

PROPOSED BY: Florida4Marriage.org

PURPOSE: To give permanence to current laws by placing within the constitution the definition of marriage as a legal union between only one man and one woman.

RECOMMENDATION: VOTE NO -

Whether you agree or disagree with the concept of marriage being sanctioned by homosexual couples this amendment requires a NO vote. The amendment as proposed is just a bad amendment It is poorly written with no thought as to possible future consequences The main reason for opposition would be the portion of the amendment that states "...marriage or the substantial equivalent thereof..." this in effect becomes an attack on women as laws relating to common law rights will be eliminated, in effect making women lesser before the law when asking for compensation for anytime spent in the extended company of a man. This provision also has major impacts on those couples forced by circumstances to share a home, but not marriage for fear of losing their pensions or other forms of income. They would be prohibited in the event of illness, death or other circumstances of providing comfort or assistance to their loved one as they would not be recognized by law, hospitals or even nursing homes as having any rights.

## PROPOSED AMENDMENT #3

OFFICIAL TITLE: Changes and Improvements Not Affecting the Assessed Value of Residential Real Property

PROPOSED By; Florida Taxation and Budget Reform Commission

PURPOSE: To prohibit using wind resistance and renewable energy improvements to land to be used to increased the taxable value of property and to allow the Legislature to make the general laws concerning this issue.

RECOMMENDATION VOTE NO -

The constitution already allows local governments to provide such exemption for renewable energy sources. But the county government is only allowed to give exemption for the original cost and for no more than ten years. It would have been better if the Commission expanded the powers of local government instead of giving broad powers to the legislature.

This is an effort to take away more local control from county governments. Southeastern counties such as Miami and Broward have high ad valorem taxes imposed by usually Democratic governing bodies. The Constitution prohibits the state from receiving funds from its budget from ad valorem taxes or making many laws affecting the same. Therefore ad valorem taxes should be of little interest to the legislature or this Commission. Passing this amendment will give the legislature more power of local taxes than they ever

have had before. Republican interests that cannot get support within these highly Democratic counties are looking to the legislature and the constitution to impose their agendas. This is one of those efforts.

#### **PROPOSED AMENDMENT #4**

**OFFICIAL TITLE:** Property Tax Exemption of Perpetually Conserved Land: Classification and Assessment of Land Used for Conservation

**PROPOSED BY;** Florida Taxation and Budget Commission

**PURPOSE:** To give tax exemptions to land that is set aside for perpetual conservation based on character of use.

**RECOMMENDATION:** VOTE YES-

This is a duty of the legislature to define what land may be taxed. This amendment allows land that is being set aside for conservation by its character of use whether it is perpetually encumbered or not. Basically allows someone to set aside land for conservation and not have the land taxed at a higher rate as if the land was commercial or farm land. An example could be land on the coast that could be used for commercial fishing but the land owner wishes it to remain in its natural state. The land owner no longer has to pay commercial land taxes for land that will never be used for commercial purposes. It does take ad valorem taxes away from local governments.

#### **PROPOSED AMENDMENT #5 REMOVED**

#### **PROPOSED AMENDMENT #6**

**OFFICIAL TITLE:** Assessment of Working Waterfront Property Based Upon Current Use

**PROPOSED BY:** Florida Taxation and Budget Commission

**PURPOSE:** To make sure waterfront land is taxed upon its current use instead of its possible use.

**RECOMMENDATION:** VOTE YES- Local Counties have been taxing local commercial (working) waterfront property as if condominiums, high end hotels or high end housing were going to be built upon the land even though it is being used for commercial fishing purposes. This gives protection to the commercial fishing industry but does reduce county taxes.

#### **PROPOSED AMENDMENT #7 REMOVED**

#### **PROPOSED AMENDMENT #8**

**OFFICIAL TITLE:** Local Option Community College Funding

**PROPOSED BY:** Florida Taxation and Budget Commission

**PURPOSE:** To authorize the adoption of local sales taxes to fund community colleges.

**RECOMMENDATION:** VOTE YES -

This gives local communities an extra option for funding local community colleges if the local electorate votes for the increase. The amendment makes it specific that the local electorate has to vote on the funding and the option tax must renewed every 5 years. It can help higher education in local areas not normally fully served by the state.

#### **PROPOSED AMENDMENT #9 REMOVED**