



Ballot Initiative STRATEGY CENTER

Ballot Initiative Overview

2008 Election

Florida

Although opinion leaders and anti-initiative activists in Florida tend to refer to their state's ballot initiative process as the "Californication" of Florida, in comparison to the other I&R states, the process of using ballot initiatives to change laws is relatively new and the number of overall measures on the ballot compared to other states is very low.

According to the Initiative and Referenda Institute, in the late 1960s, following the transformation of Florida from a southern state to a Sunbelt state populated largely by transplanted northerners, the legislature passed an amendment authorizing initiative constitutional amendments only - not initiatives or referendums on statutes. The new provision was successfully employed for the first time in 1976. However, since the adoption of the statewide initiative process, less than 30 initiatives have made it onto statewide ballots. This is primarily due to the high number of initiatives that are invalidated, either because they violate the state's outrageously stringent single subject provision for initiatives or they cannot get clearance for appearance on the ballot for other technical reasons. Furthermore, as evidence of the antagonism toward direct democracy in the state, Florida is the only initiative state that requires 60% passage for all ballot measure topics.

Education and taxes continue to be a dominate part of political and legislative debates in the state.

Some of the most controversial issues on the ballot this year (or attempted via ballot measure) did not involve signature gathering but instead were referred by the Taxation and Budget Reform Commission, a group of political appointees. The Commission has the authority to put constitutional amendments directly on the ballot, and this year the commission offered up several that were taken off the ballot by the Florida Supreme Court. Two stealth amendments whose central purpose was to authorize state funding for vouchers to private religious schools were proposed to the ballot. Neither amendment contained the word "voucher" in them.

Amendment 7 would have repealed a 140-year-old state constitutional prohibition against spending public funds on religious institutions, known as the Blaine Amendment. Amendment 9 sought to overturn a Florida Supreme Court ruling that declared unconstitutional a private school voucher program approved while Jeb Bush was governor.

Florida's past voucher program provided taxpayer funding for low-income parents to send students to private schools. This year's amendment would have expanded the scope of the voucher program and given money to wealthy parents to send their children to private schools. State tax dollars could also be used to pay parents who choose to home school their children. In addition, the amendment would have allowed any religion or sect to start their own private school and receive taxpayer dollars to teach whatever they wanted.

The Florida Supreme Court rulings to strike the amendments from the ballot were unanimous and came only hours after justices heard arguments on lawsuits filed against the measures. Several justices questioned whether the amendments were misleading to voters and whether the commission had exceeded its authority.

One of the commission's other referrals - known as the "Tax Swap" - was recently removed from the ballot by the Florida Supreme Court after a Circuit Court judge ruled that it was misleading. The amendment would have done away with the property taxes the state requires counties to collect for public schools. Amendment 5 would have created a one-cent increase in the state's sales tax, which would only produce about \$4 billion in revenue, whereas property taxes bring in between \$9 billion and \$11 billion annually. The amendment would have only required that the Legislature fill that gaping hole for one year - leaving a huge gap in education funding and other vital services. The Florida Chamber of Commerce as well as other business groups opposed the amendment because it would have resulted in the largest tax increase in Florida's history to compensate for lost revenues. Although the measure is off the ballot, anti-investment activists including the Chamber are calling for a special session of the Legislature in November to deal with Florida's so-called "burdensome" taxes. Recently, the nonpartisan Tax Foundation released its rankings of the combined state and local tax burdens in the 50 states. Florida ranked 47th this year. Only Alaska, Nevada and Wyoming had lower tax burdens.

Florida will join California and Arizona in voting whether to ban same-sex marriage. Structured similarly to Arizona's measure in 2006 that rolled back domestic partner benefits (and was rejected by voters), Amendment 2 could take away existing benefits from all unmarried Floridians. Although an important public policy issue, analysts say the issue won't have much of an impact on the presidential races in those states in the way the issue was perceived to during the last Presidential election.

Before the 60% threshold for passage, most amendments in Florida have tended to pass (with a 74% approval rate - the national average is closer to 41%). The supermajority threshold will likely make this year's ballot measures more competitive, however. The tightening up of the initiative process was advocated largely by the Florida Chamber of Commerce due to its

disapproval of voter-approved initiatives such as class size reduction and a minimum wage increase.

Six measures were on the statewide ballot (four passed).

One was a citizen petitioned initiative.

Four were referred by the Tax and Budget Reform Commission.

One was a legislative referenda.

1 Constitutional Amendment Qualified

Amendment 2: LGBT Equality

Florida Marriage Protection: 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

Proponents: Florida For Marriage, <http://florida4marriage.org/>

Opponents: Florida Red & Blue, <http://sayno2.com/>

PASSED 62% - 38%

4 Constitutional Amendments Were Referred by the Tax and Budget Reform Commission

Amendment 3: Investment/Taxes

Property improvement Assessment. 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.

PASSED 60.5% - 39.5%

Amendment 4: Investment/Taxes

Property Tax Exemption for Perpetually Conserved Land: This amendment requires the Legislature to provide a property tax exemption for real property encumbered by perpetual conservation easements or other perpetual conservation protections, defined by general law. It also requires the 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.

PASSED 68% - 32%

Amendment 6: Investment/Taxes

Waterfront Property Tax Exemption: 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 dry stacks 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.

PASSED 70.5% - 29.5%

Amendment 8: Investment/Taxes

Local Option Community College Funding: 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.

FAILED 43.5% - 56.5%

1 Constitutional Amendment Was Referred

Amendment 1: Immigration

Relating to Property Rights and Ineligible Aliens: 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.

FAILED 48% - 52%

For additional information please check with the Florida Secretary State:

<http://election.dos.state.fl.us/>