



## Vote411 Voter Guide– Florida Proposed Amendments General Election – November 5th, 2024

### Florida Amendment 1- Partisan Election of Members of District School Boards

#### **Ballot Language:**

Proposing amendments to the State Constitution to require members of a district school board to be elected in a partisan election rather than a nonpartisan election and to specify that the amendment only applies to elections held on or after the November 2026 general election. However, partisan primary elections may occur before the 2026 general election for purposes of nominating political party candidates to that office for placement on the 2026 general election ballot.

#### **Synopsis:**

School board elections in Florida are currently non-partisan. That means all registered voters, no matter their party affiliation, can currently vote for the school board candidate of their choice in the primary and the general elections. In addition, candidates for school board races, like candidates for all nonpartisan offices, are currently prohibited from campaigning based on party affiliation.

Florida had partisan school board elections until 1998 when voters approved Amendment 11 with 64% of the vote. Amendment 11 prohibited partisan primaries and party labels in school board elections. Amendment 11 was referred to the ballot by the Florida Constitution Revision Commission. Florida is one of 41 states with state laws providing for nonpartisan school board elections.

Proposed Amendment 1 was referred to the ballot by a majority vote in the 2023 Legislature. (Senate: 29 Yes to 11 No; House: 79 Yes to 34 No).

Proposed Amendment 1 would require members of district school boards to be elected in partisan elections, with their political party designated on the ballot.

Since Florida is a "closed" primary state, only voters registered with a political party can vote for candidates in their party's primary election. Voters registered as No Party Affiliation (NPA) cannot, by law, vote in any partisan primary election. Other local offices such as county commissioners, supervisor of elections, state attorneys and public defenders are currently partisan races, while judges and many city councils are nonpartisan races. Closed partisan primaries exclude nearly 30% of registered voters who are classified as NPAs, nearly 4 million voters.

**Opponents** to this amendment, including Florida Tax Watch and the League of Women Voters of Florida, argue that partisan school board races would exclude NPAs from voting in primaries and increase political polarization. Schools should not be politicized and everyone should be welcome at schools regardless of party affiliation.

**Supporters** of the amendment, including the majority of the Florida Legislature, state that since public education has become polarized through cultural issues reflected in new legislation that school board elections may have already become partisan. Additionally, a candidate's party affiliation may predict how they will vote on controversial school board issues.

**A Yes Vote Would...:** Change School Board elections to partisan elections beginning in 2026, requiring the candidate's political party to be designated on the ballot and triggering closed primary elections.

**A No Vote Would...:** Leave School Board elections as nonpartisan elections with no closed primaries, allowing all voters to vote for any candidate.

### Florida Amendment 2- Right to Fish and Hunt

#### **Ballot Language:**

Proposing an amendment to the State Constitution to preserve forever fishing and hunting, including by the use of traditional methods, as a public right and preferred means of responsibly managing and controlling fish and wildlife. Specifies that the amendment does not limit the authority granted to the Fish and Wildlife Conservation Commission under Section of Article IV of the State Constitution.

#### **Synopsis:**

The right to hunt and fish is presently in the Florida Statutes. In 2002, Florida Statute Title XXVIII, Chapter 372 recognized that "hunting, fishing, and the taking of game are a valued part of the cultural heritage of Florida, and as such, should be preserved for Floridians".

The proposed Amendment 2 contains two provisions. One would provide and preserve forever a state constitutional right to hunt and fish. The second would declare that hunting and fishing are the preferred means of "responsibly managing and controlling fish and wildlife."

This amendment was referred to the ballot by a majority vote of the 2023 Legislature. (Senate: 38 Yes to 1 No; House: 116 Yes to 0 No)

As of 2023, a total of 23 states had constitutional provisions that protected the right to hunt and fish. However, only 11 of these 23 states specify in their constitutions that hunting and fishing shall be the preferred means of managing and controlling wildlife and fish.

**Supporters** of this amendment, including All Florida, American Sportfishing Association, Backcountry Hunters and Anglers, Bonefish & Tarpon Trust, Coastal Conservation Association, Congressional Sportsman Foundation, Delta Waterfowl, Everglades Coordinating Council, Florida Airboat Association, Florida Guides Association, Florida Sportsman's Conservation Association, Future Hunting in Florida, International Order of T. Roosevelt, National Deer Association, National Shooting Sports Foundation, and Safari Club International, state the economic value of fishing and hunting provides Florida with approximately \$15 billion annually and that enshrining the right in the constitutions will ensure that there are no future bans on fishing and hunting.

**Opponents**, including Sierra Club Florida, Humane Wildlife Consulting of South Florida, American Ecosystems, Inc., Animal Wellness Action, Bear Defenders, Center for a Humane Economy, Florida Bar Animal Law Section, Humane Society of the US, League of Humane Voters of Florida, One Protest, Paws and Recreation, Rutgers New Jersey Medical School, Save-a-Turtle.org, Speak Up for Wildlife, World Animal Protection, are concerned that science-based methods of managing and controlling wildlife and fish will become secondary to hunting and fishing. The phrase "traditional methods" could be interpreted as a return to currently prohibited methods of hunting and fishing, such as steel traps, spearfishing and gill nets. They also say, if we have a statute protecting the right to hunt and fish already, why does this need to be placed in the Constitution now? Opponents warn of potential interference with private property rights by trespassing hunters.

**A Yes Vote Would...:** Establish a constitutional right to hunt and fish in Florida and the preferred means of responsibly managing and controlling fish and wildlife.

**A No Vote Would...:** Not establish a constitutional right to hunt and fish, but the 2002 Florida statute preserving the right to hunt and fish would remain in place.

## Florida Amendment 3- Adult Personal Use of Marijuana

### **Ballot Language:**

Allows adults 21 years or older to possess, purchase, or use marijuana products and marijuana accessories for non-medical personal consumption by smoking, ingestion, or otherwise; allows Medical Marijuana Treatment Centers, and other state licensed entities, to acquire, cultivate, process, manufacture, sell, and distribute such products and accessories. Applies to Florida law; does not change, or immunize violations of, federal law. Establishes possession limits for personal use. Allows consistent legislation. Defines terms. Provides effective date.

### **Synopsis:**

Presently, non-medical possession and use of marijuana is illegal under state and federal law and violators of that law are subject to criminal prosecution depending upon the amount of marijuana they possess or use.

Proposed Amendment 3 would legalize recreational marijuana for adults 21 years old and older. Individuals would be allowed to possess up to three (3) ounces of marijuana (about 85 grams), with up to five (5) grams in the form of concentrate. Existing medical marijuana treatment centers would be authorized under the initiative to sell marijuana to adults for personal use. The State Legislature could modify state law to permit the licensing of entities other than existing medical marijuana treatment centers to cultivate and sell marijuana products.

The amendment's financial impact primarily comes from expected sales tax collections. If the amendment passes, sales of non-medical marijuana would be subject to sales tax. Based on other states' experiences, expected retail sales of non-medical marijuana would generate between \$195.6 and \$431.3 million annually in state and local sales tax revenues once the retail market is fully operational. If Florida adds an excise tax, like some other states that have legalized recreational marijuana, the amount of new revenue could more than double. A new regulatory structure will be needed, but regulatory costs estimated to be \$11.4 million after the first year, will probably be offset by regulatory fee income.

This amendment was placed on the ballot through a citizen's initiative. Currently, 24 states have legalized recreational marijuana. This amendment would not bar additional legislation from restricting where people can smoke, such as legislation that restricts people from smoking tobacco and vaping on state beaches. Additionally, marijuana is still illegal at the Federal level, meaning it is still not allowed on Federal land or college campuses that receive federal funding.

**Supporters**, including Smart & Safe Florida, Trulieve, Howard Bellamy and David Bellamy, say that tax revenue from the legal cannabis industry for federal and state governments are projected to reach over \$4 billion in 2025, and there is no evidence that legalizing marijuana for medical or recreational use at the state level, as 37 states have already done, has boosted underage consumption from the regulated marketplace.

**Opponents**, including Floridians Against Recreational Marijuana, Drug Free America, the Florida Chamber of Commerce, Florida Attorney General, Ashley Moody, and the Florida Republican Party, say the proposed amendment is misleading and marijuana is illegal under federal law and will remain illegal even if proposed Amendment 3 passes. Additionally, some fear usage may lead to use of more serious addictive illegal drugs.

**A Yes Vote Would...:** Legalize recreational marijuana use in Florida by adults 21 years old and older, allowing individuals to possess up to three ounces of marijuana and authorizing existing Medical Marijuana Treatment Centers to acquire, cultivate, process, manufacture, sell, and distribute marijuana products and accessories. Allow the Florida Legislature to enact additional legislation restricting where people can smoke and to license other entities to acquire, cultivate, process, manufacture, sell, and distribute marijuana products and accessories.

**A No Vote Would...:** Not legalize marijuana for adult recreational use in Florida and maintain the current regulations for medical use.

## Florida Amendment 4- Amendment to Limit Government Interference with Abortion

### **Ballot Language:**

No law shall prohibit, penalize, delay, or restrict abortion before viability or when necessary to protect the patient's health, as determined by the patient's healthcare provider. This amendment does not change the Legislature's constitutional authority to require notification to a parent or guardian before a minor has an abortion.

### **Synopsis:**

The following is the history of abortion regulations in Florida:

In 2022, in a 5-4 vote, the Supreme Court of the United States found there was no federal constitutional right to abortion and overruled *Roe v. Wade* (1973). It was left to the states to regulate abortion.

Before 2022, abortions were legal in Florida up to the federal limits of *Roe*. In 2004, Florida voters approved a constitutional amendment requiring parental notification for minors seeking abortions. In 2012, voters rejected an amendment limiting public funds for abortion. In 2022, the Florida legislature passed a bill which created a ban on most abortions after 15 weeks. And in 2023, the Florida legislature passed a second bill, to ban abortion after six weeks (limited exceptions for the life of the woman, rape, or incest). The six-week ban took effect on May 1, 2024.

Proposed Amendment 4 states that the government cannot interfere with a woman's decision to have an abortion up to viability (see definition below). After viability, if abortion is necessary to protect the woman's health, that decision is between the woman and her medical care provider.

This amendment does not mandate unlimited abortion in Florida. The amendment does not override parental notification for an abortion in Florida. This amendment allows abortion before fetal viability (see definition below) or when necessary to protect the patient's health, as determined by the patient's healthcare provider.

In the State of Florida, viability is defined by Florida Statute Title XXIX - Public Health, Chapter 390, 390.011. "Viability" means the stage of fetal development when the life of a fetus is sustainable outside the womb through standard medical measures. During all of 2021 and the 1st half of 2022, under *Roe v. Wade*, the Florida Agency for Healthcare Administration reported that 0% of abortions were performed in the 3rd trimester (beginning of 24th week).

Proposed Amendment 4 was placed on the ballot through a citizen's initiative. Since 2022, seven U. S. States have had an abortion-related Amendment on the ballot. Four of those amendments were written to create a constitutional right to abortion and all four amendments passed. Three of the proposed amendments were written to prohibit abortion and all three were defeated.

**Supporters**, including Floridians Protecting Freedom, the ACLU of Florida, Planned Parenthood, Florida Women's Freedom Coalition, Florida Rising, SEIU 1199 Florida, Women's Voices of Southwest Florida, Florida Democratic Party and the League of Women Voters of Florida, say "All Floridians deserve the freedom to make personal medical decisions, free of government intrusion."

**Opponents**, including the Republican Party of Florida, Florida Voters Against Extremism, the Florida Conference of Catholic Bishops, Florida Family Policy Council, Susan B. Anthony Pro-Life America, Florida Family Action, say the amendment is too vague and will lead to an unregulated abortion industry.

**A Yes Vote Would...:** Prevent any law from prohibiting, penalizing, delaying, or restricting abortion before viability or when necessary to protect the patient's health, as determined by the patient's healthcare provider.

**A No Vote Would...:** Not provide a constitutional right to abortion before viability and leave Florida's current 6-week abortion ban in place.

## Florida Amendment 5- Annual Adjustments to the Value of Certain Homestead Exemptions

### **Ballot Language:**

Proposing an amendment to the State Constitution to require an annual adjustment for inflation to the value of current or future homestead exemptions that apply solely to levies other than school district levies and for which every person who has legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another person legally or naturally dependent upon the owner is eligible. This amendment takes effect January 1, 2025.

### **Synopsis:**

Property taxes (millage rates) are set by counties, school districts, cities, and special districts. Homes in Florida are assessed at just value or market value minus the homestead exemption. The homestead exemption reduces the taxable value of a property. A primary residence is eligible for a \$25,000 homestead exemption from all property taxes. For homestead's value between \$50,000 and \$75,000, another \$25,000 homestead exemption is applied, which exempts that amount from all property taxes, except school district taxes.

This amendment would apply an annual inflation adjustment for the property tax exemption applied to the value of the homestead between \$50,000 and \$75,000. The adjustment would be made every year on January 1 (beginning 2025) based on the percent change in the Consumer Price Index (CPI) reported by the U.S. Department of Labor. The adjustment would occur only if the CPI increases. There is no adjustment if the CPI decreases.

This amendment would decrease the amount of tax dollars available for counties, cities and special districts budgets for programs and services. Although there would be no impact to school district taxes, the estimated impact on non-school local government property

taxes in Fiscal Year 2025-26 (the first year of implementation) would be an approximate reduction of \$22.8 million in tax revenue, growing to an approximate reduction of \$111.8 million in 2028-29, assuming current tax rates.

This amendment was referred to the ballot by the 2024 Florida Legislature. (Senate: 25 Yes to 15 No; House: 86 Yes to 29 No)

**Supporters**, including the majority of the Florida Legislature, say the amendment could lead to more savings for property owners who apply for homestead property tax exemptions.

**Opponents**, including the Florida League of Cities, say the amendment would reduce revenue available to cities and counties by millions of dollars.

**A Yes Vote Would...:** Increase the homestead exemption amount each January 1, beginning 2025, if the Consumer Price Index increases, thereby reducing the amount of property taxes on primary residences and reducing the amount of tax dollars available for county, city and special district programs and services.

**A No Vote Would...:** Leave the current homestead exemption amount as is.

## Florida Amendment 6 - Repeal of Public Campaign Financing Requirement

### **Ballot Language:**

Proposing the repeal of the provision in the State Constitution which requires public financing for campaigns of candidates for elective statewide office who agree to campaign spending limits.

### **Synopsis:**

Presently, there is a right to public financing under Section 7 of Article VI of the Florida Constitution, which requires that the state provide a public campaign financing program for candidates for statewide office (Governor and Cabinet).

If proposed Amendment 6 passes, it would repeal the right to public financing for candidates running for state-wide offices. Implementing legislation would also come into effect to repeal the Florida Election Campaign Financing Act.

Florida enacted a public campaign financing law in 1986 and in 1998 Floridians added it to the state constitution with 64% of the vote. The constitution currently requires that candidates for governor, attorney general, chief financial officer, and commissioner of agriculture are able to access public campaign financing if they agree to spending limits. Presently, Florida law (106.31 F.S.), provides for public financing for campaigns and the stated "purpose of public campaign financing is to make candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups." This statute would be repealed if this amendment passes.

More specifically, under the current public campaign financing program, candidates can access matching funds for contributions made by individual Florida residents who are contributing \$250 or less. To qualify for these matching funds, a candidate must:

- not be running unopposed
- agree to limit their total spending to \$2.00 for each registered Florida voter (for gubernatorial candidates) or \$1.00 for each registered Florida voter (for cabinet candidates)
- raise \$150,000 (for gubernatorial candidates) or \$100,000 (for cabinet candidates)
- limit loans or contributions from the candidate's personal funds to \$25,000 and limit contributions from political parties to \$250,000
- report campaign financing data to the division of elections and submit to a post-election financial audit.

In 2022, the spending limit for gubernatorial candidates receiving public campaign financing was \$30.29 million (\$2.00 per registered voter) and the limit for cabinet candidates was \$15.14 million (\$1.00 per registered voter). This amendment would remove these spending limits. Actual spending in 2022 for public campaign financing was \$13 million, roughly equivalent to 0.01% of the state's \$109.9 billion 2022-2023 budget.

This amendment was referred to the ballot by the 2024 Florida Legislature (Senate: 85 Yes to 15 No; House: 82 Yes to 29 No). In 2010, the Legislature referred this same amendment to the ballot and it received 52.49% of the vote, falling short of the 60% required for passage.

**Opponents** of this amendment, including Common Cause and the League of Women Voters of Florida, state that the matching fund program gives small-dollar donors a greater voice and encourages candidates to seek support from broad groups of voters. Further, if the program is repealed, wealthy donors and special interest groups would no longer be limited in the amounts they can contribute to these candidates. In addition, public financing enables candidates who are not wealthy or who have more limited access to financing to be able to run for office, leading to a more diverse pool of candidates.

**Supporters** of this amendment, including the majority of the Florida Legislature, state that this financing, which comes from Florida's general fund, could be used for other programs such as education, health care or housing.

**A Yes Vote Would...:** Repeal Section 7, Article VI from the Florida Constitution (passed in 1998) and repeal the Florida Election Campaign Financing Act, ending Florida's public campaign financing program and spending limits for publicly-funded candidates for Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture.

**A No Vote Would...:** Leave the current public campaign financing program, including spending limits for publicly-funded candidates, in place.