



# Power to the People

Your guide to the 2010 Proposed Florida Amendments

[www.FIAmendments.org](http://www.FIAmendments.org)



Welcome to this special publication about the proposed changes to the Florida Constitution. The choices voters make Nov. 2 could affect the shape and racial composition of political districts, the size of public school classrooms and decisions about growth and development.

To help understand the proposed amendments and the arguments for and against them, the nonprofit and nonpartisan Collins Center for Public Policy is providing this guide to every high school in the state. In addition to facts about the amendments, it includes a brief history of the state's Constitution and the ways in which it can be changed. You'll also find a quiz that directs you to the Collins Center website and a chance for one lucky student to win an Apple iPad.

The Collins Center Florida Amendments project was established with support from the Florida Bar Foundation, the P.L. Dodge Foundation, the Gulf Coast Community Foundation of Venice, and with continued funding from the Florida Bar Foundation. After reading this guide, please visit [www.FLAmendments.org](http://www.FLAmendments.org) and join in the discussions and voice opinions and ideas on Florida's most important public document. There, you will find additional information about the proposed amendments, videos, and updates on the latest developments. Our goal is to provide visitors with objective and accurate information they can trust in the most accessible format possible.

Sincerely,

Rod Petrey  
President, Collins Center for Public Policy



*Find out how you can win an iPad!*

Established in 1988, the Collins Center for Public Policy is named in honor of Gov. LeRoy Collins (served 1955-1961) and is a statewide nonprofit organization that seeks out creative, nonpartisan solutions to Florida's toughest issues. Throughout our history we have strived to uphold the principles maintained by Gov. Collins – public and private integrity, deliberative democracy, environmental stewardship and economic fairness.

While we conduct comprehensive and quality public policy analysis, what makes the Collins Center unique is our desire to see changes in public policy implemented. We take an active role in putting these changes to the test.

During the past 22 years, we have analyzed Florida's elections processes, developed strategies for improving local education systems, supported economic development initiatives in struggling communities and given Floridians alternatives to costly lawsuits. We hope you find this information about the state's most important document – its Constitution – and the proposed amendments to be informative and useful. Please visit our website at [Collinscenter.org](http://Collinscenter.org) to learn more about the amendments and the work the Collins Center is doing for the residents of Florida.





**Governor LeRoy Collins  
(1909-1991)**

LeRoy Collins is considered one of Florida's greatest governors. Born in Tallahassee on March 10, 1909, his father was a grocer and his mother was a teacher. Collins was a progressive Democrat who began his political life as a segregationist but changed his view when forced to confront racial injustice as governor.

His moral courage and leadership is credited with fostering a legacy

of tolerance that set Florida apart from other Southern states during the turbulent Civil Rights era. A gifted orator, he made a number of enlightened speeches on race that set the state on a path of acceptance.

His political career began in 1934, when he was elected at age 25 to the Florida House of Representatives. Six years later, he was elected to the state Senate.

He was elected governor in 1954 to finish the term of Dan McCarty, who died in office. Months before starting his first term, the Supreme Court ordered the desegregation of public schools. While other Southern governors and members of Florida's Legislature called for their states to resist the ruling, Collins insisted the courts be obeyed.

Two years later he was re-elected, becoming the first Florida governor re-elected to a consecutive term. Under his watch, the state created the community

college system, new state universities and a statewide educational TV system. He left the governor's office in 1961, unable to run again because of term limits.

In 1964, President Lyndon Johnson appointed Collins director of the Community Relations Service, an agency created to help states enact provisions of the Civil Rights Act. Johnson sent Collins to Selma, Ala., in 1965 to help negotiate a peaceful resolution to the standoff between civil rights marchers and state and local police. His role in resolving that conflict was later used against him by his opponent in the 1968 U.S. Senate race. He lost the election.

Collins served as undersecretary of the U.S. Department of Commerce before returning to Florida to practice law in Tampa and Tallahassee. He served on the Florida Constitution Revision Commission, where he pushed to end the death penalty.

He died in Tallahassee at age 82 on March 12, 1991.



## Your future ... Your vote

This is an exciting time in America – the weeks leading up to an election are filled with possibilities. Even if you are not old enough to cast a vote yet, it is especially important for you to know about the voting process and your civic responsibility. It is never too late to become an informed citizen, and if you start paying attention while you are still in school, you'll be establishing a great habit.

### Florida Press Educational Services

Florida Press Educational Services Inc. is an organization of NIE professionals that promotes reading, particularly for young people. The primary objectives for FPES have been established by the Newspaper Association of America Foundation.

Newspaper in Education (NIE) is an international program of cooperation between newspapers and schools that encourages the use of the daily newspaper (both print and electronic versions) as an up-to-date, instructional classroom tool. Through NIE, newspapers are used in all subjects as a progressive teaching resource, from primary through adult education levels. NIE motivates students, broadens knowledge and increases

life skills.

For more information about FPES or to find the local FPES member for your school district, log on to [FNIEC.org](http://FNIEC.org).

### This publication incorporates the following Sunshine State Standards:

Social Studies: SS.912.C.1.1; SS.912.C.1.5; SS.912.C.2.2; SS.912.C.2.3; SS.912.C.2.4; SS.912.C.2.6; SS.912.C.2.8; SS.912.C.2.10; SS.912.C.2.11; SS.912.C.2.12; SS.912.C.2.13; SS.912.C.2.14; SS.912.C.2.15; SS.912.C.3.1  
Language Arts: LA.1112.1.5.1; LA.1112.1.6.1-11; LA.1112.1.7.3; LA.1112.1.7.4; LA.1112.1.7.8; LA.1112.3.1.1; LA.1112.3.1.3; LA.1112.3.2.1; LA.1112.3.2.2; LA.1112.3.3.1-4; LA.1112.3.4.1-5; LA.1112.3.5.3; LA.1112.4.2.2; LA.1112.4.2.3; LA.1112.4.3.1; LA.1112.4.3.2; LA.1112.5.1.1; LA.1112.5.2.1-5; LA.1112.6.1.1; LA.1112.6.2.2; LA.1112.6.2.4; LA.1112.6.3.1-3; LA.1112.6.4.1; LA.1112.6.4.2

### Credits

Written by Thomas M. Arthur, Collins Center and Jodi B. Pushkin, St. Petersburg Times  
Designed by Susan Halttunen, St. Petersburg Times



## THE ISSUES MATTER

Do you think that just because you aren't old enough to vote, this election won't affect you? You couldn't be more wrong! Decisions made by our elected officials today can have a tremendous impact on your future. Do you worry about how you are going to pay for college, or wonder if there will be a job for you when you graduate from high school? Do you feel safe at school, at home or while traveling? Are you concerned about the environment, individual rights or gun control? If you plan on voting, you need to be aware of how the candidates feel about these issues. You also need to be aware of how the proposed constitutional amendments will effect your future. If you are too young to vote in this election, you still can influence your family and friends of voting age by sharing the facts about each candidate's views, and by letting your voice be heard on topics that concern you. NIE wants to know what you think. Share your views about the candidates and the issues on the NIE Blogging Zone.

**Log on to [Tampabay.com/nie/amendments](http://Tampabay.com/nie/amendments) and click on NIE Blogging Zone.**



**COLLINS CENTER**  
FOR PUBLIC POLICY  
Thinking. Doing. For Florida.



# Election Day decisions

To be an informed citizen, you need to learn about the candidates and amendments before heading to the polls.

Election Day decisions can affect life, liberty and your wallet. Changes in the Florida Constitution can change your life. They can cost you money or lower your taxes, restrict your freedoms or broaden them, protect your values or violate them.

Want a say in all of this? Vote with authority. Know what the amendments would do and cast your vote based on the facts. Every proposed amendment has dedicated, sincere supporters and opponents.

The voting booth is not the best place to learn about these complex issues. A voter who waits until Election Day to learn about one of the proposed constitutional amendments may not be satisfied with the information available at the polling station.

Source: Collins Center for Public Policy



## Our Constitution

The Florida Constitution is an organized system of fundamental principles for the government of the state. It is permanent and general in nature and originates from the people rather than from the Legislature. Established in 1885, the current Constitution was revised and adopted in 1968. Florida's current Constitution is our state's sixth constitution. Florida has more ways to amend its Constitution than any other state. On Nov. 2, Florida voters will decide the fate of as many as six proposed amendments to the state Constitution and one referendum question about the federal deficit.

## Watch your language

Sometimes the wording of the amendments can be confusing. The details are key, but sometimes they get lost in the use of "legalese." Legalese is language containing an excessive amount of legal terminology or legal jargon. Can you tell what the amendments are by simply reading the title? Sadly, many people vote on amendments without taking the time to read the entire text. This can be dangerous. So, what do the amendments mean? How will the implementation of these amendments change things? Are they positive or negative changes?

## Your responsibilities

### The Department of State includes this list in its Registration and Voters' Guide:

- Familiarize yourself with the candidates and issues.
- Know the location of your polling place and its hours of operation.
- Report any problems or violation of election laws to the supervisor of elections.
- Maintain a current address with the supervisor of elections.
- Bring proper identification to the polling station.
- Ask questions if needed.
- Familiarize yourself with the operation of the voting equipment.
- Make sure your ballot is correct before leaving the polling station.
- Treat precinct workers with courtesy.
- Respect the privacy of other voters.

# How citizens can change Florida's Constitution

Of the proposed amendments headed to the ballot this year, three (amendments 4, 5 and 6) were placed there by groups that circulated petitions and gathered the required number of signatures. The other amendments were placed there by approval of the state Legislature.

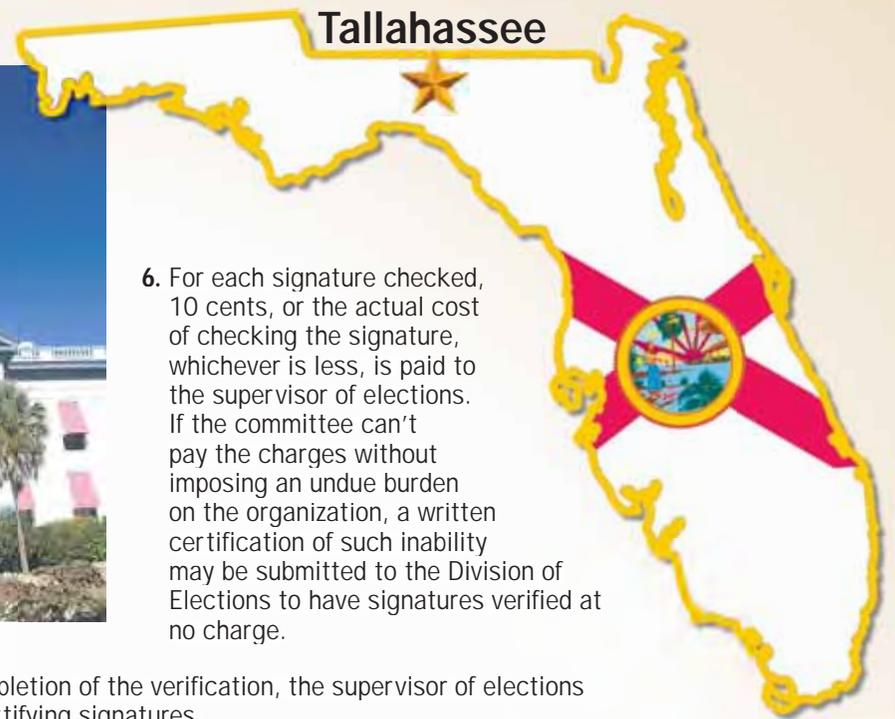
The state Legislature can place proposed amendments on the ballot without prior review by the state Supreme Court or other agencies. However, groups seeking to place an amendment on the ballot through a petition initiative must follow 10 steps. To get the initiative on the ballot, groups must obtain 8 percent of the number of voters who cast ballots in the previous presidential election. Those signatures must come from more than half of the state's 25 congressional districts. In Florida in 2010, groups needed 676,811 signatures to get on the ballot. Here is the process for getting a citizen initiative on the ballot:

1. The individual or group wishing to propose an amendment must register as a political committee with the Division of Elections.
2. The sponsoring political committee is required to submit the proposed initiative amendment petition form to the Division of Elections before it is circulated for signatures. The division reviews the initiative petition form to ensure it conforms to state law. For instance, its title cannot exceed 15 words and its summary cannot exceed 75 words.
3. Once it is approved, the Division of Elections will assign a serial number to the approved form and notify the sponsoring committee.
4. The sponsoring political committee may begin circulating the petitions for signatures.
5. The sponsoring political committee submits signed petition forms to the supervisor of elections in the county of residence of the signer for verification of signatures.

## Do your homework

On the following pages of this Newspaper in Education publication, you will learn more about the proposed constitutional amendments. You can learn more by exploring the videos and information on the Collins Center for Public Policy website. Go to [FIAmendments.org](http://FIAmendments.org). Here, you

can learn about the amendment proposals and find explanations of the proposals along with arguments for and against them. Also included are links to the proponents and opponents of the constitutional changes, so you can consider contacting them for information on how to join their campaigns.



6. For each signature checked, 10 cents, or the actual cost of checking the signature, whichever is less, is paid to the supervisor of elections. If the committee can't pay the charges without imposing an undue burden on the organization, a written certification of such inability may be submitted to the Division of Elections to have signatures verified at no charge.

7. Upon completion of the verification, the supervisor of elections begins certifying signatures.

8. Once a committee obtains signatures from 8 percent of the voters required from at least 25 percent of the congressional districts, the division will send the petition to the attorney general. Within 30 days of receipt, the Attorney General will petition the Supreme Court, requesting an advisory opinion regarding the compliance of the text of the proposed amendment.

9. At the same time the petition is sent to the attorney general, a copy is sent to the Financial Impact Estimating Conference. The Financial Impact Estimating Conference reviews the amendment and completes an analysis and financial impact statement. If the amendment goes on the ballot, the financial impact statement will be placed there with the summary.

10. Upon a determination that the constitutionally required number of signatures and distribution of signatures by congressional districts has been obtained by Feb. 1 of the year of the election, the secretary of state will issue a certificate of ballot position to the sponsoring political committee.

Source: Florida Division of Elections



## SWAYING THE VOTER

A fallacy is an error in argument. There are many types of fallacies and oftentimes the different types overlap. You can find a comprehensive list of fallacies at [www1.ca.nizkor.org/features/fallacies/](http://www1.ca.nizkor.org/features/fallacies/). Look for articles, cartoons and advertisements in your local newspaper that focus on the elections. Find examples of at least two different types of fallacies in these items. Write a fully developed paragraph analyzing the fallacies you find. How does understanding the techniques used help people become better voters? Share your paragraph and thoughts on the NIE Blogging Zone.

Log on to [Tampabay.com/nie/amendments](http://Tampabay.com/nie/amendments) and click on NIE Blogging Zone.

# AMENDMENT 1

“The ignorance of one voter in a democracy impairs the security of all.”

– John F. Kennedy

## AT A GLANCE:

**SPONSOR/ORIGINATOR:** The Florida Legislature

**TITLE ON BALLOT:** Repeal of public campaign financing requirement

**OFFICIAL SUMMARY:** Proposing the repeal of the provision in the State Constitution that requires public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits

**WHAT IT WOULD DO:** Amendment 1 would end the constitutional requirement for taxpayer financing of political campaigns.

**ARGUMENTS FOR:** The state is experiencing tight financial times. It makes no sense to spend taxpayers' money to subsidize campaigns when candidates can raise the money themselves.

**ARGUMENTS AGAINST:** The people voted overwhelmingly for the present public financing requirement 13 years ago. Public financing reduces the effect of money on politics and can open the door for candidates to run without big-money backers.

## Amendment 1: **Repeal of Public Financing Requirement**

### *Should public money continue to fund Florida campaigns?*

In 1987, the Florida Legislature established public financing for statewide campaigns, saying it was becoming too expensive to run for public office.

In 2010, the Legislature voted to place a proposed constitutional amendment on the ballot asking voters whether or not they want to end the constitutional requirement for a public campaign financing system. Opponents call it “welfare for politicians.”

A “yes” vote for Amendment 1 would repeal the public financing requirement. A “no” vote would leave the system unchanged.

Although public financing originated in the Legislature, the voters made it part of the Florida Constitution in 1998. That’s why the Legislature can’t change it. They had to put the proposed amendment on the ballot instead.

Florida is one of 10 states that provide public financing to candidates running for governor. Nine states, including Florida, provide public financing for candidates seeking other statewide offices.

Since 1994, more than \$27 million of public money has been spent on campaigns for governor and other statewide offices in Florida.

To receive public funds, a candidate must have opposition and must agree to spend no more than \$2 per registered voter for the governor’s race and \$1 per voter for Cabinet races. The limits for 2010 are \$24.9 million for governor and \$12.5 million for other Cabinet offices.

Compared to other states, Florida allows candidates to raise quite a bit more private money and still receive public money. However, Florida is much bigger than most other states and campaigns cost more here.

Gov. Charlie Crist spent more than \$24 million for his 2006 campaign. That included \$3.3 million of public money. Top Democrat Jim Davis collected more than \$10 million, including \$1.83 million of public funds.

To qualify for the taxpayers’ help, candidates must raise at least \$150,000 for governor or \$100,000 for Cabinet offices. Only contributions from Florida residents count. Candidates also must limit personal loans to \$25,000 and contributions from political parties to \$250,000.

If a candidate doesn’t take public money, his or her opponent can raise as much money as the non-participating candidate and still receive public funds. The money for public campaign financing comes from the state’s general fund.



# AMENDMENT 2

## AT A GLANCE:

**SPONSOR/ORIGINATOR:** The Florida Legislature

**TITLE ON BALLOT:** Homestead ad valorem tax credit for deployed military personnel

**OFFICIAL SUMMARY:** Proposing an amendment to the state Constitution to require the Legislature to provide an additional homestead property tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska or Hawaii in support of military operations designated by the Legislature. The exempt amount will be based upon the number of days in the previous calendar year that the person was deployed. The amendment is scheduled to take effect Jan. 1, 2011.

**WHAT IT WOULD DO:** Instruct the Legislature to enact an additional homestead exemption for Florida homeowners on active military service outside the country. The size of the tax break would be based on the amount of time served overseas in the previous year.

**ARGUMENTS FOR:** Military personnel based overseas are performing important services for our country at considerable sacrifice. This amendment would help compensate them for that service.

**ARGUMENTS AGAINST:** Providing an additional exemption to certain property owners would reduce tax collections by hard-pressed local governments.

## Amendment 2: Tax Break for Deployed Military Personnel

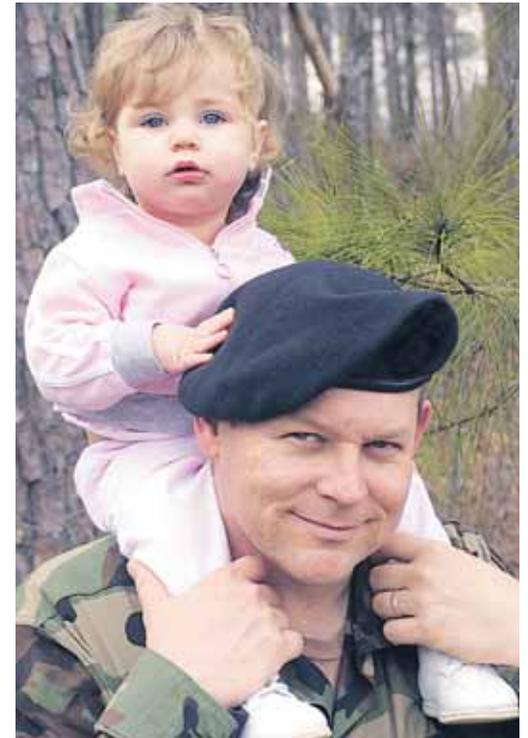
*Should the Legislature provide an added homestead property tax exemption for military service members deployed in the previous year?*

Homestead exemptions are reductions in property taxes on taxpayers' homes. Amendment 2 would require the Legislature to provide an additional homestead property tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska or Hawaii in support of military operations designated by the Legislature.

The exempt amount would be based upon the number of days of active duty service in the previous calendar year.

The state Revenue Estimating Conference (REC) reported that the proposed amendment would have reduced taxes collected by the state by approximately \$13 million if the amendment had been in effect in fiscal year 2009-10. According to the REC, approximately 25,525 military personnel who claimed Florida as their home of record were stationed in Iraq in 2008.

Currently, there is no known opposition to the proposed amendment.



## COMPARING NEWS PROVIDERS

**Follow an issue that is being reported about in your local newspaper, on television and online.**

Compare and contrast the coverage of these news sources. Which medium provides the most in-depth, accurate information? Do the media report on the same issues or events differently? Do they focus on different slices of an issue or event? What are the differences between the electronic edition articles and the articles on the newspaper's website? Share your thoughts with other students on the NIE Blogging Zone. **Log on to [Tampabay.com/nie/amendments](http://Tampabay.com/nie/amendments) and click on NIE Blogging Zone.**

# The Florida Constitution

The state's legal framework, it allows for change that reflects a growing and dynamic state

## AN ORGANIZED SYSTEM OF PRINCIPLES

As the framework for all state laws, the state Constitution establishes rules and basic rights.

To protect it from the whims of politics, it can't be changed without a vote of the people. And with the amendments process, which provides five avenues through which to suggest to voters constitutional changes, the Constitution remains organic and responsive to a changing Florida.

The Constitution consists of 12 articles, including a declaration of rights; suffrage and elections; judiciary; finance and taxation; education; and amendments.

**"Neither the Legislature nor the Executive should be allowed in the future to block constitutional amendment or constitutional revision," said Chesterfield H. Smith in a speech to the Florida Legislature in 1967. "The people must be the repository of power to change the constitution."**

# The Articles of the Constitution

## Article I — DECLARATION OF RIGHTS

Florida's Bill of Rights includes freedom of speech, freedom of the press, equal protection of the laws, right to a jury trial, the right to bear arms, freedom of worship and other traditional American liberties. Some additional rights include the right to work without having to join a union; the right to collective bargaining for public employees; the right to privacy; access to public records; open meetings; and a Taxpayers' Bill of Rights.

## Article II — GENERAL PROVISIONS

This section establishes the state's boundaries, designates three branches of government, authorizes a state seal and flag, and designates Tallahassee as the state capital. It also includes a code of ethics for state and local government officers and employees, designates English as the official language in Florida and requires state policy to protect and conserve Florida's natural resources and beauty.

## Article III — LEGISLATURE

This section establishes a House and a Senate, with House members elected for two years and senators for four. It requires an annual state budget and a planning process, including a budget stabilization, or "rainy day," fund for shortfalls caused by economic events.

## Article IV — EXECUTIVE

This article creates the offices of governor and lieutenant governor, and Florida's unique Cabinet, which includes a secretary of state, an attorney general, a comptroller, a treasurer, a commissioner of agriculture and a commissioner of education. It authorizes up to 25 executive departments supervised by the governor and lieutenant governor, as well as the Cabinet or individual Cabinet members. It also requires establishment of a Game and Fresh Water Fish Commission (renamed the Fish and Wildlife Conservation Commission in 1999), a Department of Veteran's Affairs and a Department of Elderly Affairs.

## Article V — JUDICIARY APPEALS

This article establishes four levels of state courts: County Court, Circuit Court, District Courts of Appeal and Supreme Court. It stipulates that county judges will be chosen in nonpartisan elections for four-year terms, and circuit judges for six-year terms. It specifies the appointment of Supreme Court justices and District Courts of Appeal judges by the governor from a list prepared by the Judicial Nominating Commission. Voters decide to retain or not retain them for succeeding six-year terms. This section also provides for the election of clerks of Circuit Courts, state attorneys and public defenders.

# THE STATE CONSTITUTION HAS 12 ARTICLES — INDEPENDENT, BINDING SECTIONS THAT DEAL WITH DISTINCT SUBJECTS. TOGETHER THEY OUTLINE A FRAMEWORK FOR GOVERNMENT AND FOR CITIZENS' RIGHTS.



## Article VI — SUFFRAGE AND ELECTION

This section specifies dates of general elections and qualifications to vote; disqualifies convicted felons and the mentally incompetent from voting; provides the form of an oath administered to persons registering to vote; and leaves to statutory law details of special elections and referenda. It also limits certain state officials, including the governor, senators and representatives, to no more than eight-year terms.

## Article VII — FINANCE AND TAXATION

This section requires all taxes and appropriations to be provided by the Legislature; most bond issues to be approved by voters; and borrowing authority to be limited; and gives various specifics for taxing authority and exemptions. It also restricts annual increases in state revenues to the rate of personal income growth and limits increases in assessment of homes to either 3 percent a year or the rate of increase in consumer prices, whichever is lower. This section prohibits state personal income tax, limits inheritance taxes and provides for a homestead exemption.

## Article VIII — LOCAL GOVERNMENT

This article creates state authority to establish, abolish or change counties and municipalities, specifies their powers and requires that county officials include county commissioners and a separately elected clerk, sheriff, tax appraiser, tax collector and supervisor of elections.

## Article IX — EDUCATION

This article establishes a uniform system of public schools, institutions of higher learning and other public

education programs as needed. The Board of Education, comprising the governor and Cabinet, supervises this system, which is administered by the education commissioner. This section also specifies one school district per county and district leadership.

## Article X — MISCELLANEOUS

This article carries 27 sections, including the authority to have a state militia, protection from court seizure of one's home, a state lottery, public ownership of lands under navigable waters, a limit on saltwater net fishing, an Everglades Trust Fund, workplaces without tobacco smoke, parental notice of termination of a minor's pregnancy, and prohibition of medical licenses after repeated medical malpractice.

## Article XI — AMENDMENTS

This section creates five ways to amend Florida's Constitution, by: two forms of legislative proposal; a Constitution Revision Commission; a citizens' ballot initiative; and a constitutional convention of elected delegates. It also establishes a Tax and Budget Reform Commission that meets, much like the Revision Commission, every 10 years. It reviews the state's tax and budget laws, including constitutional limits, so as to submit proposals for changes to voters at general elections.

## Article XII — SCHEDULE

This article consists of 21 sections that provide for an orderly transition from the 1885 Constitution to the current one.

Clearly, the initiative process has become an effective way for citizens and organizations to have a direct say about how their government operates. But does the process lead to good government, particularly when citizens believe the Legislature isn't paying attention to what they want? Or, do initiatives produce a hodgepodge of new policies that can be convoluted, contradictory and even devastating to the state's economy? What do you think?

Share your views at [Tampabay.com/nie/amendments](http://Tampabay.com/nie/amendments) and click on NIE Blogging Zone.



## TRICKY LANGUAGE

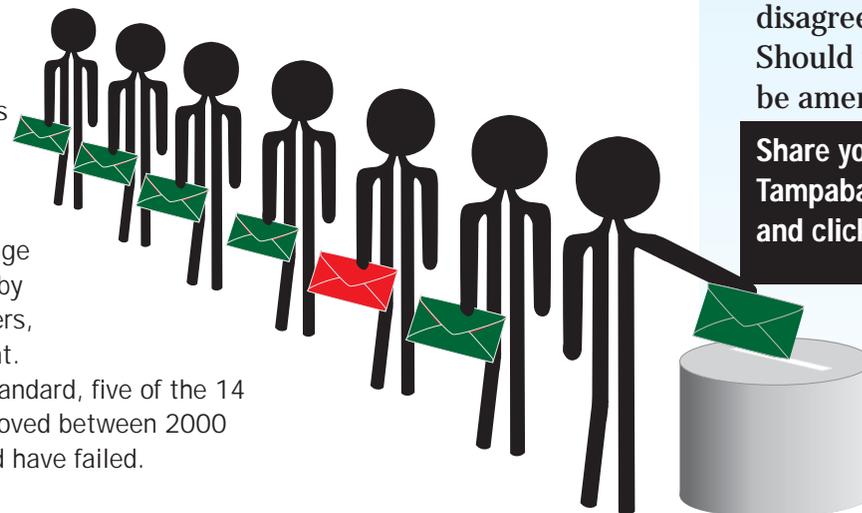
Amendments can be tricky to understand. Look for articles about the amendments in your local newspaper. Read about the amendments at [FlAmendments.org](http://FlAmendments.org). Write an essay focusing on some of the following ideas. Do you think these amendments are necessary? Do you agree or disagree with the amendments? Should the Florida Constitution be amended on an ongoing basis?

Share your insights at [Tampabay.com/nie/amendments](http://Tampabay.com/nie/amendments) and click on NIE Blogging Zone.

## Florida voters love their citizens' ballot initiatives. They have voted on 14 since 2000 and passed every one of them.

Florida voters supported voluntary pre-kindergarten, smaller class sizes, limits on workplace smoking and protections for pregnant pigs. They also supported the creation of a high-speed rail system – and then voted for an amendment to repeal it four years later. In 11 of the 15 states with the most citizen-led initiatives on the ballot, voters have rejected at least half of them. Florida voters have said “yes” to everything since 1996, when they shot down a proposal to levy a fee on raw sugar to help restore the Everglades. But Florida's streak of all citizens'

initiatives earning voters' approval isn't likely to last through another decade. A change approved by voters in 2006 makes it more difficult to get amendments passed. That change requires approval by 60 percent of voters, up from 50 percent. Under that new standard, five of the 14 amendments approved between 2000 and 2008 – would have failed.



# AMENDMENT 4

“Always vote for principle,  
though you may vote alone, and you  
may cherish the sweetest reflection  
that your vote is never lost.”

– John Quincy Adams

## AT A GLANCE:

**SPONSOR/ORIGINATOR:** Florida Hometown Democracy

**TITLE ON BALLOT:** Referenda required for adoption and amendment of local government comprehensive land use plans.

**OFFICIAL SUMMARY:** Establishes that before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, the proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body and notice.

**WHAT IT WOULD DO:** Amendment 4 would give local voters a veto over changes in comprehensive plans.

**ARGUMENTS FOR:** Local governments have proven themselves incapable of placing the public interest before the interests of real estate developers. The people should have the final say.

**ARGUMENTS AGAINST:** The amendment would require votes on every change, no matter how minor. Ballots would be long and involved. Voters would be overwhelmed. Growth would grind to a halt, and the state’s economy would remain mired in recession.

**Amendment 4: Should the public vote on changes to growth plans?**

*Proposal would require voter approval to growth-plan changes*

Comprehensive plans are blueprints that cities and counties use to lay out a vision of what their communities will look like. The plans outline specifics for future development: where, what kind and how dense.

Voters already have indirect control over how comprehensive plans are changed because they elect the city and county officials who control

them. But supporters of this proposed amendment say elected officials too often ignore voters, and the rules for halting unplanned growth are not working. This proposal, they say, is a way of giving residents the power to decide where and how their communities should grow.

Opponents say the amendment, if passed, would force local governments to hold dozens of special elections or offer a giant ballot during regular elections that would overwhelm and confuse the voters.

The debate also can be framed as a challenge to the republican form of government, which is based on the premise that voters select representatives to make decisions for the good of the entire community after hearing from their electorate. If adopted, this amendment would turn land use changes over to the will of the majority voting in a particular election.

The group that succeeded in getting it on the ballot, Florida Hometown Democracy Inc, began collecting signatures for its petitions in 2003 and is bolstered by some state environmental groups, including the Sierra Club and other organizations in favor of controls on growth.

Builders, real estate agents and other business groups formed their own group, Citizens for Lower Taxes and a Stronger Economy, and are backed by the Florida Chamber of Commerce. The Florida League of Cities and the Florida Association of Counties also oppose Amendment 4.



## EDITORIAL CARTOONS

Editorial cartoonists use a variety of tools to make a point. They use symbols, caricatures, stereotypes and analogies. Look in your local newspaper for editorial cartoons about the constitutional amendments or the candidates. With your classmates, decide which of these tools are being used in the various cartoons. What prior knowledge did you need in order to understand the cartoon?

**With a classmate, create your own editorial cartoon about one of the amendments showing that you agree or disagree with adding this change to the Florida Constitution.**

# AMENDMENT 5 AND AMENDMENT 6

## AT A GLANCE:

**SPONSOR/ORIGINATOR:** FairDistrictsFlorida.org

**TITLE ON BALLOT:** Standards for Legislature to follow in legislative redistricting

**OFFICIAL SUMMARY:** Legislative districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

**WHAT IT WOULD DO:** Amendment 5 would require that legislative districts not be drawn to favor one political party over another or deny minorities equal opportunity to participate in the political process.

**ARGUMENTS FOR:** Incumbents, both Democrat and Republican, have traditionally drawn district boundaries to give themselves political advantage. Redistricting should not favor any incumbent or party.

**ARGUMENTS AGAINST:** The amendment might reduce minority representation. Abiding by the amendment would be difficult, and redistricting under its strictures could lead to a flurry of lawsuits.

## AT A GLANCE:

**SPONSOR/ORIGINATOR:** FairDistrictsFlorida.org

**TITLE ON BALLOT:** Standards for Legislature to follow in congressional redistricting

**OFFICIAL SUMMARY:** Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact and as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

**WHAT IT WOULD DO:** Amendment 6 would require that congressional districts not be drawn to favor one political party over another or deny minorities equal opportunity to participate in the political process.

**ARGUMENTS FOR:** Incumbents, both Democrat and Republican, have traditionally drawn district boundaries to give themselves political advantage. Redistricting should not favor any incumbent or party.

**ARGUMENTS AGAINST:** The amendment might reduce minority representation. Abiding by the amendment would be difficult, and redistricting under its strictures could lead to a flurry of lawsuits.

## Amendments 5 and 6: Changes in Redistricting Process

### *Are fairness standards needed for redistricting of legislative and congressional districts?*

Redistricting is the act of redividing the state into new election districts. By law, it happens every 10 years. FairDistrictsFlorida.org, the organization behind Amendments 5 & 6, is working to establish constitutionally mandated fairness standards for the way Florida draws legislative and congressional district lines.

According to FairDistrictsFlorida.org, these amendments would establish easily understandable, non-partisan standards in creating legislative and congressional district boundaries. While protecting minority voting rights, the standards would prohibit drawing district lines to favor or disfavor any incumbent or political party. Districts would have to be compact and utilize existing political and geographical boundaries.



Critics, led by leaders of the Florida Legislature, say the amendments' goals, though laudable, are impossible to meet and would be impossible to defend in court. Further, they say, the amendments as proposed would prevent legislators from drawing districts that balance the playing field for minorities.

What the amendment attempts to eliminate is the drawing of boundaries to favor a political party. The practice sometimes results in strange boundaries. For example, Fort Lauderdale, with a population of 180,000, is cut into four congressional districts that literally put people living across the street from each other in different districts.

Though Florida's registered Democratic voters slightly outnumber Republicans, the congressional delegation is two-thirds Republican and the Legislature is overwhelmingly controlled by the Republican Party, a phenomenon critics say is partly a result of politicians drawing district boundaries to favor their party.

# AMENDMENT 8

## AT A GLANCE:

**SPONSOR/ORIGINATOR:** Florida Legislature

**TITLE ON BALLOT:** Revision of the class-size requirements for public schools

**OFFICIAL SUMMARY:** The Florida Constitution currently limits the maximum number of students assigned to each teacher in public school classrooms in the following grade groupings: for prekindergarten through grade three, 18 students; for grades four through eight, 22 students; and for grades nine through 12, 25 students. Under this amendment, the current limits on the maximum number of students assigned to each teacher in public school classrooms would become limits on the average number of students assigned per class to each teacher, by specified grade grouping, in each public school. This amendment also adopts new limits on the maximum number of students assigned to each teacher in an individual classroom as follows: for prekindergarten through grade 3, 21 students; for grades four through eight, 27 students; and for grades nine through 12, 30 students. This amendment specifies that class size limits do not apply to virtual classes, requires the Legislature to provide sufficient funds to maintain the average number of students required by this amendment, and schedules these revisions to take effect upon approval by the electors of this state and to operate retroactively to the beginning of the 2010-2011 school year.

**ARGUMENTS FOR:** The cost to implement the current requirements is simply too high in today's poor economy. The state can't afford to build more classrooms and hire more teachers. This amendment would provide needed flexibility that does not exist in the Constitution as amended in 2002.

**ARGUMENTS AGAINST:** The state's voters made it clear in 2002 that they wanted to limit class sizes. Smaller classes make a better learning environment.

Amendment 8 might be kicked off the ballot before the Nov. 2 election. The proposed constitutional amendment was passed in April by the Florida Legislature then challenged in court by the Florida Education Association teachers' union. The FEA claims the amendment is misleading and would reduce the state's financial commitment to public schools. In September, a circuit court judge upheld Amendment 8, ruling it can stay on the ballot. But an appeal of that ruling was headed to the Florida Supreme Court at the time this special publication went to press. If the Supreme Court agrees with the lower court, voters will decide the fate of Amendment 8 on Nov. 2. If the Supreme Court disagrees with the lower court, the amendment might be kicked off the ballot.

"The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

– Lyndon B. Johnson

## Amendment 8: Relaxation of class-size requirements

*Can existing class-size rules, set in 2002, be eased by changing the per-class maximum calculations to school-wide averages?*

This amendment would raise the maximum allowable number of students per class by changing the calculation from per-class maximums to school-wide averages.

The change would allow a school to be over the average in one class provided that excess is balanced by another class at that school with fewer students than the allowable average. Backers say the change would save millions of dollars and give individual schools a measure of flexibility not present in the current law. Opponents say voters clearly wanted to cap class sizes at the levels they passed into law in 2002, and that students and teachers benefit from smaller class sizes.

The current class-size caps were voted into law in 2002 by 52 percent of the voters. The limits were to be phased in over several years and put into full effect at the start of the 2010-11 school year. The state estimates it spent about \$16 billion the past several years preparing to implement the caps, mostly on classroom teacher salaries and benefits. Another \$2.9 billion is being proposed for class-size reduction funding for the 2010-11 school year.

Supporters of Amendment 8 say the millions saved could go to teacher raises instead. Gov. Charlie Crist, school superintendents and school board associations are backing the change. Strapped for money in a down economy, they are wary of the costs associated with hiring more teachers and finding more classrooms to accommodate the limits set to become effective. They complain that the inflexibility of the current law means more portable classrooms and more busing.

Opponents argue that the voters made it clear in 2002 that they wanted to limit class sizes. Smaller classes make a better learning environment, they argue. The state-wide teachers' union, the Florida Education Association, opposes the bill. The union is calling on the state to fulfill the constitutional mandate and implement the limits approved at the ballot box.



# FEDERAL DEFICIT RESOLUTION

## AT A GLANCE:

**WHAT:** The Florida Legislature has placed on the Nov. 2 ballot a nonbinding resolution that asks whether voters support a constitutional requirement that the federal government balance its budget without raising taxes. The vote is symbolic, with the intent being to send a message to federal lawmakers that voters in Florida want an end to deficit spending, which supporters of the resolution say threatens the country's economic future and security.

**THE NONBINDING RESOLUTION READS:** "In order to stop the uncontrolled growth of our national debt and prevent excessive borrowing by the federal government, which threatens our economy and national security, should the United States Constitution be amended to require a balanced federal budget without raising taxes?"

**ARGUMENTS FOR:** Voters get a chance to weigh in on the issue. An affirmative vote would put pressure on Congress to tighten its belt, and give Florida delegates in Washington political support to push for change.

**ARGUMENTS AGAINST:** This is nothing more than a push poll, a survey in which questions are written in such a way as to steer votes in a desired direction. It unnecessarily adds to an already complicated array of ballot initiatives.

**Federal Deficit Resolution: Measure Asks Whether or not Feds Should Have to Balance Budget**

*Do voters want to send a message to Washington that they are tired of federal deficit spending?*

Unlike Florida lawmakers, who must balance state revenues with spending every year, Congress can spend more than it collects. The federal government's willingness to use money it doesn't have has long been a bone of contention among political theorists.

The debate intensified in recent years as the federal government, despite shrinking revenues brought on by recession and tax cuts, used deficit spending to pay for military operations in Iraq and Afghanistan, a bank bailout and an economic stimulus program to boost the country out of the worst economic downturn since the Great Depression.

Many fiscal conservatives say the federal government's practice of spending more than it collects in taxes weakens both national security and the health of the private markets that must compete with the government for loans. States, however, are required by their constitutions to enact budgets in which spending equals the amount of revenue collected. If collections go down, so does spending. Congress is under no such restriction.

Over the past two years, a stagnant economy, coupled with aggressive government spending, caused the national debt to rise from \$10 trillion in 2008 to \$14.6 trillion in 2010.

For the most part, the debate in the 2010 state legislative session split along party lines. Republican backers say the question on the ballot this year will provide voters with a chance to weigh in on the issue. They also say an affirmative vote would put pressure on Congress to tighten its belt and give Florida delegates in Washington political support to make the argument for an end to deficit spending.

Democrats put up little resistance to the resolution, largely because it won't change anything. During debate on including the question on the ballot, Democrats chided their Republican colleagues for promoting what some critics called a push poll, a survey in which questions are written in such a way as to steer votes in a desired direction.



## RECOMMENDATIONS AND ENDORSEMENTS

Organizations and the media often endorse a candidate to voters who reflects the view of the editorial board or ownership of the organization, which implies more connection or support than a recommendation. Proposed amendments also can be endorsed by the media or organizations. Look for recommendations in your local newspaper and in other media. Write about the impact these recommendations may have on voters' opinions. After you have done your research and clarified your thoughts, write a persuasive essay regarding one of the amendments. In the essay, discuss whether or not the recommendations support or refute your point of view.

**Share your ideas at [Tampabay.com/nie/amendments](http://Tampabay.com/nie/amendments) and click on NIE Blogging Zone.**

# Court strikes three from ballot

Three proposed amendments placed on the ballot this year were later removed after being challenged in court.

Amendments 3, 7 and 9 were placed on the ballot by the state Legislature. Because of that, they did not undergo the pre-ballot reviews by the state Supreme Court and other agencies that are required of citizen-led initiatives. Instead, the three were placed on the ballot and later challenged in court by opponents who claimed they were misleading or that they failed to clearly state the consequences of the initiatives.

Circuit court judges agreed with the opponents, and kicked them off the ballot. All three of those decisions were appealed to the Florida Supreme Court, which refused to overturn the lower court judges, effectively eliminating the three from the ballot.



## Here's a run-down of the three amendments, and why they were removed from the ballot:

### Amendment 3

**Title: Property tax limit for non-homestead property; additional homestead exemption for new homestead owners.**

The proposed measure offered a tax break for some first-time homebuyers and lowered the annual cap on assessment increases (assessed value is what the government believes a property is worth) for businesses, rental properties and vacation homes. Because those types of properties are not the principal residences of the owners, they are known as "non-homestead" properties.

Amendment 3 sponsors said the measure would have revived home sales and attracted investors. Critics claimed the proposal would have stripped millions of tax dollars from cash-strapped schools, cities and counties already forced to cut services. Others worried that the measure would have created tax disparities.

The measure passed the Legislature in May 2009, but in July this year a circuit court judge kicked the amendment off the ballot, saying its title and summary were misleading. The Florida Supreme Court agreed.

### Amendment 7

**Title: Standards for Legislature to follow in legislative and congressional redistricting.**

If passed, this measure would have affected amendments 5 and 6, which were placed on the ballot by citizen-led initiatives. All three addressed a redistricting process that occurs every 10 years after a U.S. Census count.

With new Census numbers, state lawmakers begin changing the boundaries of state legislative districts and federal congressional districts. Problems occur when lawmakers from the political party in power draw the district boundaries to make it more likely those districts will include the kind of voters more likely to elect candidates from their party.

Amendments 5 and 6 were an attempt to limit the politics behind redistricting. State lawmakers critical of those amendments passed Amendment 7, claiming it "clarified" amendments 5 and 6 and protected districts more likely to elect minority candidates.

A circuit court judge declared Amendment 7 misleading and confusing, and kicked it off the ballot. The state Supreme Court agreed.

### Amendment 9

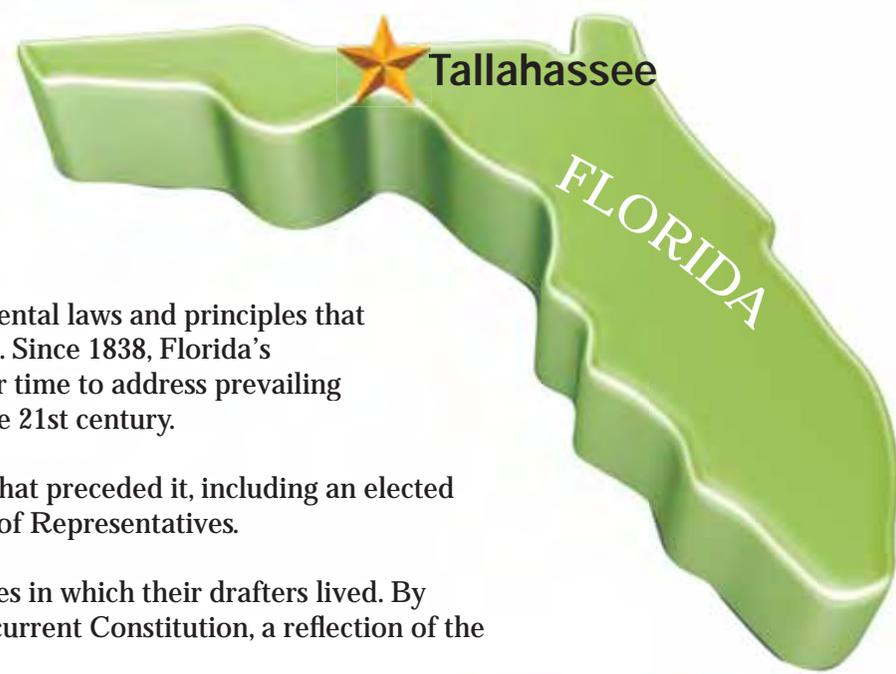
**Title: Health Care Services**

Concerns over federal efforts to reform health care led the Florida Legislature in April 2010 to propose Amendment 9, which backers say would nullify federal efforts to require individuals to carry health insurance. Supporters say the federal health care law, passed by Congress in March 2010, is unconstitutional because it illegally subverts states' rights and goes beyond the federal authority to regulate interstate commerce.

Opponents say claims by the amendment's backers are misleading and shortsighted. For one thing, they say, charges that the reform legislation amounts to a government takeover of health care ignore the fact that there are existing federal health care programs operated by the government, Medicare and Medicaid. Further, opponents argued that the Supremacy Clause of the U.S. Constitution clearly asserts that federal law trumps a state's ability to opt out.

A circuit court judge ruled that the amendment's ballot summary language was misleading because it made claims not reflected in the full text of the proposed amendment. The Supreme Court agreed.

# History of the Constitution



Florida's Constitution establishes a system of fundamental laws and principles that prescribe the nature, functions, and limits of state government. Since 1838, Florida's Constitution has known one constant: change. Its provisions have changed over time to address prevailing issues, from a strong affirmation of slavery to the wonders and challenges of the 21st century.

Florida's current Constitution contains much of the work of the five versions that preceded it, including an elected Cabinet system and a bicameral Legislature comprising a Senate and a House of Representatives.

The early constitutions, dated 1838, 1861, 1865, 1868 and 1885 reflected the times in which their drafters lived. By 1968, the state, emerging from its frontier beginnings, established its sixth and current Constitution, a reflection of the extraordinary modernization faced by the state in the mid-20th century.

**1838**

Fifty-six delegates drafted Florida's first Constitution while seeking statehood, which was granted on March 3, 1845.

The document established a system much like the federal and other state governments, and it strongly affirmed the system of slavery, prohibiting any legislation to emancipate slaves and authorizing legislation to prevent free blacks from entering Florida. Unusual features included its denial of many public offices to bank officers, clergymen and anyone who had participated in a duel.

**1861**

This version copied most of the provisions of the 1838 Constitution, but in order for the state to formally secede from the United States, it tied Florida to the Confederate States of America. With the Civil War looming, its militia provisions took on new importance.

**1865**

Adopted shortly after the Civil War, it never became law. Florida came under military rule before it could take effect. Although it acknowledged the abolition

of slavery, it restricted jury service and even witness testimony to whites (unless the victim was black) and denied newly freed blacks and women the right to vote.

**1868**

Often referred to as the "Carpetbag" Constitution, it reflected the turbulent times of post-Civil War Reconstruction and military occupation. It extended

voting and other rights to all males and allocated seats in both the state Senate and House to the Seminole Indians. It also centralized authority in the governor, providing that all county officials be appointed by him, not elected locally. It required a system of public schools, a state prison and other institutions; required that taxes be uniform; and protected the homesteads of debtors from forced sales.

**1885**

The framers were eager to impose checks on what they considered the abuses of Reconstruction governments.

They were especially eager to weaken executive authority. They fragmented this authority by establishing an elected Cabinet and elected county officials, reducing elected state officials' salaries and limiting the governor to one term. The new constitution authorized a poll tax, which remained until 1937, denying poor blacks and many poor whites the right to vote. This was the state's longest-lived Constitution. It was amended 149 times, swelling it to more than 50,000 words by 1968, compared with the U.S. Constitution of 6,000 words.

**1968**

The unwieldy Constitution of 1885 had grown hopelessly outdated. The writers of the new version saw a need for organized

governmental change to keep up with a fast-moving Florida.

The population had exploded, from 267,500 in 1880 to 6.7 million by 1970. Motor vehicles swarmed across the state, a tourism industry had taken center stage, growth was rushing southward and the new Florida was feeling environmental impacts.

Anticipating ever more change, the drafters established a Constitution Revision Commission to review and draft amendments to the Constitution. This new body was tasked with submitting proposals to the state's voters in 1978 and every 20 years thereafter. The provision sought to ensure that the state's laws reflect its economic and social realities.



## ISSUES THAT CONCERN YOU

Are you concerned about the federal deficit, the class-size amendment, war, global warming, the economy? Look through today's newspaper and find three articles about issues that worry you. Write the main idea of the article and list the reasons that people your age should be concerned about this issue. Gather in small groups and discuss ways you could enact change through the political process. Write a newspaper article set in the future that describes what your group did and how it made a difference in your community, state or the entire country.

Share your article and your thoughts at [Tampabay.com/nie/amendments](http://Tampabay.com/nie/amendments) and click on NIE Blogging Zone.

# Know your Constitution

and win an iPad!



Think you know about the Florida Constitution and how to amend it? Test your knowledge with this quiz and earn a chance to win an iPad. Answer all the questions correctly and your name will be considered in the drawing. **Go to [www.flamendments-ipad.org](http://www.flamendments-ipad.org) to enter and for rules.**

- 1. How many signatures does it take to put a proposed constitutional amendment on the ballot?**
  - a.) One thousand signatures of registered voters from each of the state's 67 counties
  - b.) Eight percent of the number of voters voting in the previous presidential election
  - c.) 100,000 signatures of registered Democrats and 100,000 signatures of registered Republicans
  - d.) Twelve percent of the registered voters from each of the state's 67 counties
- 2. How many articles are in the state's Constitution?**
  - a.) 100
  - b.) 57
  - c.) 12
  - d.) 10
- 3. What does the Constitution do?**
  - a.) Establishes a system of fundamental laws and principles that prescribe the nature, functions and limits of state government
  - b.) Establishes state laws and sets the penalties for violating those laws
  - c.) Establishes tax rates for state and local governmental agencies and provides a deficit spending function
  - d.) None of the above
- 4. Of the 14 proposed citizen-led amendments on the Florida ballot since 2000, how many have been approved by the public?**
  - a.) 0
  - b.) 7
  - c.) 13
  - d.) 14
- 5. What percent of the total vote is needed for an amendment to pass?**
  - a.) 51
  - b.) 50
  - c.) 50 percent plus one vote
  - d.) 60 percent
- 6. Article IV of the state Constitution, dealing with the executive branch of government, establishes what?**
  - a.) The House and Senate in the Florida Legislature
  - b.) The Governor, Lt. Governor and Cabinet positions
  - c.) The system of county and state courts
  - d.) A system of sheriffs, tax collectors and elections supervisors in every county
- 7. Florida's first Constitution affirmed a system of slavery and prohibited emancipation efforts.**
  - a.) True
  - b.) False
- 8. How many ways are there for proposed constitutional amendments to get on the ballot?**
  - a.) 12
  - b.) 5
  - c.) 3
  - d.) 1
- 9. How many proposed amendments were placed on the ballot this year by citizen initiatives?**
  - a.) 7
  - b.) 6
  - c.) 3
  - d.) 0
- 10. What is the maximum number of words for a proposed amendment title to legally appear on the ballot?**
  - a.) 10
  - b.) 15
  - c.) 75
  - d.) There is no limit

## Seeking the truth

Providing the truth, the whole truth

and nothing but the truth is the mission of PolitiFact (pronounced puh-lit'-eh-fact). Every day, reporters and researchers from the *St. Petersburg Times* and the *Miami Herald* examine statements by Florida elected officials and candidates and anyone else who speaks up on matters of public importance. Reporters research their statements and then rate the accuracy on the Truth-O-Meter: True, Mostly True, Half True, Barely True and False. The most ridiculous falsehoods get the lowest rating, Pants on Fire.



Researchers also rate the consistency of public officials on the Flip-O-Meter using three ratings: No Flip, Half Flip and Full Flop.

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