

A force for progress on the Emerald Coast since 1962!

Sep / Oct 2012

"It is not our job to protect the people from the consequences of their political choices."

*Chief Justice John Roberts
U.S. Supreme Court*



Mary Wheat Hahn 1947-2012

Say not in grief "she is no more," but live in thankfulness that she was.

Hebrew proverb



In loving memory



9 Oct: Last day
to register for the 6 Nov
General Election

Early Voting:
27 Oct – 3 Nov
at Shalimar Courthouse
Annex, Niceville City Hall,
SoE Office & Bob Sikes
Library in Crestview



League's Mission:

The League of Women Voters is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Message from the President

Only 28% of Okaloosa County's registered voters cast a primary ballot. We can do better. See page 2 for details on voter registration.

This issue describes the 11 ballot amendments proposed by the legislature. They want to cut taxes, but only for local government – no cuts will affect state revenue. They also want Amendment 3 approved so they can avoid politically difficult decisions on state spending. **You** will live with the consequences, so

study the issues – be an informed voter.

Don't miss the panel discussion on campaign financing on 22 Sep. Our modest little county races attracted lots of attention and money in the primary, often from outside sources. Get the details on page 2.

Finally, we bid a sad farewell to veteran board member, community booster and dear friend Mary Hahn. She'll be in our hearts, always.

Mary Blackwell

Vaya con Dios, old friend

Long-time Leaguer Mary Hahn lost her 2-year battle with lung cancer on 20 Aug. Born in Louisville KY and raised near Houston TX, she was a graduate of Austin College and the University of Houston in Texas, and Northeastern University in Boston MA. Mary practiced as a Certified Public Accountant in Boston before joining the Peace Corps in 1993 to serve on the first small business development project in Hungary. She then began a

career as an international consultant training accountants in former Communist countries across Eurasia. Mary was a deacon and an elder in the First Presbyterian Church, Board Member of the League of Women Voters, and member of the American Institute of CPAs and FWB Chapter of the American Society of Women Accountants. She was also a skilled weaver and member of the local Weavers Guild. She will be missed.

Proposed Constitutional Amendments Explained

#1: Health Care Services

Synopsis: Amendment 1 is more of a political referendum than a meaningful change to our Constitution. Since the Supreme Court has upheld the federal government's right to impose the individual mandate, the passage or defeat of Amendment 1 may have no practical implications other than to send a message that a majority of Florida's voters are either for or against the individual mandate.

Sponsor: The Florida Legislature

Background: In 2010, shortly after the health care law's passage, Florida lawmakers proposed a constitutional amendment to "nullify" the individual mandate, claiming the federal government overstepped its authority by forcing individuals to purchase insurance. That proposal never made it to the ballot. During the 2011 legislative session, Senate President Mike Haridopolos (R-Merritt Island) and Rep. Scott Plakon (R-Longwood) introduced this proposed amendment. It passed the Senate and House largely along party lines,

with Republicans for and Democrats against.

A vote YES on #1 would:

- Represent an attempt to opt Florida out of federal health care reform requirements
- Add language to the Florida Constitution that could be found unconstitutional under the Supremacy Clause of the U.S. Constitution if determined by the courts to be in conflict with federal law

- Prevent the Florida Legislature from passing health care coverage mandates independent of federal law

A vote NO on #1 would:

- Mean that Florida should comply with federal health care reform requirements
- Ensure the Florida Constitution does not conflict with the U.S. Constitution regarding health care coverage
- Allow the enactment of potential Florida laws that require health care coverage

(cont'd on page 2)

Proposed Constitutional Amendments Explained (cont'd)

#2: Veterans Disabled Due to Combat Injury; Homestead Property Tax discount

Synopsis: Amendment 2 relaxes eligibility requirements for an existing property tax discount offered to disabled veterans. Currently, disabled veterans are eligible for a property tax discount commensurate with the degree of their disability if they are current Florida residents, aged 65 or older, were disabled in combat, **and** were Florida residents when they entered the military. Amendment 2 would eliminate that fourth eligibility requirement. This proposed amendment would give that same tax break to veterans, age 65 and older, who were disabled in combat but living in another state when they entered the military if they are now Florida residents. If passed, the state estimates that school districts and local governments would lose roughly \$15 million in tax revenues combined over the first 3 years.

Sponsor: The Florida Legislature

Background: Sen. Mike Bennett, R-Bradenton, along with state Rep. Doug Holder, R-Sarasota, introduced resolutions during the 2011 legislative session to place this proposed amendment on the November 2012 ballot. This measure won unanimous approval in the House and Senate.

A vote YES on #2 would:

- Give the existing homestead tax exemption to disabled veterans who were not Florida residents at the time of entering military service
- Reduce property tax revenue for schools and local government services by an estimated \$15 million combined over the first 3 years of its implementation, and by an estimated \$7.6 million each year thereafter
- Expand the property tax exemption for some disabled veterans who are not currently eligible for a similar property tax exemption

A vote NO on #2 would:

- Not expand the property tax exemption to disabled veterans who were not Florida residents at the time of entering military service
- Not reduce property tax revenue for schools/local government services by ~\$15 million over 3 years
- Not place a limitation on state revenue in the Florida Constitution where it would be difficult to modify or remove

#3: State Government Revenue Limitation

Synopsis: In 1995 Florida capped the amount of revenue it can spend annually from taxes and fees. Any excess revenue above the cap is to be deposited in the state's rainy day fund or returned to taxpayers. To date, state revenue collections have never exceeded the cap. If passed, Amendment 3 would impose a stricter formula for calculating the revenue limit that is much more likely to affect government spending. The new formula would be based on annual population growth and inflation instead of personal income, which are considered less volatile and more likely to constrain growth in state revenues. Critics fear the strict revenue limits would affect spending on necessary services like schools and public safety, claiming the proposed amendment would result in allowable revenues 26% below pre-recession levels (2006-07) by 2025. Supporters say the cap is needed to limit government spending.

Sponsor: The Florida Legislature

Background: Beginning in 2008, several proposals similar to Amendment 3 were defeated in the Legislature. Senate President Mike Haridopolos (R-Merritt Island) made this proposal a priority of the 2011 session, and Rep. Stephen Precourt (R-Orlando) sponsored a companion bill. Senate and House passed the measure largely along party lines, (Republicans/pro; Democrats/anti).

A vote YES on Amendment 3 would:

- Replace the existing state revenue limitation based on personal income growth with a new, more restrictive limitation based on changes in population and inflation
- Restrict government revenue in good and poor economic times
- Limit the Legislature's ability to increase revenue beyond what the formula allows

A vote NO on Amendment 3 would:

- Maintain the existing state revenue limitation based on personal income growth
- Protect the state's ability to provide the current level of government services
- Preserve the Legislature's current flexibility in responding to budgetary concerns and changing economic conditions

2012-13 Calendar

Voter Registration

10-11 Sep, 8-2:00pm

12-13 Sep, noon-6:00pm
Location: NWFSC, Student Services Center, Niceville; breezeway between Bldgs 1 & 2, FWB. League and the NAACP will be registering voters at both campuses. To volunteer contact us at info@lwvokaloosa.org or call 621-4088.

Campaign Financing

22 Sep, 10:00-noon

Location: Niceville City Council Chambers, 208 N Partin Dr, Niceville. Join our panel discussion featuring Okaloosa SoE Paul Lux, League lobbyist Ben Wilcox and FWB Tea Party Chair Henry Kelley to learn how this issue affects our county. The meeting is free and open to the public.

Ballot Amendments

20 Oct, 10:00-noon

Location: Shalimar Town Hall, #2 Cherokee Rd, Shalimar. There are 11 proposed amendments on the ballot for the 6 Nov General Election. Learn all about them and be ready to choose with confidence by attending this briefing. The meeting is free and open to the public.

Foreclosure Fraud

17 Nov, 10:00-noon

Location: TBD

Is your home in danger of "fraud-closure?" Do you know what a "clouded title" is? Is this a serious problem in Okaloosa County? Learn more about it from forensic title investigator Rob Harrington. The meeting is free and open to the public.



Florida Statutes on-line

Florida's laws are now on-line in plain language at <http://www.sunshinestatutes.com>, thanks to the First Amendment Foundation and the Florida Society of News Editors. Emphasizing typography and reader-friendly links, the site's goal is to give citizens immediate context when reading a state law by providing links to related statutes, scholarly reports and other material.

#4: Property Tax Limitation; Property Value Decline; Reduction for Non-Homestead Assessment Increases; Delay of Scheduled Repeal

Synopsis: This proposal would extend tax breaks to property owners and to first-time homebuyers. If passed, it would: 1) prevent the assessed value of homesteaded and specified non-homesteaded properties from increasing if the market value of that property decreases compared to the previous year. This would allow the Legislature to eliminate a provision in the current law known as "recapture," which can cause the taxable value of a property to rise even if its market value drops; 2) reduce from 10% to 5% the cap on annual increases in the assessments of specified non-homesteaded properties such as residential rental property, seasonal homes and commercial property; 3) authorize a homestead exemption to first-time homebuyers or to buyers who have not owned property during the previous three years or longer. The exemption would phase out over five years and be equal to 5% of the market value of the property but not greater than the median market value of all homesteaded properties in the county where the property is located; 4) delay until 2013 the scheduled repeal of assessment caps on certain types of non-homesteaded properties. Proponents say the tax breaks will stimulate the housing and commercial real estate markets. They also say it will help property owners in a down economy. Critics say the proposal will hurt cash-strapped school districts, cities and counties already forced to cut services. Total tax revenue losses to local governments and schools over a 3-year period have been estimated at nearly \$1 billion.

Sponsor: The Florida Legislature

Background: Perceived inequities in the property tax system led business interests to propose tax breaks for non-homesteaded properties and first-time buyers. State Rep. Chris Dorworth (R-Heathrow) and Sen. Mike Fasano (R-New Port Richey) sponsored the bills. It represents the most significant impact on property tax revenues for schools and local governments of any proposal on the 2012 ballot. It passed overwhelmingly (105-11) in the House, but was closer in the Senate (25-12).

A vote YES on Amendment 4 would:

- Reduce local government revenue by cutting in half the taxable rate on non-homestead property, such as commercial income properties and second homes
- Reduce local government revenue by prohibiting increases in the assessed value of homestead property and certain non-homestead property in any year where the market value of the property decreases
- Reduce local government revenue by extending an additional homestead tax exemption to some first-time homeowners

A vote NO on Amendment 4 would:

- Maintain existing property tax exemptions
- Prevent schools/local governments from losing an estimated \$1 billion in property tax revenue over 3 years
- Not place a limitation on local government revenue in the Florida Constitution where it would be difficult to modify or remove

#5: State Courts

Synopsis: This proposed amendment would alter the balance of power among the judicial, legislative and executive branches of government. Its most meaningful provision is the one granting the state Senate confirmation power over appointees to the Florida Supreme Court. Currently, the governor fills openings on the court by appointing a nominee from a list presented by a judicial nominating commission. If passed, this amendment would allow the Senate to reject or approve nominees. It would also give members of the state House of Representatives expanded access to confidential files involving judges accused of misconduct, and would give lawmakers the right to repeal procedural court rules, such as speedy trial time limits or deadlines for filing court documents, with a simple majority vote rather than a two-thirds majority vote, as currently required. Supporters of Amendment 5 say it would bring much needed change to a court system that gives the governor too much power in appointing judges. Opponents say the measure is a dangerous attempt to exert political influence over the judicial branch by giving legislators more authority.

Sponsor: The Florida Legislature

Background: This proposed amendment is the surviving part of a proposed overhaul of the state court system by House Speaker Dean Cannon, R-Winter Park. About a dozen states use a gubernatorial appointment system similar to the one Florida currently uses to select Supreme Court justices, according to the National Center for State Courts. Another dozen states have some sort of state Senate or other legislative confirmation process like that being proposed in Amendment 5.

The remaining states let the public choose their Supreme Court justices, mostly with nonpartisan elections. The measure passed in the Senate and House largely along party lines, with Republicans in favor and Democrats against.

A vote YES on Amendment 5 would:

- Require the Florida Senate to confirm or reject gubernatorial appointments to the state Supreme Court
- Allow the Legislature to repeal statewide judicial rules adopted by the Supreme Court by a simple majority vote instead of a two-thirds vote
- Expand the ability of the state House of Representatives to review confidential files about judges, even if they are not being considered for impeachment

A vote NO on Amendment 5 would:

- Maintain the current method of selecting justices for the Florida Supreme Court by allowing the governor to make appointments without legislative approval
- Continue to require a two-thirds vote to repeal statewide judicial rules adopted by the Supreme Court
- Continue to require that files on judges remain confidential unless needed for use in consideration of impeachment

#6: Prohibition on Public Funding of Abortions; Construction of Abortion Rights

Synopsis: Federal law prohibits the expenditure of federal funds for most abortions (exceptions include rape, incest and threats to a mother's life). If passed, Amendment 6 would enshrine those prohibitions in the state constitution. Because Florida law already prohibits public funds from being spent on abortion, this would not change current abortion funding practices. Rather, passage would show a majority of the state's voters support existing federal restrictions. There is another provision in the amendment, however, that would affect abortion law in Florida. That provision concerns a privacy right in the state Constitution that is sometimes used to thwart anti-abortion measures in Florida. In 1980, Florida voters passed an amendment that says, in part: "Every natural person has the right to be let alone and free from governmental intrusion into the person's private life..." This privacy clause has been cited when defending abortion rights in Florida. If passed, Amendment 6 would prevent courts from concluding in abortion cases that the right to privacy in Florida is broader in scope than the right to privacy afforded in the U.S. Constitution. Supporters say this amendment puts the state on even footing with the federal government. Opponents say it is a pre-emptive strike on a woman's right to choose.

Sponsor: The Florida Legislature

Background: Attempts by lawmakers over the years to pass abortion restrictions, such as parental notification for pregnant minors and laws requiring doctors to counsel women about abortion alternatives, were rejected by courts that cited the state's constitutional right to privacy. Sen. Anitere Flores, R-Miami, and state Rep. Dennis Baxley, R-Ocala, sponsored this measure in 2011. It passed the House and Senate largely along party lines, with Republicans in favor and Democrats against.

A vote YES on Amendment 6 would:

- Mean that Florida's constitutional right to privacy is not applicable to abortion-related issues
- Allow more restrictive abortion laws to be found constitutional by Florida courts
- Restate in the Florida Constitution federal and state law that prohibits public funds from being used for abortion or health insurance coverage of abortion

A vote NO on Amendment 6 would:

- Continue to allow Florida's constitutional right to privacy to include abortion-related issues
- Continue to extend Florida's constitutional right to privacy to any future attempts to restrict abortion
- Not place language in the Florida Constitution that prohibits public funding of abortion where it would be difficult to modify or remove

#8: Religious Freedom

Synopsis: Amendment 8 revives longstanding debates over the separation of church and state. It would repeal a 126-year-old provision in the state Constitution that prohibits taxpayer funding of religious institutions. The provision – commonly known as the "no aid" provision – states more unequivocally than the U.S. Constitution that state funds not be spent "directly or indirectly" in support of any entity that promotes religion. If passed, the amendment would remove that prohibition. An important aspect of Amendment 8 concerns its impact on future school voucher programs. Past programs that included religiously affiliated schools have been deemed unconstitutional partly due to the "no aid" provision. Amendment 8 would remove that obstacle to restarting these programs, which allow parents to remove students from failing public schools and send them to private schools at taxpayers' expense. Supporters say the "no aid" provision discriminates against religious organizations. They argue this proposal offers support to groups with religious affiliations that provide valuable community services, like prison ministries or church-run after-school programs. Opponents say Amendment 8 will divert money from public schools and other public funding recipients and that it blurs the separation of church and state. Opponents point out that many religious groups, such as Catholic Charities, can receive public funding under the current law provided they do not promote their religion.

Sponsor: The Florida Legislature

Background: This originally was Amendment 7 on the ballot, but a legal challenge by opponents resulted in the rewriting of some of the ballot language and its reinstatement as Amendment 8. State Rep. Scott Plakon, R-Longwood, and state Rep. Steve Precourt, R-Orlando, and Sen. Thad Altman, R-Melbourne, sponsored measures in the House and Senate. It passed largely along party lines, with Republicans in favor and Democrats against.

A vote YES on Amendment 8 would:

- Repeal the "no aid" provision in the Florida Constitution and allow public money to go to private religious institutions
- Allow the expansion of Florida's school voucher program to religious institutions and could result in money being directed to private religious schools at the expense of public schools
- Allow for a greater number of religious programs to be supported by taxpayer funding

A vote NO on Amendment 8 would:

- Maintain the "no aid" provision in the state Constitution that prohibits the government from funding religious institutions and groups that promote religion
- Maintain the constitutional provision the courts have cited when rejecting school voucher programs that fund religiously affiliated schools
- Maintain the separation of church and state as provided by the state Constitution since 1885

#9: Homestead Property Tax Exemption for Surviving Spouse of Military Veteran or First Responder

Synopsis: Amendment 9 grants full homestead property tax relief to the surviving spouses of military veterans who die from service-connected causes while on active duty, and to the surviving spouses of police, firefighters and other first responders who die in the line of duty. In short, the surviving spouses deemed eligible will not pay any property taxes. For a spouse to be eligible, the deceased veteran or first responder must have been a permanent resident of Florida as of Jan. 1 of the year they died. That same residency requirement applies to the surviving spouses of first responders. First responders are defined as law enforcement officers, correctional officers, firefighters, emergency medical technicians and paramedics. The proposed amendment covers full-time, part-time or volunteer first responders. State law has granted full homestead property tax relief to surviving military spouses since 1997. This proposed amendment enshrines that exemption in the state Constitution while adding eligibility to the spouses of first responders. Surviving spouses of veterans or first responders who died years ago can apply for eligibility retroactively if Amendment 9 passes, although the tax relief is for future taxes only; they will not receive refunds for any past taxes paid. The state estimates that this amendment, if passed, would reduce local school and government tax revenues by about \$600,000 statewide in the first year it is in effect.

Sponsor: The Florida Legislature

Background: Over a two-year span in 2010 and 2011, two dozen Florida law enforcement officers were killed in the line of duty. This amendment is meant to recognize their sacrifice by extending the same tax relief to their surviving spouses that is currently offered to the surviving spouses of military veterans who died while on active duty. State Rep. Shawn Harrison, R-Temple Terrace, and state Sen.

Jim Norman, R-Tampa, sponsored the measure, which won unanimous approval in the House and Senate.

A vote YES for Amendment 9 would:

- Grant full homestead property tax relief to the surviving spouses of first responders who die in the line of duty
- Enshrine in the state Constitution a law that currently offers full property tax relief to surviving spouses of veterans who die while on active duty
- Allow spouses whose partners died before the passage of the Amendment to be eligible for the tax exemption

A vote NO for Amendment 9 would:

- Maintain existing property tax exemptions
- Prevent local governments from losing a combined \$600,000 in estimated property tax revenues over the course of a year
- Not place a limitation on local government revenue in the Florida Constitution where it would be difficult to modify or remove

#10: Tangible Personal Property Tax Exemption

Synopsis: Most taxpayers are familiar with paying property taxes on a home. This proposed amendment is about taxes assessed on tangible personal property used in a business or to earn income. Furniture, fixtures, machinery, tools, shelving, signs and equipment are examples of property that is subject to the state's tangible personal property tax. By April 1 of each year, anyone owning tangible personal property that is used in a business or to earn income must file a return with the local property appraiser. Under current law, the first \$25,000 of tangible personal property is exempt from taxation. If passed, Amendment 10 would boost that exemption to \$50,000. It would also allow cities and counties to grant additional tangible personal tax exemptions beyond the \$50,000 exemption. The state estimates that tangible personal property taxes represented an estimated 7.6% of the total county property taxes levied in Florida in fiscal year 2011-12. The corresponding amount for cities was 6.1%. Statewide, if Amendment 10 passes, the added exemption amount proposed would reduce property tax collections by \$61 million over the first three years combined, according to state estimates. Supporters say it will help small businesses. Opponents question whether it will benefit the economy and warn it will further erode the local tax base.

Sponsor: The Florida Legislature

Background: Lawmakers hoping to bring tax relief to business owners are behind this proposed amendment. The measure was sponsored by state Rep. Eric Eisnagle, R-Orlando, and state Sen. Nancy Detert, R-Venice. The measure won unanimous approval in the Senate and near-unanimous approval in House.

A vote YES for Amendment 10 would:

- Double the tax exemption on tangible personal property
- Allow cities and counties to grant additional tangible personal property tax exemptions
- Reduce local property tax revenues across the state by an estimated \$61 million combined over the first three years it is implemented

A vote NO for Amendment 10 would:

- Leave the tax exemption on tangible personal property at its current rate
- Not reduce local property tax revenues across the state by an estimated \$61 million combined over three years
- Not place a limitation on local government revenue in the Florida Constitution where it would be difficult to modify or remove

#11: Additional Homestead Exemption; Low-income Seniors Who Maintain Long-term Residency on Property; Equal to Assessed Value

Synopsis: Amendment 11 authorizes cities and counties to grant full homestead property tax relief to low-income seniors who have lived in their home for at least 25 years. In short, it would eliminate the entire property tax bill for qualifying seniors. Homeowners who meet the following requirements would be eligible: 1) aged 65 and older; 2) have a household income of less than \$27,030; 3) own a home with a market value of less than \$250,000; 4) have lived in the home for at least 25 years. City councils and county commissions must pass the exemption by a super-majority vote (a majority plus one) before the full exemption can be offered. The state estimates that the tax revenues local governments would lose if Amendment 11 passes, and if every city and county in the state were to approve the exemption, would be a combined \$18.5 million over the first two years it was offered.

Sponsor: The Florida Legislature

Background: Some low-income seniors are struggling to stay in their homes as the state deals with the housing collapse and other recessionary impacts. This measure was sponsored by state Rep. Jose Oliva, R-Miami Lakes, and state Sen. Rene Garcia, R-Hialeah, and won unanimous approval in the House and Senate.

A vote YES on Amendment 11 would:

- Authorize cities and counties to grant a full homestead exemption to certain low-income seniors
- Require a super-majority vote by local governments to grant the exemption.
- Reduce tax revenues to local governments across the state by an estimated \$18.5 million combined over the first two years it is implemented

A vote NO on Amendment 11 would:

- Retain current property tax exemptions for seniors
- Not place a potential limitation on local government revenue in the Florida Constitution where it would be difficult to modify or remove
- Prevent local governments from granting an exemption that could cost an estimated \$18.5 million in tax revenues combined over the first two years of implementation

#12: Appointment of Student Body President to Board of Governors of the State University System

Synopsis: The state's 11 public universities are part of the State University System, which is governed by a 17-member Board of Governors. Under current law, the president of the Florida Student Association is, by virtue of the position, a member of the Board of Governors. Not every university is an active FSA member, however. Currently, 10 of the 11 universities take an active role. Florida State University prefers not to pay the FSA dues, feeling its interests are better represented in other ways. Under the current system, student council presidents from schools that are non-FSA participants, like FSU, can never be the student representative on the Board of Governors. If passed, Amendment 12 would instruct the Board of Governors to create a new council consisting of the student body presidents of all 11 universities. Presumably, all 11 universities would participate. The chair of that new council would replace the chair of the FSA as the student representative to the Board of Governors.

Sponsor: The Florida Legislature

Background: Florida State University chooses not to participate in the current association of university student council presidents. This measure would create a new organization that FSU would join. It was sponsored by state Rep. Matt Gaetz, R-Fort Walton Beach, and state Sen. Bill Montford, D-Apalachicola. It won unanimous approval in the House and near-unanimous approval in the Senate.

A vote YES on Amendment 12 would:

- Create a new council of student body presidents from which the student representative to the Board of Governors would be selected
- Remove the Florida Student Association president from the Board of Governors
- Require all state university student body presidents to participate in the newly created council

A vote NO on Amendment 12 would:

- Not authorize the creation of a new council of student body presidents
- Retain the Florida Student Association's current role on the Board of Governors
- Require that state universities participate in the Florida Student Association in order to be represented by the student member of the Board of Governors