

Amendment Recommendations Summary

Hi, I'm Stephen Guffanti. My wife and I are TPMs speaker coordinators and I headed up TPMs vetting process. We are happy to present to you tonight TPMs Amendment Recommendations for the November 2018 general election—And an update on Justice Lawson.

Over the Course of this election cycle I have asked for many volunteer vetters and in my desire to create consistency, avoid personal preferences and maintain the Tea Party Brand – Constitutionally limited government, fiscal responsibility & Free market solutions we developed a form. Last week Steve Vernon fit his vetting in within a very busy day because of that form so I thought you would like to see it and I would like to thank those who helped to develop it.

Here is why our volunteers could vet 2 candidates within a busy day. The evaluation form has 7 areas and each link can bring you to either an overview or a specific area. For example, Vote Smart can cover all 7 areas for a state or federal incumbent or one who has held either office previously.

Vote Smart tells how they voted on which law and which area – abortion, gun control, etc. In essence, one click brings you to site that allows you to document your evaluation. Why did Ray Pilon get a 2 for Second Amendment? Because the NRA gave him a 43%. Don't like the rating? Take it up with the NRA. The NRA rating was found on this site.

How did we get here?

THANKS: I would like to thank Dennis Puckett who started me out on this track with a few good links. I would also like to thank Yvonne and Robert who made it clear to me that I needed to change my format to get the vetters I needed. And finally, my wife whose eye for detail created this form as a finished product that will make future vetting a lot easier for everyone. I would also like to thank the Rueds, the Zellers and everyone else who has vetted or even tried to vet your success and your failure spurred us to change the forms to solve the problems that showed up along the way.

Here are some important dates to remember:

- Early voting begins: Oct 22
- Last day to request a mail-in ballot: Oct 31
- Election day: Nov 6

Retain Florida State Supreme Court Justice Alan Lawson? _____

TPMs Recommendation: YES

Why: One of the reasons we don't support judges is the judges hide behind the gag rule. The Florida Supreme Court has much more visibility than circuit judges.

- Our vetter, Larry Rued, found information on Alan Lawson. Larry wrote: I believe (Tea Party Manatee) should recommend a YES vote for Lawson. The lefties are in control of the FL Supreme Court because of Jeb (Bush) and Charlie (Crist) and prior Dem Governors.
 - Voters retain a voice, however, in what are called retention elections. This is the first one for Lawson, whom Gov. Rick Scott promoted from the Fifth District Court of Appeal last year.
 - Alan Lawson is generally aligned with what is viewed as the conservative minority on the court.
 - Scott asked to begin a process that will lead to replacements for longtime justices Barbara Pariente, R. Fred Lewis and Peggy Quince, who are required to leave the court in January because of reaching a mandatory retirement age.
 - Appointments of Supreme Court justices are always important, but Pariente, Lewis and Quince — along with Justice Jorge Labarga — are widely considered a left-leaning majority on the seven-member court. That has led to the possibility that their replacements could spur a rightward shift of the court.
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Florida's Amendments and Amendment Process

- Florida requires a 60 percent supermajority vote for approval of constitutional amendments.
- **The amendments are problematic:**
 - **As of 10/6/18 6, 7, 9, 11 still in court**
 - Some of our board may be for the ideas in some of the amendments but are opposed to the amendment process.
 - About bundling the amendments: Citizens' initiatives are not allowed to be bundled; but that doesn't apply to the CRC.
 - **One of TPMs veters said:** Chairman Carlos Beruff and the other folks on the CRC need to be given a strong message that their bundling of disparate issues into a single amendment is totally unacceptable. The 2018 CRC was a waste of their time and a waste of our money. Combining offshore drilling with vaping in an enclosed space into one amendment is the height of foolishness.
 - In this summary you'll hear some main points about each amendment; by Wednesday you'll see our recommendations and all the detail about the amendments on our site, teapartymanatee.org.

- Some of the amendments came under tea party principles and some did not. Those that did, we voted yes or no in line with the principles. On those amendments that didn't fall under tea party principles we ended up voting no.

Amendment # 1 _____

Title: Increased Homestead Property Tax Exemption

A Yes: vote on this measure: exempts home values between \$100,000 through \$125,000 from property taxes—other than school taxes—which increases the maximum homestead exemption to \$75,000.¹

A No: vote on this measure: keeps the current homestead exemption structure and retains the \$50,000 exemption rather than raising it to \$75,000.¹

Pro: Simply put, a **Yes** vote on Amendment 1 lowers taxes and puts more money back in the pockets of Floridians. The average homeowner would see \$230 in annual property tax savings. An analysis projects the cumulative tax reduction across the state at approximately \$645 million.

It should also be noted that, to benefit from the measure, your home needs to exceed \$125,000 in value and public schools are exempt from the tax cut.¹

Supporters:

FLORIDA STATE SEN. TOM LEE (R-20)
Christian Family Coalition (CFC) Florida

Opponents:

Dem Prog Caucus of FL (Leftist)
USA Today's Florida Today (Leans left)
League of Women Voters (LWV) (Leans left)
Progress Florida
Florida Education Association

TPMs Recommendation:

Vote **YES** on Amendment 1

Amendment # 2: _____

Title: Limitations on Property Tax Assessments

A Yes vote on this measure: makes permanent the 10 percent cap on the property tax assessment; excepts school district taxes.

A No: Allows the cap of 10 percent on annual non-homestead parcel assessment increases to expire on January 1, 2019.

Pro: Dominic Calabro (president and CEO) and Pat Neal (Chairman) of Florida TaxWatch made the following argument: “Floridians must vote ‘yes’ on Amendment 2. Renters, business owners and consumer will be in for a major property tax increase if it fails to pass.

If the amendment fails to pass, all non-homestead property would be assessed at its full value beginning in January 2019, and the combined potential tax increase could reach nearly \$700 million per year. Going forward, there would be no limit as to how high property tax assessments could go.

Con: The League of Women Voters of Florida stated, “The League has a position that no tax sources or revenue should be specified, limited, exempted or prohibited in the Constitution. <https://www.lwvfl.org/amendments/>

Supporters:

The Florida Association of Realtors
Florida TaxWatch
Florida Chamber of Commerce
USA Today’s Florida Today (Leans left)
Christian Family Coalition (CFC) Florida

Opponents:

The League of Women Voters of Florida
Dem Prog Caucus of FL (Leftist)

TPM’s Recommendation:

Vote **YES** on Amendment 2

Amendment # 3_____

Title: Voter Control of Gambling in Florida

A “**Yes**” vote on this measure: gives Floridians the exclusive right to authorize casino gambling within the state.¹

A “**No**” vote on this measure: keeps the right to authorize casino gambling with the legislature.¹

Analysis: Here’s the problem: we have these multi-billion dollar companies who have been unable to get the legislature to expand their casinos. They have no organized political opposition, so they should easily get 60 percent of the voters to support any casino they want. The problem with expanding gambling is the addictions that need to be treated, the **infrastructure** needed, basically there’s a ton of side effects and we taxpayers are left to foot the bill. Currently the legislature seems to be doing a good job. We say if it ain’t broke, don’t fix it.

Supporters Include:

Dem Prog Caucus of FL (Leftist)

Voters in Charge

Disney Worldwide Services, Inc. and Seminole Tribe of Florida

League of Women Voters of Florida

Florida Chamber of Commerce

Florida Association of Realtors

Christian Family Coalition (CFC) Florida

Opponents Include:

USA Today’s Florida Today (Leans left)

TPM’s Recommendation:

Vote **NO** on Amendment 3

Amendment # 4_____

Title: Voting Restoration Amendment

A Yes: 1.7 million Florida felons who have served their sentences would be given blanket amnesty to vote. The supporters of Amendment 4 have only one objective. Namely, get 1.7 million felons registered and voting for their Progressive Agenda. The supporters of Amendment 4 have been silent about the other civil rights that a felon permanently loses.

A No: Continue the present clemency process through the Florida Commission on Offender Review to restore civil rights of a felon. Those Civil Rights include: Right to Vote; Right to be on a jury; Right to hold a public office; and Right to own or carry a gun.

Pro: Floridians for a Fair Democracy, the committee sponsoring the initiative, stated, “Americans believe in second chances. We need to make sure that Florida Law does too.

Con: The opponents of Amendment 4 also believe in second chances. We want felons to change their lives and become productive citizens. Granting blanket voting amnesty to felons is akin to rewarding someone for bad behavior.

There is a current process for felons in Florida to regain their civil rights. The process is available to all felons and the data shows that the felons who do go through the current Clemency Process become law abiding citizens.

By comparison, under the prior Charlie Crist administration very few conditions were required for felons to regain their Civil Rights. Not surprisingly, within 5 years 30% of those felons who had regained their civil rights were back in prison.

The current process to restore a felons civil rights was implemented by Gov. Rick Scott and it is working. Less than 1% of those felons who regained their civil rights under the Scott administration are back in prison. Blanket voting amnesty for felons is not needed.

Summary Comments:

Gov. Charlie Crist tried blanket clemencies: 30% of those felons committed a felony and went back to prison. Scott quickly recognized the problem of recidivism and took immediate steps to correct Charlie Crist’s sloppiness. With only 1% recidivism, Scott’s approach is clearly superior.

Of course, those on the Left are angry because they need those 1.7 million felons to take control of Florida. The defeat of Amendment 4 is probably the most important item on the November ballot. If it succeeds we can say bye-bye to Florida conservatism and California leftist politics will be here to stay. Don’t think that’s not possible. Remember that Reagan was once governor of California.

TPM’s Recommendation:

Vote **NO** on Amendment 4.

Amendment # 5 _____

Title: Supermajority Vote Required to Impose, Authorize, or Raise State Taxes or Fees

A Yes: Amendment 5 would require a two-thirds vote of each chamber of the Florida State Legislature to enact new taxes or fees or increase existing ones.

A No: Retains the existing laws

Pro: House Speaker Richard Corcoran (R-37) said, "We should always make it much more difficult to raise taxes than it is to cut them.

Con: The League of Women Voters of Florida argued, "This amendment does not include a provision that would allow for tax increases in times of emergencies (hurricane, floods, recession, etc.) and is an abrogation of the Legislature's fiduciary responsibility to pass a reasonable budget.

Tallahassee Mayor Andrew Gillum (D) said, "It's very clear that they're getting ready for when they're out of power, and trying to stack the deck now as much as possible. Everything we have proposed hinges on our ability to defeat this."²

Supporters:

- Gov. Rick Scott
- House Speaker Richard Corcoran
- Florida TaxWatch
- Florida Chamber of Commerce
- Christian Family Coalition Florida CFC

Opponents:

- Democrat Gov. Candidate Andrew Gillum
- League of Women Voters of Florida
- Dem Progress Caucus of Florida
- USA Today's* Florida Today (Leans left)
- Florida Policy Institute
- Progress Florida
- Florida Education Association
- Americans for Tax Fairness

TPM's Recommendation:

Vote **YES** on Amendment 5

Amendment # 6 _____

Title: Rights of Crime Victims; Judges

A Yes vote does three things:

- Adds specific rights of crime victims, to the Florida Constitution;
- Raises the retirement age for judges from 70 to 75 years of age; and
- Requires that state courts independently interpret statutes rather than deferring to administrative agencies.¹

A No vote: Retains the status quo

Pro: the James Madison Institute says, “The Florida Supreme Court often defers to agency interpretations, and a Yes vote would curtail this trend. This amendment would ensure that authority over legal questions rests with appointed judges rather than administrative agencies. And Amendment 6 raises the retirement age for judges from 70 to 75.

Con: Florida’s Constitution already offers a subsection that details victim’s rights

The issues present in Amendment 6 could be handled through the legislative process. Opponents argue that the approval of Marsy’s Law would overwhelm and overburden the courts with a litany of “unfunded mandates.”

Critics contend this amendment would have a wide range of unintended consequences. For example, the legislation does not define some relevant terms.

Supporters:

Walton County Sheriff Michael A. Adkinson Jr
Florida Smart Justice
Christian Family Coalition (CFC) Florida

Opponents:

Save My Constitution
League of Women Voters of Florida
ACLU of Florida
Dem Prog Caucus of FL (Leftist)

TPM’s Recommendation:

Vote **NO** on Amendment 6.

Amendment # 7 _____

**Title: First Responder and Military Member Survivor Benefits;
Public Colleges and Universities**

A **Yes** vote would:

- Require employers to provide death benefits, as the state legislature defines, to the surviving spouses of first responders while engaged in official duties.
- Require the state to provide death benefits, as the state legislature defines, to the surviving spouses of active-duty U.S. Armed Forces members who are accidentally killed or unlawfully and intentionally killed.
- Require a nine-member vote of the board of trustees and 12-member vote of a board of governors to increase a college fee.

A **No** vote keeps the status quo.

Pro from The James Madison Institute: The measure serves to increase financial transparency in educational institutions across the state. Universities often cloak hikes in tuition prices through nebulous fees.

Finally, the measure would require the state to provide funds to the families of first responders and military members who die in the line of duty.

Con from The James Madison Institute: the language does not define what specific death benefits would be paid.

Analysis: One of the biggest problems in our republic is public employees and their benefits. Most local governments, city, county or state, are under water with these benefits; and making these benefits part of our state constitution will only make it harder for our state to survive financially.

Supporters:

Association of Florida Colleges
Christian Family Coalition (CFC) Florida

Opponents:

Dem Prog Caucus of FL (Leftist)
USA Today's Florida Today (Leans left)
League of Women Voters (LWV) (Leans left)
Florida Education Association
Save My Constitution (They oppose all 2018 amendments placed on the ballot by the CRC)

TPMs Vetter's Summary Comments:

As Amendment 7 is a package of three constitutional amendments, voters cannot approve or reject some of the amendments. It's all or none. The only thing to do is vote NO.

TPM's Recommendation:
Vote **NO** on Amendment 7

Amendment #9 _____

Title: Ban Offshore Oil and Gas Drilling and Ban Vaping in Enclosed Indoor Workplaces

A **Yes** vote:

- Bans offshore drilling for oil and natural gas on lands beneath all state waters and
- Bans the use of vapor-generating electronic devices, such as electronic cigarettes, in enclosed indoor workplaces.

A **No** vote keeps the status quo.

Pro: The League of Women Voters of Florida argued, "Our concern for the environment overrides our concern about putting vaping in the Constitution. We also believe that if this amendment doesn't pass, it sends a signal to the federal government that Florida does not care about off-shore drilling."

This measure attempts to conserve the abundant natural resources found here in Florida. However, environmental preservation is not the only aim of the initiative. Florida heavily relies on tourism, and our coastal waters function as a catalyst to the state economy. This initiative seeks to balance economic and environmental endeavors.¹

Con: Those opposed to this measure would make the argument that this is perhaps the most egregious example of the bundling of issues on the ballot. The CRC, which authored the measure, claims that the policy of oil drilling and vaping are connected by a "clean air; clean water" theme. Regardless of one's view on the actual policy decisions contained in this amendment, opponents rightly point to the fact that these are issues best handled legislatively as opposed to a constitutional measure.¹

Supporters

- League of Women Voters of Florida

- *USA Today's* Florida Today (Leans left)
- Dem Prog Caucus of FL (Leftist)
- Christian Family Coalition (CFC) Florida

The Vote Yes on 9 campaign website listed many endorsements for Amendment 9:

Opponents

- Florida Petroleum Council
- Associated Industries of Florida
- Consumer Advocates for Smoke-Free Alternatives Association
- Florida Chamber of Commerce
- **Save My Constitution** opposes this measure, as well as every other measure placed on the November 2018 ballot by the Florida Constitution Revision Commission.

SUMMARY COMMENTS: This is a bundled amendment, which means if you like one portion and not the other you cannot split the vote between the two.

As far as the criteria we have established; this amendment does not represent a constitutionally limited government and instead inserts government into free enterprise where there is no current legal prohibition. It is not fiscally responsible because it will add a costly layer to the current bureaucracy, and represents no free market solution in its stead.

TPM's Recommendation:

Vote **NO** on Amendment 9

Amendment # 10 _____

Title: State and Local Government Structure and Operation

A Yes: A Yes vote on this measure: (1) **requires** that the legislature provide for a Department of Veteran Affairs; (2) creates an Office of Domestic Security and Counter-Terrorism; (3) holds that the legislature meet on the second Tuesday of January in even-numbered years; and (4) prevents counties from abolishing certain offices—and requires elections for those offices.¹

A No: A No vote on this measure: (1) simply **allows** the legislature to provide for a Department of Veteran Affairs; (2) does not create an Office of Domestic Security and Counter-Terrorism; (3) keeps the current meeting dates of the legislature; and (4) refrains from adding language that prevents the abolition of certain offices.¹

Analysis: One of the reasons people charter their county is so they can have some freedom from the state’s control. This amendment takes that freedom away.

Pro: The legislature customarily meets from January to March in even-numbered years, so the amendment codifies the custom. The CRC bundled this legislative procedural effort with a desire to ensure proper care for our veterans. Currently, the Florida Constitution simply allows for a Department of Veteran Affairs. Amendment 10 would require it to meet the needs of veterans in the state – a growing constituency. A small number of counties refuse to “ensure statewide consistency.” For example, Miami-Dade County is the only county in the state that appoints a police director rather than elect a sheriff. Amendment 10 would force consistency across the state.¹

Con: Those opposed claim Amendment 10 overrides local governments who would otherwise determine their own constitutional offices. This mandate would require that counties hold certain offices and elections for those offices – those not already doing so would incur additional costs.¹

Supporters:

Jeanette Nuñez – lieutenant governor
Belinda Keiser – Tea Party Conservative

Opponents:

League of Women voters
USA Today’s Florida Today (Leans left)
Dem Prog Caucus of FL (Leftist)

TPM’s Recommendation:

Vote **NO** on Amendment 10

Amendment # 11 _____

Title: Property Rights; Removal of Obsolete Provision; Criminal Statutes

What Your Vote Means: A **Yes** vote on this measure:

- Repeals the Alien Land Law portion of the Constitution (Never invoked since 1926) a provision that prohibits foreign-born people who are not eligible for citizenship from owning, disposing, or inheriting real property
- Removes obsolete wording on an issue, high-speed rail, that was repealed in 2004.

- If an amendment makes something not a crime, then those convicted when it was a crime can be released.

A **No** vote on this measure: Leaves the constitution as is.

Pro: The Ballotpedia site includes supporters of this bill who say it's racist because of the word *alien*; they say marijuana criminals should be released from prison; and they say it will save us money:

Con: The James Madison Institute says about 11: In 2000, voters approved the addition of high-speed rail to the Florida Constitution. Four years later, voters repealed the amendment, which has left the language in limbo ever since. For opponents, the issue in Amendment 11 arises due to bundling. The irrelevant language sits bundled with an unrelated issue: the Savings Clause. Those opposing the repeal of the Savings Clause would argue that there is a need for consistency in criminal sentencing and in the legal system—despite any shortcomings. Once a verdict applies to a criminal, it should not be subject to changes in the law over time. Opponents would contend that the policy change could potentially have a number of unintended consequences, should any subsequent legislative changes not address retroactivity (even though 47 of the 50 states do not have a version of the Savings Clause). The repeal of the Savings Clause could add further confusion to the obstacles standing in the way of criminal justice reform. Opponents assert that Florida incarcerates its citizens at a higher rate than its contemporaries because of the proper enforcement of the law.¹

Supporters: ACLU

Florida Policy Institute (liberal propaganda 501 c 3)
USA Today's Florida Today (Leans left)

Opponents:

Dem Prog Caucus of FL (Leftist)

Save My Constitution opposes this measure, as well as every other measure by the [Florida Constitution Revision Commission](#).

TPMs Vetter's Summary Comments:

Combining three different subjects is confusing. I don't believe laws should apply retroactively; this amendment would do that. Moreover, the ACLU provides no numbers on how many people are incarcerated for marijuana. That data point would put their argument into perspective. I am always suspicious when facts are left out of an argument.

TPM Vetter's Recommendation:

Vote **NO** on Amendment 11

Amendment # 12: _____

Title: Lobbying and Abuse of Office by Public Officers

A Yes vote: prohibits public officials from lobbying for compensation during the official's term in office and for six years after the official leaves office and prohibits public officials from using the office to obtain a disproportionate benefit.²

A No vote: does not create any additional lobbying restrictions for public officers.¹

Pro: Amendment 12 is a straightforward declaration to raise the standard of conduct in public office. And, as Governor Askew said, it won't ever happen unless the people, themselves, write ethics into our state constitution.

Former Senate President Don Gaetz said, "County commissioners are being paid by private companies to lobby before other local governments that have interlocking interests with the commissions on which they, themselves, serve. State legislators take money to lobby for contracts before local government bodies that depend on those same legislators for state appropriations to fund the contracts. State lawmakers sell themselves to lobby federal congressmen on behalf of private interests. It's pay for play and it ought to be against the law.

"Amendment 12 says you can be a paid lobbyist or you can be an elected official, but you can't be both at the same time — serve private interests or serve the public interest.

Con: From the James Madison Institute: Those opposed to this measure would highlight some shortcomings found in the ballot language.

Also, Don Gaetz said, "Amendment 12 is ennobled by its opponents. The professional association of lobbyists (yup, they have one and wouldn't you like to be a fly on the wall) tried to sandbag it. High-ranking Democrat and Republican officials worked against it in the shadows. Some state and local politicians asked me to water it down or exempt them from its requirements."

Supporters:

Don Gaetz said, "House Speaker Richard Corcoran has led boldly for higher ethical standards and publicly endorsed our amendment."

Opponents:

Dem Prog Caucus of FL (Leftist)
League of Women Voters (LWV) (Leans left)
USA Today's Florida Today (Leans left)

TPM's Recommendation:
Vote **YES** on Amendment 12

Amendment # 13 _____

Title: Ends Dog Racing (misleading title)

A Yes vote: would prohibit betting on live dog races, including greyhound races, held in Florida. Other gaming activities are not affected.

A No vote: maintains the status quo regarding commercial dog racing in Florida.

Pro:

- **The League of Women Voters of Florida** argued, "This is primarily a gambling issue, and the League has held a consistent position against gambling."²

Con: Excerpts from column by Marion Hammer in Sunshine State News:

- "Amendment 13 to the Florida Constitution is being characterized as an amendment to end wagering (betting) on greyhound races in Florida, but it goes much further than that."
- "If Amendment 13 is passed, **extreme animal rights organizations will have a new constitutional standard to challenge any and all activities they find objectionable.**"
- In short, many suspect their first action will be to immediately begin work to ban all hunting and **fishing**.
- Amendment 13 includes the phrase: "**The humane treatment of animals is a fundamental value of the people of the State of Florida.**" That language will not appear on the ballot BUT IT IS IN THE AMENDMENT. (emphasis added)
- Since reasonable people don't want animals treated inhumanely, at first blush many "Floridians would agree with that statement in general terms. However, **there is a vast difference between what the public believes is 'inhumane' and what animal rights extremists groups and their supporters would call 'inhumane.'**" (emphasis added)
- "**The Humane Society of the United States (HSUS), is the lead organization pushing for Amendment 13's passage.** HSUS opposes hundreds of common and traditional activities involving animals because they claim they are 'inhumane.'"

- “In fact, **“Those groups firmly believe that animals shouldn’t be owned as pets because it’s inhumane.”**

Many have compared the current measure to the infamous “Pregnant Pig” amendment from 2002. The Florida Greyhound Association filed a lawsuit against the state alleging that the ballot language misleads voters. The ballot would make betting on dog racing illegal, but these tracks could still theoretically race dogs.¹

Supporters:

USA Today’s Florida Today (Leans left)
Dem Prog Caucus of FL (Leftist)
League of Women Voters of Florida
Plus see a long list of supporters on Ballotpedia

Opponents:

Save My Constitution
The Florida Chamber of Commerce
The Florida Greyhound Association
Greyhound Adopters for Racing
Plus see a long list of opponents on Ballotpedia

TPM Vetter’s Summary Comments: If you like Para-mutual betting you are not going to vote for this amendment. If you have a pet you will want to vote no; if you like to fish or just eat fish, then vote no. There are adequate laws on the books to protect animals and greyhounds specifically.

TPM’s Recommendation:

Vote **NO** on Amendment 13

Manatee County School Board Referendum

Changing school board elections to single member representation

Shall the election of Manatee School Board members be changed to single member representation beginning in 2020, in accordance with and described in Resolution 2017-03?

VOTE NO ON SINGLE MEMBER REPRESENTATION