

2024 FLORIDA AMENDMENT GUIDE





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OUTLINE OF FLORIDA'S CONSTITUTIONAL AMENDMENTS (2024)

Florida's constitutional history is unique. In less than two centuries, Florida has had six different constitutions. Our current constitution, ratified in 1968, has been amended 144 times—most recently in 2020.

Florida also boasts the greatest number of ways to amend its constitution of any other state. There are five ways to get a proposed amendment on the statewide ballot: (1) joint resolution by the Florida Legislature; (2) Florida Constitution Revision Commission; (3) Citizens' Initiative; (4) Constitutional Convention; and (5) Florida Taxation and Budget Reform Commission.

Fortunately, proposed amendments are required to be clear and straightforward. For the 2024 election cycle, there are six amendments on the ballot for consideration, all of which are joint resolutions from the Florida Legislature or citizen-initiated. Per constitutional requirements, each of the proposed amendments concern only a single subject.

It is our pleasure to provide this 2024 Amendment Guide. We hope it is of value to Florida voters as they evaluate each of the six constitutional amendments that will be presented to them on their ballot. Each amendment is unique and should be considered seriously. Repealing any amendment that has passed would require a new ballot initiative garnering 60 percent of the vote in a subsequent election. As always, the mission of The James Madison Institute is to inform citizens so that, together, we may chart the course of making Florida an even more prosperous state. It is in that context that we offer this analysis.

INTRODUCTION

On election day, November 5, 2024, more than 10 million Floridians will cast their votes. In addition to electing a U.S. President, 29 members of Congress, 120 members of the State House and 20 of the 40-member Florida Senate, the ballot tasks Floridians with voting on six proposed constitutional amendments.

Constitutional initiatives play a pivotal role in the governance of the State, and thus warrant careful consideration. For this election, the six proposed constitutional amendments on the November ballot originate from two sources: the Florida Legislature and citizen initiatives. Regardless of how a measure makes it to the ballot, all amendments require a 60 percent voting majority to pass.

Additionally, each method for proposing constitutional amendments establishes different hurdles before an amendment can reach the ballot. For a legislatively-referred proposed amendment, 60 percent of both the Florida House of Representatives and the Florida Senate must agree to put the proposed amendment on the ballot. This is called a joint resolution. As voters and engaged citizens of Florida, it is our civic duty to responsibly educate ourselves on important changes to the Florida Constitution. On the pages that follow, readers will find an analysis of each ballot initiative.

TYPE	TITLE	SUBJECT	DESCRIPTION
Florida State Legislature	Amendment 1	Education/ Elections	Makes school board elections partisan from the 2026 election cycle onward
Florida State Legislature	Amendment 2	Hunting and Fishing	Enshrines a right to hunt and fish in the state constitution
Citizen-Initiated	Amendment 3	Drug Legalization	Legalizes recreational marijuana for Floridians and out-of-state visitors 21 and older
Citizen-Initiated	Amendment 4	Abortion	Legalizes abortion before fetal viability or when deemed necessary for health of the mother
Florida State Legislature	Amendment 5	Taxation	Adds an inflation adjustment to the homestead tax exemption
Florida State Legislature	Amendment 6	Campaign Finance	Repeals public election financing

AMENDMENT 1


Establishing School Board Elections as Partisan


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

How the Amendment Reached the Ballot:

Florida State Legislature

What Your Vote Means

 A **YES** vote on this amendment: The state constitution currently requires that school board elections remain nonpartisan. Candidates for school board seats cannot run under a party affiliation (Republican, Democrat, Libertarian, etc.) and instead must run with no party affiliation (NPA). A yes vote would overturn this requirement and allow parties to nominate their own candidates for these elections and permit candidates to have their political affiliation listed on the ballot.

 A **NO** vote on this amendment: A no vote would keep in place the Florida constitutional requirement that school board election candidates must remain nonpartisan and cannot run under a political party.

Pros: Supporters of this amendment argue that voters are entitled to as much information about their candidates as possible and that the measure would increase transparency for voters. Having more explicitly political candidates could allow voters to learn more about the priorities of each potential school board member, as well as what candidates are likely to do while in office.

Cons: Opponents argue that school boards (local government bodies that oversee public school funding and management) should remain as apolitical as possible.

Constitutional Merit: This measure is not a reform that can be addressed by the State Legislature and thus requires a constitutional ballot initiative in order to be implemented.

In Sum: This amendment to the Florida Constitution would require that district school board candidates run under a specific party affiliation.

AMENDMENT 2


Establishing a State Constitutional Right to Hunt and Fish


Ballot Language: “Proposing an amendment to the State Constitution to preserve forever fishing and hunting, including by the use of traditional methods, as a public right and preferred means of responsibly managing and controlling fish and wildlife. Specifies that the amendment does not limit the authority granted to the Fish and Wildlife Conservation Commission under Section 9 of Article IV of the State Constitution.”

How the Amendment Reached the Ballot:

Florida State Legislature

What Your Vote Means

 A **YES** vote on this amendment: A yes vote would enshrine the right to hunt and fish in the Florida State Constitution. If approved, Florida would join around two dozen states that already have that right in place. A state constitutional right to hunt or fish would make it harder for legislators to create laws that would ban or restrict various forms of hunting or fishing. Though such laws have not yet been considered in Florida, other states have bans or restrictions on such activities. Further, an affirmative vote would support hunting and fishing as the primary way to manage wildlife, where citizen’s hunting and fishing keeps animal populations at desirable levels.

 A **NO** vote on this amendment: A no vote means that the state legislature can more easily place restrictions on Floridians’ hunting and fishing activities. Such restrictions would likely be part of an effort to conserve various wildlife species or areas.

Pros: A right to hunt or fish would make it substantially more difficult for attempts by the state to ban or restrict the hunting or fishing of species of animals. It would protect individuals’ rights to gaming and sporting how they wish (in line with the Florida Fish and Wildlife Conservation Commission’s authority) and enshrine these activities, which play an important role in the traditions and economics of the state.

Cons: While this amendment would not infringe on the Florida Fish and Wildlife Conservation Commission’s authority, conservationists worry this amendment will hurt the state’s wildlife. In rejecting this amendment, it would remain easier for the state government to make regulations restricting hunting and fishing of various species that may be threatened by excessive fishing and hunting, either commercial or recreational.

Constitutional Merit: This measure is not a reform that can be addressed by the State Legislature and thus requires a constitutional ballot initiative in order to be implemented.

In Sum: A constitutionally-protected right to hunt or fish would make it substantially more difficult for attempts by the state to ban or restrict the hunting or fishing of species of animals.

AMENDMENT 3


Recreational Marijuana Legalization


Ballot Language: “Allows adults 21 years or older to possess, purchase, or use marijuana products and marijuana accessories for non-medical personal consumption by smoking, ingestion, or otherwise; allows Medical Marijuana Treatment Centers, and other state licensed entities, to acquire, cultivate, process, manufacture, sell, and distribute such products and accessories.”

How the Amendment Reached the Ballot:

Citizen-Initiated

What Your Vote Means

 A **YES** vote on this amendment: A yes vote would legalize marijuana consumption in the state of Florida for non-medical purposes, including recreation. This legalization enables personal consumption and private cultivation of marijuana for sale, requiring a state license to do so. It allows those 21 and older to purchase and consume cannabis without a doctor’s recommendation. The proposal would also remove criminal or civil penalties for adults over 21 who possess and use up to three ounces of cannabis for personal use and allow marijuana dispensaries and other state licensed entities to “acquire, cultivate, process, manufacture, sell, and distribute” cannabis products and accessories.

 A **NO** vote on this amendment: A no vote retains the current marijuana law for the state, which allows for its consumption and sale for medical purposes only.

Pros: Legalizing marijuana recreationally gives citizens a new right enshrined in the state constitution. Further, marijuana businesses and increased sales from a new recreational market would significantly add to tax revenues. Such revenues could be used to fund a variety of other initiatives that benefit Floridians.

Cons: Opponents contend that recreational marijuana will reduce overall productivity in the classroom and workplace and that it will put Florida law at odds with federal law (where recreational marijuana is illegal). Legalizing marijuana could lead to greater drug abuse in Florida, exacerbating the public costs of drug-related problems (such as automobile accidents, criminal activity, and fatalities).

Constitutional Merit: This measure can be enacted in statute by the Florida Legislature. It does not require a constitutional amendment to address.

In Sum: The Florida Constitution currently allows marijuana consumption and sale for medical purposes only, typically as a treatment for chronic illnesses. While recreational legalization could create substantial tax benefits, the cost should be weighed against the possible public health problems (and costs) such a measure may exacerbate. If the amendment passes, it will go into effect six months after the election.

AMENDMENT 4


Right to Abortion


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

How the Amendment Reached the Ballot:

Citizen-Initiated

What Your Vote Means:

 A **YES** vote on this amendment: A yes vote would legalize abortion in the state of Florida before the period of fetal viability or when a healthcare provider deems it necessary for the safety of a mother. Fetal viability, or when a baby is estimated to be able to survive outside of the mother’s uterus, is generally assumed among health professionals to be around 24 weeks into pregnancy. However, because the ballot language does not clearly define when fetal viability is, it is open for interpretation and legal ambiguity.

 A **NO** vote on this amendment: A no vote would keep in place the state’s current abortion law, which sets abortion as legal only within the first six weeks of a pregnancy.

Pros: Supporters argue that such a ballot measure is crucial to guarantee Floridians’ right to an abortion, as state amendments are far more difficult to overturn than a legislature’s decision on the matter. Limited abortion access is currently offered to Floridians, but many supporters of this amendment see its passage as a way to expand and protect that right.

Cons: Opponents of the measure argue that it is not necessary to enshrine any right to abortion into the state constitution since the state legislature already has the ability to vote and regulate the procedure, without the necessity of a constitutional amendment. Additionally, the point of fetal viability varies by patient, likely setting the groundwork for future controversy. Further, this amendment would also allow abortions to protect a pregnant patient’s health, as determined by a health care provider, without any restriction on when that determination could occur.

Constitutional Merit: This measure can be enacted in statute by the Florida Legislature. It does not require a constitutional amendment to change current law.

In Sum: If the measure passes, it would overturn Florida’s six-week abortion ban and replace it with legalized abortions up until fetal viability or to protect a patient’s health, neither of which are defined in the ballot language.

AMENDMENT 5


Homestead Exemption Inflation Adjustment


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

How the Amendment Reached the Ballot:

Florida State Legislature

What Your Vote Means:

 A **YES** vote on this amendment: A yes vote supports adding an inflation adjustment to the current homestead tax exemption. There are two \$25,000 exemptions available to property owners, who can reduce \$50,000 off the taxable value of their home. This measure would create an inflation adjustment for the second of those two \$25,000 homestead exemptions which does not affect taxes that pay for schools. Under the measure, assessments would be indexed to the percent change in the Consumer Price Index. For example, if the rate of inflation is 8 percent, it would increase the value of the exemption from \$25,000 to \$27,000.

 A **NO** vote on this amendment: A no vote supports keeping the current homestead tax exemption regardless of inflation. This means that taxes will automatically rise as property values rise with inflation, without local officials having to cast a vote to increase taxes.

Pros: While property values continue to increase and homeowners pay more in property taxes, supporters argue that this measure will give homeowners relief on their taxes by adjusting for inflation.

Cons: Opponents of this measure highlight its negative impact on tax revenues for local governments. By adding an inflation adjustment to the homestead exemption, automatic tax increases will no longer occur. As a result, local governments will face decreased tax revenues, unless local officials vote to raise taxes.

Constitutional Merit: This measure is not a reform that can be addressed by the State Legislature and thus requires a constitutional ballot initiative in order to be implemented.

In Sum: The current homestead tax exemption structure for primary residences is not adjusted for inflation. An inflation adjustment would eliminate automatic tax increases going towards local governments and would require local officials to vote to increase taxes going forward.

AMENDMENT 6:


Repeal of Public Campaign Financing


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

How the Amendment Reached the Ballot:

Florida State Legislature

What Your Vote Means:

 A **YES** vote on this amendment: A yes vote would repeal the provision of the Florida Constitution that provides public funds to candidates for statewide offices (Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture). Such funds are currently given to candidates that meet a few requirements, including limiting how much they will spend on their campaign and allowing an audit of campaign funds after the election.

 A **NO** vote on this amendment: A no vote would keep in place public financing for statewide candidates.

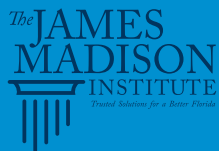
Pros: Supporters of this measure argue that those running for statewide office should not be entitled to taxpayer money for election purposes, and that getting rid of public campaign financing will lower taxes for Floridians and allocate general revenue funds to other important issues within the state.

Cons: Opponents contend that by giving money to candidates that may not already have money or the capacity to raise sufficient funds, the measure can effectively level the playing field for aspiring officeholders that lack political and financial connections.

Constitutional Merit: This measure is not a reform that can be addressed by the State Legislature and thus requires a constitutional ballot initiative in order to be implemented.

In Sum: Voters will get to decide whether public campaign funds should

be available for those running for statewide office or if candidates should no longer be able to spend taxpayer dollars in campaigning.



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