

# A QUICK GUIDE TO FLORIDA'S 2024 CONSTITUTIONAL AMENDMENTS

On election day, November 5, 2024, more than 10 million Floridians will cast their votes. 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. 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.

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: A yes vote would 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.

**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 would amend the Florida Constitution and would require candidates to 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. 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.

👎 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 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:** 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:** While this initiative may more formally enshrine for Floridians the right to hunt and fish, the exercise of that right and the language specifying that hunting and fishing would be the “preferred means” for wildlife management make this vote a question of conservation methods versus individual rights.

## 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.

**🗳️ 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:** 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:** Recreational marijuana will reduce overall productivity in the classroom and workplace and that it will put Florida law at odds with federal law. Legalizing marijuana could lead to greater drug abuse in Florida, exacerbating the public costs of drug-related problems

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

**In Sum:** 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.

## 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. 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.

**Pro:** Supporters argue that such a ballot measure is crucial to guarantee Floridians' right to an abortion. 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.

**Con:** 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. 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.

**Pro:** 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.

**Con:** Opponents of this measure highlight its negative impact on tax revenues for local governments.

**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).

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

**Pro:** 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 on other important issues within the state.

**Con:** 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.

