

MEMORANDUM

Agenda Item No. 11(A)(13)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to pass legislation during the 2013 session limiting the number of constitutional amendments the Florida Legislature proposes by joint resolution to no more than five questions for presidential election ballots and further limiting the length of such proposed constitutional amendments to no more than 75 words for Presidential election ballots

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

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FROM: 
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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No-committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(13)

1-23-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION DURING THE 2013 SESSION LIMITING THE NUMBER OF CONSTITUTIONAL AMENDMENTS THE FLORIDA LEGISLATURE PROPOSES BY JOINT RESOLUTION TO NO MORE THAN FIVE QUESTIONS FOR PRESIDENTIAL ELECTION BALLOTS AND FURTHER LIMITING THE LENGTH OF SUCH PROPOSED CONSTITUTIONAL AMENDMENTS TO NO MORE THAN 75 WORDS FOR PRESIDENTIAL ELECTION BALLOTS

WHEREAS, during the 2011 session, the Florida Legislature passed seven (7) joint resolutions proposing constitutional amendments for placement on the November 2012 general election ballot; and

WHEREAS, the following year during the 2012 session, the Florida Legislature passed an additional four (4) joint resolutions proposing constitutional amendments for placement on the November 2012 general election ballot, resulting in a total of eleven (11) proposed constitutional amendments on the November 2012 general election ballot; and

WHEREAS, section 101.161, Florida Statutes, provides that the ballot summary of constitutional amendments shall not exceed 75 words in length; and

WHEREAS, this statutory limitation to 75 words, however, does not apply to constitutional amendments that the Florida Legislature proposes by joint resolution, as section 101.161 expressly exempts the Legislature from this requirement; and

WHEREAS, of the eleven (11) amendments on the November 2012 ballot, only three (3) had a ballot summary that met the 75 word limit; and

WHEREAS, six (6) of the eleven (11) amendments had more than 100 words, including one that had 664 words and one that had 585 words:

- Amendment 1, Health Care Services, 295 words;
- Amendment 2, Veterans disabled due to combat injury; homestead property tax discount; 68 words;
- Amendment 3, State government revenue limitation; 177 words;
- Amendment 4, Property tax limitations; property value decline; reduction for non-homestead assessment increases; 664 words
- Amendment 5, State courts; 585 words;
- Amendment 6, Prohibition of public funding of abortions; construction of abortion rights; 135 words;
- Amendment 7, removed from ballot
- Amendment 8, Religious freedom; 72 words;
- Amendment 9, Homestead property tax exemption for surviving spouse of military veteran or first responder; 107 words;
- Amendment 10, Tangible personal property tax exemption; 121 words;
- Amendment 11, Additional homestead exemption, low-income seniors who maintain long-term residency on property; 88 words; and
- Amendment 12, Appointment of student body president to Board of Governors of the State University System; 59 words; and

WHEREAS, due in part to the number and length of proposed constitutional amendments, the size of the November 2012 ballot in Miami-Dade County was unprecedented, with most voters receiving a five-page double-sided ballot (ten (10) pages in total), and voters in certain municipalities receiving a six-page double-sided ballot (12 pages in total); and

WHEREAS, having eleven (11) separate proposed constitutional amendments on the November 2012 ballot, combined with the length and complexity of the ballot summaries for these proposed constitutional amendments was a significant contributing factor to long lines and voter frustration during early voting and on election day; and

WHEREAS, it is perhaps telling that voters passed none of the six (6) proposed constitutional amendments with the longest ballot summaries, while voters approved three (3) of the five (5) amendments with the shortest ballot summaries; and

WHEREAS, the Florida Legislature should play by the same rules it imposes on others when it comes to proposed constitutional amendments; and

WHEREAS, the Florida Legislature should remove the exemption from state law that allows the Legislature itself to propose constitutional amendments with ballot summaries that exceed 75 words and have no word limit; and

WHEREAS, the Florida Legislature also should limit the number of constitutional amendments that it places on the ballot in a presidential election year to no more than five (5) in order to limit the length of the ballot, make the ballot more manageable for voters and reduce voter lines and frustration,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation during the 2013 session limiting the number of constitutional amendments the Florida Legislature proposes by joint resolution to no more than five questions for presidential election ballots and the length of such proposed constitutional amendments to no more than 75 words for presidential election ballots.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker and the Chair and Members of the Miami-Dade State Legislative Delegation.

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Section 3. Directs the County's state lobbyists to advocate for legislation as set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------|-------------------------|
| | Rebeca Sosa, Chairwoman |
| | Lynda Bell, Vice Chair |
| Bruno A. Barreiro | Esteban L. Bovo, Jr. |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

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