



# LEAGUE OF WOMEN VOTERS® OF FLORIDA

## Voter Guide/Amendments

**Amendment 4** (Aug. 30 ballot)

### **Tax Exemption On Renewable Energy Devices**

**Synopsis:** Amendment 4 expands tax breaks on renewable energy devices to include businesses. Current state law restricts property-tax breaks on solar power and other renewable energy devices to residential property. The amendment would authorize (but not require) the state Legislature to pass laws exempting businesses from two different taxes when those businesses purchase renewable energy devices. One exemption would prohibit local governments from considering renewable energy devices when determining the value of real estate used for business purposes. The other would exempt renewable energy devices from the state's tax on a business' "[tangible personal property](#)," which includes such items as computers and furniture. The amendment would take effect on Jan. 1, 2018, and would sunset on Dec. 31, 2037. This amendment, which will appear on the Aug. 30 primary ballot, should not be confused with a solar-power amendment that will appear on the general election ballot Nov. 8. The two are very different. Read the full text of the Aug. 30 amendment question [here](#) and a legislative analysis of it [here](#).

#### **A YES vote on Amendment 4 would:**

- Change the [state Constitution](#) by allowing the Legislature to exempt renewable energy devices from a tax imposed on business-owned personal property.
- Prohibit local [property appraisers](#) from including renewable energy devices when determining the value of business-owned real estate, which means property tax bills would not increase because a business purchased those devices.
- Potentially encourage businesses to invest in renewable energy devices, such as solar-power cells and wind turbines that generate electricity.

#### **A NO vote on Amendment 4 would:**

- Maintain the status quo, which currently subjects businesses that buy renewable energy devices to the state's tax on personal property.
- Continue allowing local property appraisers to include renewable energy devices when deciding how much real estate is worth, which means the value of those devices shows up on a business' tax bill.
- Have no effect on the current law that grants a tax exemption on renewable energy devices used on residential property.

**Supporters:** The Nature Conservancy; Florida Retail Federation; Florida Restaurant and Lodging Association; Southern Alliance for Clean Energy; League of Women Voters of Florida.

**Opponents:** There does not appear to be any organized or opposition.

## **Amendment 1 (Nov. 8 ballot)**

### **Solar Energy**

**Synopsis:** Amendment 1 has great potential to confuse voters in the general election for reasons other than the unrelated solar-energy question on the Aug. 30 primary ballot. Amendment 1 is the utility-backed response to a third solar initiative that failed to make the 2016 ballot but would have allowed Floridians to buy power directly from third-party solar providers. The full ballot title for Amendment 1 is "[Rights of Electricity Consumers Regarding Solar Energy Choice](#)." It essentially would enshrine in the [state Constitution](#) existing laws on solar energy, which [opponents](#) say would favor existing utility companies like Duke Energy and Florida Power & Light by helping ensure their monopoly on the sale of power to Floridians. [Supporters](#) counter that the amendment is needed to ensure state and local governments can pass regulations that protect solar-power consumers as well as utility customers. A central issue is Florida's current ban on leasing arrangements that, in other states, allow companies to install solar panels on homes or businesses and then sell the power directly to the consumer, bypassing utilities altogether. Florida is [one of only a handful of states](#) that prohibits consumers from buying power directly from third-party solar providers. A divided Florida Supreme Court approved the ballot's wording in a 4-3 vote on March 31, 2016. You can read the justices' majority and dissenting opinions [here](#). If passed, Amendment 1 would take effect immediately.

#### **A YES vote on Amendment 1 would:**

- Put existing statutory language into the state constitution, making it difficult to change future solar energy policy in statute due to a possible conflict with the constitutional language adopted.
- Establish a constitutional rather than statutory right for consumers to own or lease solar-power equipment on their property to generate electricity for their own use, leaving out the ability for third-party providers to install solar equipment on their homes or businesses and then sell that power directly back to the consumers, bypassing the major utilities.
- Create an assumption that those who use solar power are being subsidized by utility customers for the cost of providing backup power and electric grid access. It then creates a constitutional mandate that state and local governments regulate solar power generators and users to protect consumers who buy power from traditional utility companies. Implied in such a mandate is that consumers who get their power from solar devices are not paying for the upkeep of transmission lines, distribution lines, power plants and other components of the state's electricity infrastructure, thereby shifting those costs to utilities.
- Not explicitly prevent Florida consumers from entering into contracts with a third-party solar provider, but possibly erecting barriers through its definitions and mandate for regulation.

#### **A NO vote on Amendment 1 would:**

- Leave in Florida statutes the right for consumers to own or lease solar-power equipment on their property to generate electricity for their own use.
- Leave open the possibility that homeowners and businesses could buy or lease solar-power equipment.
- Halt a potential constitutional barrier to new laws that would broaden the solar-power market by allowing solar companies to sell electricity directly to consumers.

**Supporters:** Duke Energy, Florida Power & Light Co.; Gulf Power Co.; Tampa Electric Co.; 60 Plus Association.

**Opponents:** Floridians for Solar Choice; EarthJustice; Florida Solar Energy Industries Association; Southern Alliance for Clean Energy; League of Women Voters of Florida.

## **Amendment 2 (Nov. 8 ballot)**

### **Medical Marijuana**

**Synopsis:** Two years after a similar amendment narrowly failed, [Amendment 2](#) is on the ballot to legalize the use of medical marijuana to relieve the symptoms of people afflicted with specific diseases and conditions. Amendment 2 differs from the [2014 amendment question](#) by providing more specifics about which “debilitating medical conditions” would qualify for marijuana use by patients, with the approval of a physician. It also permits caregivers to assist patients in administering marijuana treatments and sets up a regulatory scheme, administered by the state Department of Health, that includes issuing ID cards to patients and caregivers. It does not provide legal cover to those who use marijuana outside the regulated use for medical conditions. [Current state law](#), passed in 2014, allows the use of non-euphoric cannabis for patients with medical conditions that cause seizures and severe muscle spasms, although rulemaking and legal challenges have delayed implementation. The Legislature also [passed a law](#) this spring that allows terminally ill patients to receive prescriptions for full-strength marijuana. As of mid-April, [24 states](#) had laws permitting the use of marijuana for medical conditions. Read more from supporters [here](#) and opponents [here](#).

#### **A YES vote on Amendment 2 would:**

- Create a [constitutional](#) right for people with specific “debilitating” conditions - such as cancer, epilepsy, AIDS, Parkinson’s disease and multiple sclerosis - to use marijuana as long as a physician has certified they have one of the specified conditions.
- Require parental consent before a minor could be certified by a physician to receive medical marijuana.
- Permit caregivers to assist patients with marijuana treatments as long as that person possesses a caregiver identification card issued by the states. Caregivers must undergo a background check and are not allowed to use marijuana themselves.
- Require patients and caregivers to get a state-issued ID.
- Retain state and federal prohibitions on recreational marijuana use, as well as prohibitions on operating vehicles and boats while under the influence.
- Create “medical marijuana treatment centers” to cultivate and dispense drugs to certified patients or caregivers.
- Shield physicians from criminal or civil actions for issuing patient certifications.

#### **A NO vote on Amendment 2 would:**

- Not impact the current limited medical marijuana laws in Florida, including those passed in 2014 and 2016.
- Not allow patients with debilitating conditions, and not deemed terminally ill, access to medical marijuana as a prescribed treatment by their doctor.
- Have no effect on current laws prohibiting the recreational use of marijuana.

**Supporters:** John Morgan, Orlando lawyer; [Florida Democratic Party](#); [Service Employees International Union](#), American Civil Liberties Union of Florida, AFL-CIO, Florida NAACP, Medical Marijuana of Florida, American Federation of State, County and Municipal Employees.

**Opponents:** [Florida Chamber of Commerce](#); Drug Free Florida Committee.

## **Amendment 3 (Nov. 8 ballot)**

### **Tax Exemption for Disabled First Responders**

**Synopsis:** Florida's Constitution already grants a property-tax exemption to the spouses of first responders who die in the line of duty. Amendment 3 authorizes the Legislature to extend that exemption to first responders who are "totally and permanently disabled" from injuries they received in the line of duty. First responders are [defined under existing law](#) as police and correctional officers, firefighters, emergency medical technicians and paramedics. The Senate and House voted unanimously to place this amendment on the ballot. State officials did not estimate how much the new exemption might cost local governments from lost property tax revenue. If approved by voters, the amendment would take effect on Jan. 1, 2017, but would still need approval by the Legislature to become law. You can read the full text of the amendment [here](#) and a bill analysis [here](#).

#### **A YES vote on Amendment 3 would:**

- Authorize the Legislature to grant a property tax exemption on homestead property to first responders who are totally and permanently disabled from injuries sustained in the line of duty.
- Allow the Legislature to decide whether the exemption should provide full or partial relief from property taxes.
- Require a determination that the first responder's disability was caused by his or her service in the line of duty.
- Have an undetermined impact on local property tax revenues.

#### **A NO vote on Amendment 3 would:**

- Not extend property tax exemptions to first responders who became totally and permanently disabled in the line of duty.
- Not have an impact on local-government tax revenue.

**Supporters:** There does not appear to be any organized support or opposition.

**Opponents:** There does not appear to be any organized support or opposition.

## **Amendment 5 (Nov. 8 ballot)**

### **Homestead exemption for low-income seniors**

**Synopsis:** Amendment 5 would ensure that low-income seniors who qualify for an additional homestead exemption as longtime residents do not lose that exemption if the value of their property rises. The exemption to the state Constitution was originally approved by voters in 2012. The law [currently allows](#) cities and counties to grant a full exemption from property taxes to people with the same age and income limits if: 1) the homeowner is 65 or older, 2) annual household income didn't exceed \$28,448 in 2015 (income limits are adjusted annually for inflation), 3) the [just \(market\) value](#) of their property is less than \$250,000 and, 4) the homeowner has lived there for at least 25 years. The original intent was to ensure that long-time, low-income seniors don't lose their homes because they can't pay the tax bill. But seniors who now get the exemption would lose it if their home value tops \$250,000. Amendment 5, which passed the House and Senate unanimously, would lock in the exemption permanently once a senior qualifies, regardless of how much the property increases in value. The amendment would take effect on Jan. 1, 2017, but is retroactive to 2013, which means a senior who qualified for the exemption in 2013, but lost it, would regain the exemption. You can read the full text of the amendment [here](#) and a bill analysis [here](#).

#### **A YES vote on Amendment 5 would:**

- Ensure that low-income seniors who qualify for a city- or county-approved property tax exemption do not lose that exemption if the value of their home exceeds the \$250,000 limit.
- Be retroactive to include seniors who received the exemption starting in 2013.
- [Cost cities and counties](#) that currently grant the exemption an estimated \$2.3 million in fiscal year 2016-17; \$500,000 in 2017-18; and eventually \$1.2 million in 2020-21.

#### **A NO vote on Amendment 5 would:**

- Retain the property tax exemption for low-income seniors who are longtime residents, but not ensure they keep it if property values rise.
- Not provide retroactive tax relief to low-income seniors who had the tax exemption but lost it after their home value exceeded \$250,000.
- Not cost cities and counties additional revenue from this property-tax exemption.

**Supporters:** There does not appear to be any organized support or opposition.

**Opponents:** There does not appear to be any organized support or opposition.