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## Advisory Opinion to the Attorney General: Homestead Exemptions

THE NEXT MATTER ON THE COURT'S DOCKET IS THE ADVISORY OPINION TO THE ATTORNEY GENERAL WITH REGARD TO THE TAX EXEMPTION. GOOD MORNING.

GOOD MORNING. MAY IT PLEASE THE COURT. LOUIS HUBENER WITH THE ATTORNEY GENERALS OFFICE. THIS MATTER IS HERE ON A REQUEST FROM THE ATTORNEY GENERAL FOR AN ADVISORY OPINION.

CHIEF JUSTICE: THANK YOU VERY MUCH. GOOD MORNING.

GOOD MORNING, YOUR HONOR. MAY IT PLEASE THE COURT. ARTHUR ENGLAND ON BEHALF OF THE PROPONENTS OF THIS CONSTITUTIONAL AECTH YOUR HONOR, CHIEF JUSTICE, YOU SAID THE PEOPLE HAVE A RIGHT TO DESIGN THEIR TAX SCHEME AND THEIR CONSTITUTION. THIS IS ONE OF THOSE.

HOW MANY KINDS OF HOMESTEAD EXEMPTIONS ARE THERE, OR HOW MANY, WHAT DIFFERENT KINDS OF PROPERTY DOES HOMESTEAD EXEMPTION OPERATE ON? HELP US WITH A SORT OF DEFINITIONAL STRUCTURE, TO BEGIN WITH.

THERE IS NO PROBLEM WITH THE DEFINITION. I THINK EVERY VOTER IN THE STATE OF FLORIDA KNOWS WHAT A HOMESTEAD EXEMPTION IS. AS THE, I BELIEVE IT WAS THE COUNTIES POINTED OUT IN THEIR BRIEF, MORE THAN 4 MILLION OUT OF 6 MILLION REGISTERED HOMESTEAD PROPERTIES, ARE ALREADY IN THE STATE OF FLORIDA. PEOPLE KNOW WHAT THAT TERM MEANS. YOU HAVE APPROVED AN AMENDMENT, LIMITED HOMESTEAD VALUE ALREADY, WHICH HAD NO PROBLEM WITH DEFINITION. THERE IS NO PROBLEM WITH THE DEFINITION HERE. YOUR QUESTION MAY FOCUS MORE, I THINK, ON THE ARGUMENT BEING MADE BY THE OPPONENTS, THAT THE BALLOT SUMMARY DOESN'T SAY THAT THERE ARE SOME PEOPLE WHO WILL NOT GET THIS, THAT IT IS MISLEADING IN THAT REGARD. LET ME TELL YOU ABOUT THAT, BECAUSE I DON'T THINK THEY HAVE QUITE CAPTURED THE NOTION OF WHAT, AND THE TERM IS FLORIDA HOMEOWNERS, THAT IS IN THE SUMMARY. A COMMON WALKING-AROUND-MAN DEFINITION OF THAT TERM IS A PERSON WHO OWNS HIS HOME AND LIVES IN IT. THAT IS THE PERMANENT RESIDENT. THAT IS ONE CATEGORY. THE CONSTITUTION PRESENTLY HAS A DIFFERENT CATEGORY, BUT I AM GOING TO SHOW THAT YOU IT IS ABSOLUTELY INSIGNIFICANT OR EVEN AS THE REVENUE ESTIMATING COMMISSION HAS SAID IN THEIR CONVERSATIONS, INCONSEQUENTIAL THAT THERE IS A SMALL NUMBER OF PEOPLE WHO DON'T FIT THAT CATEGORY, AND HERE IS WHO THOSE PEOPLE ARE, BECAUSE THE SECOND CATEGORY OF PEOPLE WHO OWN A HOME WITH A DEPENDENT AS A RESIDENT, HAVE THREE DIFFERENT KINDS, THREE CATEGORIES, IF YOU WILL, SUBCATEGORIES. THE FIRST ARE THOSE FLORIDIANS WHO HAVE A SECOND HOME WITH, FOR EXAMPLE, THEIR CHILD IN A SCHOOL. JUSTICE ANSTEAD, YOU HAVE A CHILD IN A SCHOOL IN MIAMI. YOU THINK THAT THE MILLAGE IS HIGHER THERE. THE TAX RATE IS HIGHER, SO YOU WANT TO TAKE YOUR ONE HOMESTEAD EXEMPTION ON THAT RATHER THAN YOUR HOME IN TALLAHASSEE. SO BE IT. THERE IS A SECOND GROUP. NONFLORIDIANS WHO HAVE A HOME FOR THEIR RESIDENTS, SOMEONE, A STUDENT AT FSU. THEY ARE NOT GOING TO VOTE SO WE ARE NOT WORRIED ABOUT THEM, AND THEN THERE IS THE ONLY OTHER THIRD CATEGORY, WHICH BECOMES THE INSIGNIFICANT IN THE INCONSEQUENTIAL. THOSE FLORIDIANS WHO HAVE A HOME FOR THEIR DEPENDENTS BUT NO OTHER PERMANENT RESIDENCE FOR THEMSELVES. THEY ONLY HAVE ONE PLACE AND THEIR CHILD IS LIVING IN IT. THEY DON'T OWN ANOTHER PIECE OF

PROPERTY . THAT IS, IF ANYTHING IS A DETAIL OR INSIGNIFICANT IN THE SCHEME OF THINGS, IN THE CONSTITUTIONAL SCHEME , THAT HAS TO BE IT.

WHAT ABOUT THE STATEMENT , TAX RELIEF IN THE BALLOT SUMMARY? IS IT GUARANTEED THAT THIS AMENDMENT IS GOING TO PROVIDE TAX RELIEF, AND IF NOT , IS THAT A MISLEADING STATEMENT IN THE SUMMARY?

NOT AT ALL. IT SAYS IT IS TAX RELIEF.IT IS TAX RELIEF. IF IT SAID TAX REDUCTION , THEY WOULD BE MAKING THESAME ARGUMENT , AND YOU APPROVED TAX REDUCTION. IN FACT , YOU SAID IN FLORIDA LEAGUE OF CITIES VERSUS SMITH, QUOTE, THE EXISTING HOMESTEAD EXEMPTION GENERALLY REDUCES A HOMEOWNERS PROPERTY TAXES , UNQUOTE. THE REASON IT IS NOT MISLEADING IS BECAUSE IT IS COMPLETELY ACCURATE AND DESCRIPTIVE.IT IS TAX RELIEF. ALL OF THE ARGUMENT YOU HAVE HEARD IN THESE BRIEFS, THE EXTENSIVE ARGUMENT THAT YOU HAVE IN A MAJORITY OF THE BRIEFS , IS , WELL , IN ORDER TO KEEP THE REVENUE LEVEL OF LOCAL GOVERNMENTS AND SCHOOLS AT THE SAME LEVEL, SOMETHING WILL HAVE TO HAPPEN. WHO SAID YOU HAVE TO KEEP IT AT THE SAME LEVEL? THIS AMENDMENT OPERATES TO ADD A HOMESTEAD EXEMPTION. PLAIN AND SIMPLE. WHAT COUNTIES , SCHOOLS , CITIES , CHOOSE TO DO , IS THEIR PROBLEM! YOU KNOW, THE VOTERS MAY JUST WANT THIS BECAUSE IT REDUCES TAXES TO THOSE GOVERNMENTS.THE VOTERS MAY SAY , AND THEY MAY HAVE, AND THEY CERTAINLY SHOULD HAVE THE RIGHT TO VOTE ON IT , WE WANT A LESS BLOATED COUNTY.

I GUESS THE ISSUE WITH THE BALLOT SUMMARY , THOUGH , IS NOT THAT IT IS IRRELEVANT WHAT THEY CHOOSE TO DO BUT THE SUMMARY SAYS THIS AMENDMENT PROVIDES PROPERTY TAX RELIEF TO FLORIDA HOMEOWNERS .

IT DOES , YOUR HONOR.

WE DON'T KNOW IF IT DOES. THAT IS THE PROBLEM. WE DON'T KNOW.

OF COURSE IT DOES. THIS AMENDMENT DOES. SOMETHING MIGHT HAPPEN LATER , WHEN THE COUNTIES SAY OH, MY GOSH , WE NEED TO RAISE MILLAGE, BUT ALL OF YOUR , ALL OF THE PROVISIONS YOU HAVE EVER APPROVED HAVE, LET'S C ALL THEM COLLATERAL EFFECTS. THAT TERM HAS BEEN THROWN AROUND. IF SOMETHING ELSE HAPPENS OR SOMEBODY ELSE ACTS , IS THIS ANY DIFFERENT? LET ME SUGGEST . THAN INFORMING THE VOTERS THAT YOU HAVE AN OPPORTUNITY FOR RELIEF HERE. NOW, IF YOU DON'T LIKE, IF YOU THINK THAT THERE IS GOING TO BE AN INCREASE, YOUVOTE OUT THE COMMISSIONERS. YOU DON'T DENY THE PEOPLE THE OPPORTUNITY TO MAKE THIS CHOICE. IT DOES PROVIDE TAX RELIEF . A REDUCTION I N TAXES IS TAX RELIEF. IT IS NOTHING EMOTION ABOUT THAT. IT IS ACCURATE. IT IS HARD TO DESCRIBE IT WITHOUT SAYING THAT. IF YOU SAID , EVEN, WELL , A REDUCTION IN TAXES COULD HAPPEN OR THERE WON'T B E AS MANY TAXES. HOWEVER YOU PHRASE IT , IT IS GOING TO COME OUT TO BE A RELIEF FROM SOME LEVEL OF TAXES .

IF IT JUST SAID THIS AMENDMENT INCREASES THE HOMESTEAD EXEMPTION FOR THOSE OWNING THEIR OWN HOME , BY AN ADDITIONAL \$25,000? I AM HAVING TROUBLE WITH THEFACT THAT TAX RELIEF DOES APPEAR TO BE A LOADED TERM.

YOUR HONOR , DON'T HAVE TROUBLE WITH THAT. YOU AND I COULD WRITE IT DIFFERENTLY.WE COULD WRITE IT BETTER. BUT YOUR JOB IS NOT TO REWRITE IT OR TO CONSIDER HOW IT COULD BE. YOUR JOB IS TO SAY , IS THIS WRITTEN SUFFICIENTLY SO THAT IT IS NOT LEADING THE TERM - - SO THAT IT I S NOT LOADINGTHE TERM, IN ORDER T O GIVE VOTERS THAT CHOICE.

T O EXPLAIN THAT , IN OTHERWORDS TO SAY THERE ALREADY IS HOMESTEAD EXEMPTIONS, WHY WOULD IT NEED TO USE THE WORD "TAX RELIEF", IF IT I S NOT BASICALLY TO PERFORM SOME ELECTION EERING?

THE QUESTION IS DOES TAX RELIEF A FORM OF ELECTION EERING ?

WHY DON'T YOU INCLUDE THE TERM IT IS NOT TAX RELIEF AS OPPOSE!!ED TO ADDITIONAL EXEMPTION?

IT IS AN ADDITIONAL EXEMPTION. IT HAS TO BE AN ADDITIONAL EXEMPTION.

WHY DON'T YOU SAY PROVIDE AN EXEMPTION OF \$25,000, INSTEAD OF USING THE TERM TAX RELIEF?

IT DOES SAY THAT, AND IT DOES ALSO USE THE TERM TAX RELIEF. YOUR HONORS , I URGE YOU ANDI HAVE SEEN DECISIONS OF THE COURT WHERE THEY HAVE SAID THIS COULD HAVE BEEN BETTER WRITTEN AND WHY DIDN'T YOU USE 7 5 WORDS AND -- BUT THAT IS NOT THE QUESTION , YOUR HONOR.

ANSWER THE QUESTION, IF THE AMENDMENT ITSELF IS LESS THAN 75 WORDS, WHY NOT JUST STATE WHAT THE AMENDMENT STATES?

YOUR HONOR , I DON'T HAVE AN ANSWER TO THAT BECAUSE THAT IS NOT THE QUESTION BEFORE YOU. THE QUESTION BEFORE YOU IS , ARE THE SEVEN OF YOU GOINGTO DENY THE VOTERS THE OPPORTUNITY TO HAVE AN ADDITIONAL HOMESTEAD EXEMPTION , BECAUSE ONE WORD , THE WORD RELIEF , I S IN THE SUMMARY ON THE BALLOT , WHICH ACCURATELY DEPICTS WHAT THE VOTERS ARE DOING ? YOU DIDN'T HAVE ANY PROBLEM WITH HAZARDS !

WHAT IS THE MOST ACCURATE DESCRIPTION OF WHAT THEAMENDMENT DOES , OTHER THAN RESTATING WHAT THE AMENDMENT SAYS, ITSELF, IF IT IS WITHIN 75 WORDS?

THE CHIEF PURPOSE OF THEAMENDMENT , WHICH IS WHAT THE TEST IS , IS T O PROVIDE TAX RELIEF IN THE FORM OF AN ADDITIONAL \$25,000 HOMESTEAD EXEMPTION.JUST, YOU CAN'T SAY IT , WITHOUT CON NOTING THAT. THIS I S DESIGNED TO BE A LOADED TERM , LIKE THE ONES THAT YOU FOUND IN SOME OTHER CASES, ANY MORE THAN PROTECT AGAINST THE HAZARDS OF SMOKING. MY GOSH, TALK ABOUT, SURE THEY EVOKE AN EMOTIONAL RESPONSE . THEY HAVE TO.

MR . ENGLAND, IN ADDITION TO THE TAX RELIEF TERM, ONEOF THE PROBLEMS HERE IS ALSO USING THE TERM FLORIDA HOMEOWNERS, AS OPPOSED TO THE TERM THAT IS USED IN THEAMENDMENT , WHICH INDICATES THAT THIS IS AN ADDITIONAL EXEMPTION FOR PEOPLE WHO MAKE THIS THEIR PERMANENT RESIDENCE .

YES.

THERE COULD BE A DIFFERENCE IN THE TERM PERMANENT RESIDENCE AND THE TERM THAT IS IN THE SUMMARY THAT SAYS FLORIDA HOMEOWNERS . AND THAT , I SEE, AS A N ADDITIONAL PROBLEM , IN ADDITION TO USING THE TERM TAX RELIEF .

JUSTICE QUINCE, I ADDRESSED THAT, WHEN I SAID THAT THIS I S , THERE IS NO CONFUSION. NO CONFUSION ABOUT WHAT A HOMEOWNER IS IN THE WALKING, A VOTER WALKING INTO --

HOMEOWNER IS ALSO SOMEONE WHO HAS A PLACE AS A SECOND HOME. ISN'T THAT A HOMEOWNER , ALSO?

AND WHAT IS THE PROBLEM?

BELL WELL , BECAUSE THIS HAS TO BE -- WELL , BECAUSE THIS HAS TO BE FOR PEOPLE WHO , THIS IS THEIR PERMANENT RESIDENCE.

AND THEY WILL GET IT ON THEIR PERMANENT RESIDENCE. WHEN THEY HAVE A SECOND HOME , THEY WILL GET A SECOND ONE ON THEIR PERMANENT RESIDENCE.AS I WENT THROUGH THE CATEGORY, THE ONLY PEOPLE WHO COULD NOT POSSIBLY GET THIS EVENT, WHETHER THEY GET IT O N THEIR FIRST OR THEIR SECOND HOME , THE ONLY ONES WHO CAN'T GET IT --

I GUESS THE PROBLEM THAT I AM HAVING HERE IS THAT YOU KNOW THAT THESE MIGHT BE THE ONLY PEOPLE , BUT THE AVERAGE CITIZEN READING THIS , DOESN'T HAVE THAT SAME UNDERSTANDING O F THESE VARIOUS CATEGORIES THAT YOU SEEM TO THINK --

NO.NO. I AM NOT SUGGESTING THEY DO. I SAID THE CATEGORIES , YOUR HONOR, BECAUSE EVERYBODYKNOWS WHAT A FLORIDA HOMEOWNER IS. EVERYBODY KNOWS WHAT A HOMESTEAD DPEMS IS AND EVERYBODY WHO GOES INTO THEBOOTH IS GOING TO KNOW. THE ONLY PEOPLE WHO WILL NOT GET THE BENEFIT OF IT , BECAUSE IT COVERS EVERYBODY , WILL B E THOSE LIMITED , IF THEY EVEN EXIST , CATEGORY OF FLORIDA HOMEOWNERS WHERE THE ONLY OCCUPANT , PERMANENT RESIDENT , IS A DEPENDENT AND WHO , THEMSELVES , HAVE N O HOME IN WHICH THEY LIVE .

CHIEF JUSTICE: WE ARE GOING TO HAVE TO END ON THAT .

THANK YOU VERY MUCH FOR REBUTTAL.

CHIEF JUSTICE: WE USED ALL YOUR TIME.

YOUR HONOR , I HAVE AN UNUSUAL REQUEST AND I DIDN'T KNOW HOW THE TIME WOULD BE USED SO I HAVE TO MAKE IT NOW. I AM ARGUING THE NEXT CASE THERE.IS NO OPPONENT. I AM PREPARED AND WITH MY CLIENT'S CONSENT AND WILLING TO ABANDON , WAIVE OR LIMITTHAT TIME , SO THAT ALL OF U S HAVE MORE TIME HERE.

CHIEF JUSTICE: WE HAVE ALREADY SET THE SCHEDULE FORTHE TIMES , AND WE ARE GOING TO HAVE TO ABIDE BY THAT TIME SCHEDULE. I AM SORRY. IF THAT HAD BEEN PRESENTED TO US , PERHAPS , IN ADVANCE OF THE THING, BUT I AM SORRY. WE CAN'T DO IT RIGHT HERE. GOOD MORNING.

GOOD MORNING , YOUR HONOR. MAY IT PLEASE THE COURT. MY NAME IS DAN STING HE WILL , HERE TO -- DAN STINGLE HERE TO ADDRESS THE ACCURACY OF THE BALLOT TITLE AND SUMMARY.I A M HERE WITH M Y PARTNER JON MILLS , WHO WILL ADDRESSTHE RULE .

PEOPLE UNDERSTAND HOMESTEAD EXEMPTION , DO THEY NOT? WE HAVE HAD HOMESTEAD EXEMPTION FOR A LONG , LONG TIME. IT I S A SPECIFIC AMOUNT THAT IS TAKEN OFF THE VALUE OF THE PROPERTY. WHAT IS THE MATTER WITH THIS , IF IT I S GOING TO BE BOOSTED UP ANOTHER 25,000, ISN'T THAT ABOUT AS STRAIGHTFORWARD AS YOU CAN GET?

YOUR HONOR , THAT I S STRAIGHT AT THE HEART OF THE PROBLEM.IT IS NOT AN INCREASE IN HOMESTEAD EXEMPTION TO WHICH PEOPLE ARE ENTITLED. THAT IS ONE OF THE PROBLEMS WITH IT. THE OTHER PROBLEM IS IT MISLEADS VOTERS.

IT DOESN'T APPLY TO THE ONES NOW THAT GET A \$25,000EXEMPTION ON THEIR, QUOTE , HOMESTEAD , I T DOESN'T APPLY TO THEM?

NO, SIR, IT DOES NOT APPLY TO THEM, BECAUSE IT APPLIES TO TWO SETS , AS THE PROONENT HAS ALLUDED T APPLIES CURRENTLY TO TWO SETS, THE HOMEOWNER WHO OWNS THIS HOME AND PERM ANYLY -- PERMANENTLY LIVES THERE OR A HOMEOWNER WHO OWNS HIS HOME AND HAS A DEPENDENT PERMANENTLY LIVING THERE. THIS ONE IS SPECIFICALLY NARROW THAT ONLY APPLIES TO THAT CLASS OF HOMEOWNER WHO OWNS HIS OR HER HOME AND PERMANENT LY LIVES THERE AND DOES NOT INCLUDE THOSE DEPENDENTS THAT PEOPLE HAVE BECOME

ACCUSTOMED TO IN THE HOMESTEAD PROVISION OF THE CONSTITUTION.

WELL , ISN'T THAT THE TAIL WAGGING THE DOG THOUGH?

NO, SIR , IT IS NOT. WITH ALL DUE RESPECT, THE PROPONENTS ' CHARACTERIZATION OF THESE PEOPLE AS INSIGNIFICANT IF THEY EVEN EXIST , IS TOTALLY WITHOUT BASIS. TOTALLY WITHOUT BASIS. THESE , BECAUSE THE HOMESTEAD EXEMPTION ENTITLEMENTS ARE SUCH IN THE CURRENT CONSTITUTION , THE , THESE ARE NOT KEPT TRACK OF, AND WE HAVE NO IDEA WHAT THE NUMBER --

TELL ME WHAT THE PROBLEM IS HERE. ARE WE TALKING, NOW, ABOUT A PROBLEM WITH THE SUMMARY BEING ACCURATE?

YES, IT IS. IT MISLEADS VOTERS. IT PROMISES TAX RELIEF.

WHAT DOES THE SUMMARY SAY THAT ISN'T IN THE PROPOSED AMENDMENT , ITSELF?

WELL , IT PROMISES TAX RELIEF, WHICH THE AMENDMENT , ITSELF, DOES NOT. IT TAKES 21 OR 22 WORDS TO DESCRIBE AN AMENDMENT THAT IS LESS --

CLEARLY THE AMENDMENT ITSELF , PROVIDES TAX RELIEF , IF YOU AGREE THAT TAX RELIEF INCLUDES GIVING YOU A \$50,000 DEDUCTION OFF THE VALUE OF THE PROPERTY , AS OPPOSED TO JUST A \$25,000 , ISN'T THAT PRETTY MUCH COMMON SENSE TAX RELIEF?

IN ORDER TO UNDERSTAND HOW A PARTICULAR CLASS OF HOMEOWNERS IS MISLED HERE , IT IS CRITICAL TO UNDERSTAND THAT THE TAX BURDEN WHICH , THROUGH WHICH THEY PROMISED TAX RELIEF , IS THE RESULT OF THE TAX BASE , MULTIPLIED BY THE TAX RATE. IN THIS CASE , THE AMENDMENT ONLY ADDRESSES THE TAX BASE. SO IT CANNOT RIGHTFULLY PROMISE TAX RELIEF , TO A GROUP OF FLORIDA HOMEOWNERS WHO ARE IN HIGHER -VALUED HOMES , WHO TODAY RECEIVE THE HOMESTEAD EXEMPTION BUT WHO MAY PAY HIGHER TAXES THAN THE -- HIGHER TAXES , WHEN THE TAX RATE IS INCREASED.

YOU MAY HAVE A \$50,000 TAX EXEMPTION , THE FIRST \$50,000 OF YOUR PROPERTY AS OPPOSED TO A \$25,000, THAT YOU WOULDN'T BE GETTING TAX RELIEF?

YOU WILL NOT BE GETTING --

BY PROHIBITING THE GOVERNMENT FROM ASSESSING THAT PART OF THE VALUE OF YOUR PROPERTY? THE ORDINARY PERSON?

NO, SIR , BECAUSE THIS DOES NOT ADDRESS THE TAX MILLAGE RATE, SO A PERSON VOTING FOR THIS , BELIEVING THEY ARE GOING TO GET AN ADDITIONAL PROPERTY TAX RELIEF , THROUGH THIS TAX AMENDMENT , MAY BE COMPLETELY MISLED , WHEN THE TAXING AUTHORITIES READJUST THEIR MILLAGE RATE, TO MAKE UP FOR THAT DIFFERENCE.

THAT IS TOTALLY SPECULATIVE AS TO WHAT , WHATEVER SOMEBODY ELSE IS GOING TO DO , BUT IF YOU LOOK AT IT , FROM THE STANDPOINT OF THE FACT THAT THE PERSON HAS A TAX , A HOUSE THAT IS APPRAISED , AT THE TIME THEY ARE VOTE VOTING ON THIS AT \$75,000 , AND THE EXEMPTION IS RAISED FROM \$25,000 TO \$50,000 , THEY ARE GOING TO GET \$25,000 OF A TAX RELIEF, IN THAT THEY ARE NOT GOING TO HAVE TO PAY AS MUCH TAXES AS THEY OTHERWISE --

NO. IT IS GOING TO BE AN INCREASED EXEMPTION , YOUR HONOR T PROMISES TAX RELIEF BUT IT CANNOT DELIVER ON THAT TAX RELIEF, BECAUSE THERE WILL BE PEOPLE WHOSE TAXES WILL EVEN INCREASE , AS AMPLY DEMONSTRATED IN THE CHARGE IN THE BRIEF, IF THE MILLAGE IS ADJUSTED. IT ONLY ADDRESSES ONE PORTION OF THE EQUATION A YET PROMISES THE ENTIRE

EQUATION.

THE STATEMENT HERE , IN THE SUMMARY , I S THAT FLORIDA HOMEOWNERS , BY INCREASING HOMESTEAD EXEMPTION ON PROPERTY ASSESSMENTS BY THE ADDITIONAL \$25,000. I MEAN, EVERYBODY IS GOING TO RECOGNIZE , AREN'T THEY, THAT WHAT THEY ARE TALKINGABOUT IS A HOMESTEAD EXEMPTION THAT IS PRESENTLY AVAILABLE.

BUT THIS HOMESTEAD EXEMPTION I S DIFFERENT THAN THE CURRENT HOMESTEAD EXEMPTION , AND THEREFORE MISLEADS THOSE VOTERS.

CHIEF JUSTICE: YOU ARE DIVIDING YOUR TIME?

THANK YOU, YOUR HONORS.

CHIEF JUSTICE: GOOD MORNING.

GOOD MORNING.MAY IT PLEASE THE COURT . MY NAME IS JON MILLS , CO-COUNSEL FOR THE OPPONENTS. THIS PARTICULAR AMENDMENT HAS A SUBSTANTIAL IMPACT ON OUR EDUCATIONAL SYSTEM THAT IS BOTH UNDISCLOSED AND VIOLATES THE SINGLE SUBJECTRULE. THIS, I THINK , IS AT THE CORE OF WHAT THIS COURT MUST EXAMINE .

EXCUSE M E , BUT UNDER CHAPTER 101, IT SEEMS VERY CLEARLY STATED THAT YOU MUST DEFINE THE PURPOSE , NOT ADDRESS EVERY RAMIFICATION THAT MAY OCCUR , AND WE FACE THIS WITH VIRTUALLY EVERY AMENDMENT THAT IS PROPOSED , AND THE STATUTE JUST DOESN'T SAY ADDRESS EVERY RAMIFICATION. CERTAINLY A REDUCTION IN TAXES IS GOING TO IMPACT THESERVICES THAT ANY GOVERNMENT CAN PROVIDE, BUT HOW FAR DOES THE STATUTE AND THE CONSTITUTION, REQUIRE US TO TAKE THAT?

I WOULD SUGGEST THAT YOU LOOK AT THE VOTER APPROVAL FOR NEW TAXES, A CASE IN 1997 , THAT DEALT WITH A CONTROL ON TAXES. IT SAID THAT THAT WAS MISLEADING , BECAUSE IT DIDN'T DISCLOSE THE IMPACT THAT IT COULD HAVE ON THE FLORIDA EDUCATIONAL FINANCE PROGRAM. THE TEST IS THAT YOU HAVE T O , BOTH, TELL THE TRUTH , NOT BE DECEIVING , AND IF YOU LEAVE OUT SOMETHING THAT HAS A SUBSTANTIAL IMPACT THAT COULD HAVE AN IMPACT ON THE VOTER THAT, IS DECEPTIVE. IN THIS CASE --

WHY ISN'T THAT , JUST AGAIN JUST COMMON SENSE THAT THE AVERAGE VOTER IS GOING TO KNOW , IF YOU LIMIT THE VALUE OF THE PROPERTY BEING TAXED , THAT , AND YOU PROVIDE SERVICES OVER HERE THROUGH TAXATION , THAT IT IS GOINGTO HAVE TO COME FROM SOMEPLACE , AND , BUT THAT THAT IS JUST WAY THOSE THINGS WORK, AND THAT IS REALLY AN INCIDENTAL EFFECT,IS IT NOT?

I WOULD SUGGEST , AGAIN, LOOKING AT THAT CASE , AND IT IS NOT AN INCIDENTAL EFFECT THAT THE ENTIRE STATE SYSTEM OF EDUCATION IS AFFECTED. IT IS IMPORTANT TO UNDERSTAND THAT ARTICLE IX IS A STATE IMPACT THAT INCLUDES LOCAL TAXATION .

IT IS GOING , EVERYTHING THAT IS PROVIDED FOR BY GOVERNMENT THROUGH TAXATION , IS GOING TO BE AFFECTED , IS IT NOT?

YES.

WELL , SO , ARE YOU GOINGTO HAVE A LAUNDRY LIST, THEN , OF EVERY TIME WE HAVE AN IMPACT LIKE THIS , THAT THEY ARE GOING TO HAVE TO MAKE A LAUNDRY LIST OF EVERYSERVICE THAT GOVERNMENT PROVIDES THAT MAY BE AFFECTED?

ONLY IF IT HAS A SUBSTANTIAL IMPACT, AND I THINK IT IS, THE PURPOSE OF LIMITING

INITIATIVES , IS THE UNDERSTANDING THAT VOTERS MUST UNDERSTAND WHAT THEY ARE GOING TO DO. I DON'T THINK VOTERS CAN BE HELD TO UNDERSTAND THE IMPACT ON THE FLORIDA EDUCATIONAL FINANCE PROGRAM, OF CUTTING \$800 MILLION FROM LOCAL TAXES.

DIDN'T MR . STENGLE JUST MAKE THE OPPOSITE ARGUMENT OF THAT?

WELL , I DON'T KNOW.WHAT WAS THE OPPOSITE ARGUMENT OF THAT?

THAT THIS ONLY AFFECTS ONE PART OF THE FORMULA TO DETERMINING WHAT THE TAX IS , AND THAT THE ENTITIES COULD SIMPLY INCREASE THE MILLAGE. OR INCREASE VALUATION OF THE PROPERTY. THERE ARE MECHANISMS IN WHICH TO AVOID THE CONSEQUENCE , SO IT I S NOT GIVING WHAT IT PROMISES , WAS WHAT THE STATEMENT WAS, I BELIEVE.

THAT'S RIGHT.WELL, IT IS NOT DOING WHAT IT PROMISES IN A COUPLE OF WAYS. I MEAN , YOU DO HAVE AN OPTION. THE LOCAL GOVERNMENT HAS AN OPTION EITHER T O RAISE TAXES OR CUT SERVICES. THE STATE OF FLORIDA AND EDUCATION EITHER HAS THE OPTION OF CUTTING \$800 MILLION OUT OF THE EDUCATIONSYSTEM OR RAISING \$800 MILLION WORTH OF TAXES.

LET ME ASK YOU THIS. HOW , IF YOU WERE WRITING AN AMENDMENT OR DO, DOES THE PEOPLE HAVE THE POWER TO SAY THAT THEY WANT TO INCREASE THE HOMESTEAD EXEMPTION FROM 25,000 , BY \$25,000? CAN THE PEOPLE DO THAT?

I WOULD SUGGEST THAT , IN ORDER, IF YOU DO THAT IMMEDIATELY, WHICH HAS A PRECIPITOUS IMPACT , IT IS UNVIEDABLE THAT IT WILL -- UNAVOIDABLE THAT IT WILL HAVE THESE PRECIPITOUS MULTIPLE IMPACTS.

SO THE ANSWER IS?

I THINK THE ANSWER MAY BE NO , BECAUSE IF YOU ALLOW THIS, WHY NOT A \$100 EXEMPTION? WHY NOT A TOTAL EXEMPTION ON HOMESTEAD , AND THAT IS FLYING UNDER FALSE COLORS.IT IS A WOLF I N SHEEP'S CLOTHING. IT I S EXPRESSING TO VOTERS THAT WHAT YOU WILL GET IS TAX RELIEF , AND THE ACTUAL FACT IS EITHER YOU WILL GET TAX RELIEF OR A TAX INCREASE OR A CUT IN YOUR EDUCATIONAL SERVICES PROGRAM. IT IS LOG ROLLING. IF YOU UNDERSTAND THIS, IF YOU UNDERSTAND THIS PERFECTLY , THEN IT IS LOG ROLLING , BECAUSE YOU MAY GET TAX RELIEF , BUT YOU ARE ALSO GOING TO GET A CUT IN SERVICES. THAT IS LOG ROLLING, BECAUSE I MAY WANT M Y TAX RELIEF BUT I HEY NOT WANT MY EDUCATION -- BUT I MAY NOT WANT M Y EDUCATION SYSTEM CUT. IF I UNDERSTAND THAT , IT IS MISLEADING, BECAUSE I DON'TKNOW THAT IS GOING T O HAPPEN.

COUNSEL, IF THE BALLOT SUMMARY SIMPLY SAID FLORIDA HOMEOWNERS, THE EXEMPTION FOR FLORIDA HOMEOWNERS , HOMESTEAD EXEMPTION IS INCREASED BY \$25,000 , WOULD THAT RESOLVE YOUR ISSUES?

THAT WOULD RESOLVE A LOT OF THE ISSUES WITH RESPECT TO MISLEADING , BUT IT STILL WOULDN'T RESOLVE THE ISSUE OF FAILING T O DISCLOSE WHAT THIS IS GOING TO DO , AND CONSEQUENCES ARE IMPORTANT. THIS COURT HAS SAID THAT.I GO BACK , AGAIN, TO MAKE SURE THAT THAT COURT LOOSEAT THE CASE DEALING WITH VOTER APPROVAL FOR REQUIRED TAXES , BECAUSE SIGNIFICANTLY , THAT , ALSO, DEALT WITH THE EXEMPTION FROM THE SINGLE SUBJECT RULE , AND THE FACT THAT YOU CAN BE EXEMPT FROM THE SINGLE SUBJECT RULE , IF IN FACT, I T HAS MULTIPLE IMPACTS.

CHIEF JUSTICE: THANK YOU VERY MUCH.

THANK YOU.