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Citizens' Initiative on 1.35% Property Tax Cap

SC08-1153 | SC08-1239

>> PLEASE RISE.

HEAR YE, HEAR YE, HEAR YE.

THE SUPREME COURT OF FLORIDA IS
NOW IN SESSION.

ALL WHO HAVE CAUSE TO PLEA,
DRAW NEAR, GIVE ATTENTION, AND
YOU SHALL BE HEARD.

GOD SAVE THESE UNITED STATES,
THIS GREAT STATE OF FLORIDA,
AND THIS HONORABLE COURT.

>> GOOD MORNING.

>> LADIES AND GENTLEMEN, THE
FLORIDA SUPREME COURT.

PLEASE BE SEATED.

>> GOOD MORNING AND WELCOME TO
THE NOVEMBER 5th SESSION OF THE
FLORIDA SUPREME COURT.

THE FIRST CASE ON OUR DOCKET IS
ADVISORY OPINION OF THE
ATTORNEY GENERAL 1.35% PROPERTY
TAX CAP.

ARE THE PARTIES READY TO
PROCEED?

MR.^HUBENER?

>> THIS MATTER IS HERE ON THE
REQUEST OF THE ATTORNEY GENERAL
FOR AN ADVISORY OPINION IN THIS
CASE.

ARGUING IN SUPPORT OF THE
AMENDMENT WOULD BE DANIEL
WOODRING AND IN OPPOSITION WILL
BE STEPHEN GRIMES.

THANK YOU.

>> MR.^WOODRING?

>> THANK YOU, YOUR HONOR.

MAY IT PLEASE THE COURT.
MY NAME IS DANIEL WOODRING AND
WITH ME TODAY IS ROBERT
FERNANDEZ ON BEHALF OF THE
SPONSORS OF THE CITIZENS
INITIATIVE ON LIMITING THE
PROPERTY TAXES TO 1.35%.
THE FLORIDA CONSTITUTION
PROVIDES THAT A CITIZEN'S
INITIATIVE THAT LIMITS THE
POWER --

>> LET ME, LET ME ASK YOU WHAT MY, MY FIRST QUESTIONS ABOUT THIS IS.

I'M HAVING -- I HAVE A HARD TIME UNDERSTANDING WHAT, WHAT IT MEANS.

IS, WHEN YOU SAY 1.35% OF THE TAXABLE VALUE, IS THAT THE TAXABLE VALUE WHEN THE AMENDMENT IS ADOPTED OR IS IT THE TAXABLE VALUE EACH YEAR FOR THE ASSESSMENT, OR -- WHAT DOES IT MEAN?

>> VERY GOOD QUESTION.

I, I DO NOT BELIEVE, IN OTHER WORDS, THE TAXABLE VALUE IS NOT CHANGED BY THIS AMENDMENT. THE TAXABLE VALUE OF PROPERTY WOULD BE WHAT'S DETERMINED TO BE THE FAIR MARKET VALUE OF THE PROPERTY, THEN YOU HAVE YOUR HOMESTEAD EXEMPTIONS, YOU HAVE A FEW OTHER EXEMPTIONS THAT POTENTIALLY COME INTO PLAY, BUT BASICALLY THE TAXABLE VALUE OF THE PROPERTY IS, FOR EXAMPLE, WHAT YOU'RE BEING TAXED ON RIGHT NOW.

IN OTHER WORDS, WHEN YOU GET YOUR TRIM NOTICE, THEY SAY ON THERE, OKAY, HERE'S THE AMOUNT THAT WE'RE TAXING. THEY'VE DEDUCTED THE HOMESTEAD EXEMPTION.

THEY'VE DEDUCTED WHATEVER ELSE THEY'VE DONE AND THEN THEY SAY AND THE LOCAL MILLAGE RATE IS GOING TO BE WHATEVER THE LOCAL MILLAGE RATE IS.

>> SO, SO IT'S GOING TO, SO WHAT THIS AMENDMENT INTENDS TO DO IS THAT IT IS GOING TO PUT A CAP ON THE, THE TAXABLE VALUE OR WHAT CAN BE TAXED ON EACH PARCEL IN A COUNTY. EACH PARCEL OF PROPERTY. FOR EACH YEAR.

I MEAN, IT'S GOING TO BE RECALCULATED EACH YEAR.

>> YES, YOUR HONOR, IT WILL BE RECALCULATED EACH YEAR. I'M NOT SURE THAT'S KIND OF THE WAY I CONCEPTUALIZE T. I THINK THE WAY I CONCEPTUALIZE IT IS

THERE IS A CAP RIGHT NOW FOR ALL EFFECTS AND PURPOSES. THE CAP RIGHT NOW IS BASICALLY 3%.

AND THAT 3% CAP IS IF YOU HAVE YOUR MUNICIPALITIES AND IF YOU HAVE YOUR LOCALES AND IF YOU HAVE THE SCHOOL BOARD AND POTENTIALLY YOU HAVE SPECIAL DISTRICTS IN THERE, BUT BASICALLY RIGHT NOW --
>> COULD YOU -- WAIT.
ARE YOU TALKING ABOUT THE SAVE OUR HOMES?

>> NO, YOUR HONOR.
WHAT I'M TALKING ABOUT IS THAT

--
>> MILLAGE CAP.
>> THE MILLAGE CAP IS RIGHT NOW IN OTHER WORDS IF YOU HAVE A PIECE OF PROPERTY THAT'S WORTH \$100,000 IN THE STATE OF FLORIDA RIGHT NOW, FOR AD VALOREM TAX PURPOSES, BECAUSE OF THE MILLAGE CAPS, AND, AND YOU KNOW, --

>> IS THAT IN THE CONSTITUTION, THE 3%?

>> THAT IS ACTUALLY IN THE CONSTITUTION, AND, AND, LET ME CLARIFY.

IT'S IN THE CONSTITUTION. IT'S ACTUALLY IN, IN ARTICLE VII AND IT DOESN'T PUT IT IN AT 3%.

WHAT IT TALKS ABOUT IS IT TALKS ABOUT IS 10 MILLS, 10 MILLS, 10 MILLS.

ACTUALLY, UP TO 10 MILLS.

>> NOW, I JUST, AS YOU'RE SAYING THIS, AND IT MAY BE JUST IT'S EARLY IN THE MORNING, IF IT, IF IT'S TAKING US FIVE MINUTES TO EVEN UNDERSTAND WHAT THIS AMENDMENT IS DOING, AND WITH OF COURSE SKIPPING AHEAD TO SPECIFICS, DO WE NOT SEE A PROBLEM IN THE ACTUAL AMENDMENT.

THAT IF IT'S AFFECTING A CHANGE TO SOMETHING THAT'S ALREADY IN THE CONSTITUTION AND YOU ARE SAYING CHANGING IT FROM 3% TO 1.35%, AND IT CHANGES EVERY

YEAR, BUT IS THAT APPARENT ON THE FACE OF BOTH THE, THE TITLE AND THE SUMMARY?

OF WHAT THIS IS DOING?

>> I BELIEVE IT IS, YOUR HONOR, AND I APOLOGIZE FOR, YOU KNOW, ANY CONFUSION AS TO WHAT IT'S DOING, BUT IF YOU LOOK AT THE TITLE, THE TITLE SAYS 1.35% PROPERTY TAX CAP UNLESS VOTER APPROVED.

NOW, MOST PEOPLE LOOKING AT THEIR TRIM NOTICES ARE GOING TO REALIZE, IN OTHER WORDS, WHAT THAT MEANS IS WHATEVER THE VALUE OF THEIR PROPERTY IS IN ANY GIVEN YEAR, THEY CANNOT BE TAXED MORE THAN 1.35% ON THAT PROPERTY.

SO UNDER OUR EXAMPLE OF IF IT'S \$100,000 PROPERTY WELL IN THE CONSTITUTION NOW THEY COULD BE TAXED UP TO \$3,000 A YEAR ON THAT PROPERTY.

UNDER THIS PROVISION, THEY CAN ONLY BE TAXED UP TO \$1350 A YEAR.

I THINK THAT'S FAIRLY CLEAR, AND IF YOU LOOK AT THE TEXT OF THIS PROVISION IT SAYS THE MAXIMUM AMOUNT OF ALL AD VALOREM TAXES COLLECTED BY COUNTIES SCHOOL DISTRICTS, MUNICIPALITIES, AND SPECIAL DISTRICTS ON ANY PARCEL OF REAL PROPERTY, SHALL NOT WHEN COMBINED EXCEED 1.35% OF THE PARCEL'S HIGHEST TAXABLE VALUE.

>> WHAT DOES THE WORD HIGHEST MEAN IN THIS CONTEXT?

>> WELL, THIS, THE TERM HIGHEST IS ACTUALLY, THEY DEFINE THE TERM TAXABLE VALUE REFERS TO THE VALUE OF REAL PROPERTY OF WHICH MILLAGE RATES ARE APPLIED.

>> OH, NO, WELL, WHAT'S THE WORD HIGHEST MEAN?

>> THE, THE HIGHEST VALUE OF THE PROPERTY IS THE HIGHEST VALUE AT WHICH IT'S NOW BEING TAXED.

IN OTHER WORDS --

>> IN OTHER WORDS, ARE, ARE YOU

JUST TALKING -- IS HIGHEST JUST
A REDUNDANT WORD IN THIS SENSE?

>> UM, I BELIEVE THAT IT'S NOT
NECESSARILY A REDUNDANT WORD IN
THIS SENSE, AND HERE'S WHY I
WOULD SAY THAT.

IF, IF I'M NOT MISTAKEN, THERE
ARE EXEMPTIONS THAT APPLY TO
LEAVE DIFFERENT PURPOSES, IN
OTHER WORDS YOU HAVE YOUR
HOMESTEAD EXEMPTION, YOUR BASIC
HOMESTEAD EXEMPTION THAT
APPLIES ACROSS THE BOARD.

WHETHER IT'S BEING TAXED FOR
SCHOOL PURPOSES, WHETHER IT'S
BEING TAXED FOR OTHER PURPOSES.

YOU HAVE OTHER EXEMPTIONS THAT
DON'T NECESSARILY APPLY ACROSS
THE BOARD.

SO I BELIEVE WHAT IT'S TALKING
ABOUT THE HIGHEST TAXABLE
VALUE, THAT IT'S BASICALLY, I
MEAN, I THINK IT'S UNDERSTOOD
TO BE WHATEVER PROPERTY YOU
HAVE, WHEN YOU GET YOUR TRIM
NOTICE, THE AMOUNT ON THERE
THAT'S THE HIGHEST AMOUNT THAT
THEY APPLY THE MILLAGE RATE TO
IS CONSIDERED TO BE THE HIGHEST
TAXABLE VALUE.

>> AND TELL ME WHAT THE NEXT
SENTENCE MEANS.
IN THE SUMMARY.

THAT IS, THAT WE, WE'VE JUST
HAD THE SENTENCE ABOUT THE
1.35.

>> RIGHT.

>> THAT'S THE DISTRIBUTION OF
TAX REVENUES.

>> NO, THIS PROPERTY TAX LIMIT
SHALL APPLY TO ALL PROPERTY
TAXES EXCEPT PROPERTY TAXES
APPROVED BY VOTERS.

WHAT DOES THAT MEAN?

IN OTHER WORDS, ARE WE TALKING
ABOUT APPROVED BY VOTERS IN A
TAXING DISTRICT?

OR ARE WE TALKING ABOUT
APPROVED BY VOTERS STATEWIDE?
ARE WE -- WHAT ARE WE TALKING
ABOUT?

>> WELL, I BELIEVE THE INTENT
THERE, AND I BELIEVE IN THE

CONTEXT, IT'S TALKING ABOUT THE VOTERS WHO WOULD NORMALLY VOTE ON PROPERTY TAXES IN A DISTRICT.

SO WHETHER THAT'S --

>> WHO WOULD VOTE ON PROPERTY TAXES IN A DISTRICT?

I DIDN'T KNOW PEOPLE VOTED ON PROPERTY TAXES IN A DISTRICT.

>> WELL, THEY HAVE THE ABILITY RIGHT NOW TO VOTE ON, FOR EXAMPLE, IF THEY ARE GOING TO VOTE FOR SCHOOLS, THERE HAVE BEEN SEVERAL DISTRICTS WHERE THEY HAVE VOTED AN EXTRA HALF CENT --

>> SO IS THIS WHAT THIS MEANS? IN OTHER WORDS, THAT IT MEANS THE, WHATEVER, THE TAXING UNIT OR DISTRICT IS, THAT THE VOTERS OF THAT DISTRICT, WHETHER IT'S, AS YOU SAY ASCHOOL DISTRICT,,

>> A MUNICIPALITY.

>> SOME OTHER PURPOSE, WATER MANAGEMENT DISTRICT,.

>> IT'D BE A SPECIAL DISTRICT.

>> A COULDN'TY OR A CITY I GUESS, OR, -- A COUNTY OR A CITY, I GUESS.

OR WHATEVER THE POTENTIAL DISTRICTS ARE, MEANS THAT VOTERS AND THE INDIVIDUAL TAXING AREA -- IN THE INDIVIDUAL TAXING AREA, CAN VOTE TO TAX THEMSELVES AT A HIGHER RATE THAN THIS.

>> YES, YOUR HONOR.

>> IS THAT WHAT THAT MEANS?

>> YES, YOUR HONOR, AND FOR ONLY UP TO TWO YEARS.

IN OTHER WORDS IF THEY VOTED TO DO IT AT A HIGHER RATE THEY WOULD HAVE TO REVISIT IT AFTER TWO YEARS.

>> IS THAT REALLY IN THE BODY OF THE AMENDMENT ITSELF, IT REFERS TO ARTICLE VII SECTION 12.

AS BEING WHEN VOTERS CAN VOTE TO TAX THEMSELVES MORE.

IS THAT CORRECT?

>> IT'S ACTUALLY REFERRING TO --

>> SAYS TAXES LEVIED FOR

PAYMENT OF BONDS ISSUED
PURSUANT TO SECTION 12 OF THIS
ARTICLE, AND THIS ARTICLE IS
ARTICLE VII.

CORRECT?

>> YES, IT'S, BUT IT'S TALKING
ABOUT I BELIEVE IT'S TALKING
ABOUT TWO SEPARATE THING THERE,
AND THIS ACTUALLY RELATES BACK
TO THE STRAND CASE.

>> I KNOW IT'S TALKING ABOUT
TWO SEPARATE BUT LET'S JUST
DEAL WITH THE FIRST ONE, WHICH
REFERS TO ARTICLE VII SECTION
12.

>> YES, YOUR HONOR.

>> WHEN YOU LOOK AT ARTICLE VII
SECTION 12, THERE ARE TWO
SECTIONS OF, OF ARTICLE -- OF
THAT SECTION WHICH TALKS ABOUT
TAXING.

THE 8th PART OF THAT SECTION
TALKS ABOUT, TO FINANCE OR
REFINANCE CAPITAL ISSUANCE AND
IT SAYS IT HAS TO BE VOTED ON
BY THE FREEHOLDERS, OKAY?
THAT'S VOTER, THAT'S THE VOTERS
VOTING ON IT, CORRECT?

>> YES.

>> BUT THE B PORTION OF THAT
SAYS TO REFUND OUTSTANDING
BONDS AND INTEREST AND
REDEMPTION AND THERE IS NO
VOTER REQUIREMENT AS I SEE IT
IN THAT SECTION.

SO IS THIS -- MY QUESTION TO DO
IS, IS THIS MISLEADING IF YOU
ARE SAYING THAT YOU CAN ONLY
HAVE, EXCEED THE CAP IF THERE'S
VOTER APPROVAL BUT THEN THE
AMENDMENT ITSELF REFERS BACK TO
THIS SECTION, WHICH DOES NOT
REQUIRE VOTER APPROVAL FOR BOTH
OF THOSE.

>> I DO NOT BELIEVE IT'S
MISLEADING, YOUR HONOR, AND THE
REASON I WOULD SAY THAT IS THE
WAY THAT SECTION 7 WORKS, IF
YOU LOOK AT IT BASICALLY,
WHAT'S REQUIRED IS, AND YOU
KNOW, STRAND MAY BE A LITTLE
BIT OF AN EXCEPTION BUT WHAT'S
REQUIRED UNDER THIS IS FOR THE
INITIAL VOTE, IN OTHER WORDS,

IF THERE IS GOING TO BE A CAPITAL PROJECT, IF THERE IS GOING TO BE SOMETHING ELSE, THAT HAS TO BE SUBMITTED TO THE VOTERS.

THE SECOND PORTION OF THAT WHERE IT TALKS ABOUT IT DOESN'T HAVE TO BE SUBMITTED TO THE VOTERS, IS JUST IF THEY CAN REFINANCE WHAT WAS INITIALLY APPROVED AT A LESSER, AT A BETTER RATE, SO SUPPOSE THEY GOT A BOND RATE OF 8%? SUPPOSE THE MARKET STILL CHANGES.

>> BUT YOU STILL HAVE THE RAISE IT -- BUT YOU HAVE THE ABILITY TO RAISE THE MILLAGE IN ORDER TO DO THAT.

-- TO DO THAT.

THE 1.35 CAP, YOU COULD UNDER THIS AMENDMENT AS I READ IT, YOU COULD RAISE THAT 1.35 CAP IN ORDER TO GET THAT BETTER RATE ON THAT BOND.

AND THAT DOES NOT HAVE TO BE, AS I READ THIS, VOTER APPROVED.

>> NO, YOUR HONOR.

YOU CAN'T.

AND HERE IS WHY.

WHEN YOU APPROVE THE USE OF MILLAGE FOR OUR INITIAL BONDING, THAT'S WHAT YOU ARE GOING TO BE DOING.

IN OTHER WORDS IF YOU APPROVE THE BONDING WHATEVER THE MILLAGE IS GOING TO BE IS PART OF THE VOTER PROPOSAL.

THE ONLY TIME THAT YOU CAN CHANGE THAT BONDING SCHEME IS IF YOU GO WITH SOMETHING THAT IS AT A LOWER COST AND SO THAT MEANS YOU'RE NEVER GOING TO BE RAISING THE MILLAGE RATE TO REFINANCE THE BOND BECAUSE IT IS ALWAYS GOING TO BE AT A LOWER COST THAN INITIALLY ARGUED FOR.

THE ONLY REASON FOR THE SECOND PORTION THERE IS TO ALLOW ENTITIES TO TAKE ADVANTAGE OF A BETTER MARKET.

IN OTHER WORDS, IF THE INTEREST RATES GO FROM 8% TO 4% ON THEIR

BONDING, THEY DIDN'T WANT TO SAY YOU HAVE TO GO BACK TO THE VOTERS AND ASK THE VOTERS DO WE FINANCE THE SAME CAPITAL AMOUNT BUT CAN WE FINANCE IT AT 4% INSTEAD OF 8%?

THEY SAID IT'S PRETTY MUCH COMMON SENSE.

IF YOU CAN GET A BETTER FINANCING DEAL THAT DOESN'T INCREASE THE COST TO THE VOTERS

--

>> CAN I COME BACK TO THE -- AND I'M LOOKING AT THE SUMMARY RIGHT NOW IS REALLY WHAT I, THE NEXT THING AFTER THE, THE FACT THAT EXCEPT PROPERTY TAXES APPROVED BY VOTERS TSAYS DISTRIBUTION OF REVENUE FROM PARCELS THAT HAVE REACHED THE 1.35% LIMIT SHALL BE DETERMINED BY GENERAL LAW.

WELL HOW DO THESE TWO THINGS WORK TOGETHER?

THAT IS, HOW IF THE LEGISLATURE BY GENERAL LAW IS GOING TO DETERMINE HOW THE REVENUE FROM TAXES ARE GOING TO BE DISTRIBUTED, THEN HOW DO PEOPLE IN A PARTICULAR TAXING DISTRICT KNOW WHAT TO DO WHEN THEY WANT TO RAISE THEIR TAXES IN THEIR PARTICULAR DISTRICT, YOU KNOW, TO, TO BUILD MORE SCHOOLS OR WHATEVER IT IS.

THAT WE'RE TALKING ABOUT. I'M HAVING DIFFICULTY WITH THE FACT THAT AT ONE LEVEL, APPARENTLY THE VOTERS HAVE THE RIGHT TO OPT OUT OR, OR, YOU KNOW, CONTROL THEIR OWN DESTINY IN THIS, WHICH IT WOULD JUST, IT APPEARS TO BE, BUT THEN THE FACT THAT THE POWER NOW IS VESTED IN THE LEGISLATURE TO SAY HOW THIS MONEY IS, IS TO BE DISTRIBUTED.

HOW CAN THOSE TWO THINGS WORK TOGETHER?

IN OTHER WORDS, I'M HAVING DIFFICULTY UNDERSTANDING HOW THEY CAN WORK TOGETHER BECAUSE WE'VE GOT THE LEGISLATURE SORT OF STATEWIDE LEVEL LOOKING AT

THIS THING AND HAVING AN OVERVIEW OF WHATEVER THEIR POLICY CONCERNS R. AND THEN WE'VE GOT THE LOCAL VOTERS THAT WANT TO DO SOMETHING SPECIFIC OR SPECIAL IN THEIR OWN TAXING DISTRICT.

HOW CAN THOSE TWO THINGS WORK TOGETHER?

>> WELL, I BELIEVE THEY CAN.

AND OF COURSE, HERE THE LEGISLATURE, THEY HAVE DIFFERENT OPTIONS THAT THEY CAN DO, BUT LET ME GIVE YOU AN EXAMPLE OF ONE OPTION AND THE WAY IT COULD WORK.

WHAT WE'RE DEALING WITH THEN IS, IS WE'RE DEALING WITH 13.5 MILLS, WHICH IS POTENTIALLY THE TOTAL CAP THAT COULD BE COLLECTED BY THE ENTITIES WE'VE ALREADY TALKED ABOUT.

WHAT THE LEGISLATURE COULD DO IS THEY COULD GO AHEAD AND PUT THE SAME CAPS.

IN OTHER WORDS, IT'S NOW UP TO 10 MILL CAP ON THAT.

WELL, THEY COULD DECIDE, FOR EXAMPLE, THAT AS TO THE SCHOOL BOARD AND AS TO THE MUNICIPALITIES, THEY WILL PUT A CAP OF 5 MILLS, 5 MILLS, AND THEN AS TO THE OTHER ENTITIES THEY WOULD PUT A CAP OF 3.5 MILLS.

SO WHAT YOU WOULD HAVE THEN IS YOU WOULD HAVE THE LEGISLATURE HAVING A PORTION THAT, AND IF YOU WERE IN THE SCHOOL

DISTRICT, AND IF THE LEGISLATURE DONE IT THAT WAY, YOU WOULD LOOK AT IT THEN AND IF THE SCHOOL DISTRICT SAID WE NEED FOR WHATEVER REASON WE NEED TO INCREASE THE TAXES AND WE NEED TO INCREASE IT TO 6% OR TO 6 MILLS, NOT 6%, 6 MILLS, THEN THEY WOULD VOTE ON THAT.

SO SOMEWHAT THE WAY --

>> WHO WOULD VOTE ON THAT?

>> PARDON ME.

>> WHO ARE YOU SAYING WOULD VOTE ON THAT?

>> THE ELECTERS IN THE SCHOOL

DISTRICT.

WHOEVER THE TAXERS ARE --

>> WHAT IF THEY ALREADY VOTE,
THEY ALREADY VOTE, LET'S SAY
THEY ARE GOING TO DOUBLE TIN
OTHER WORDS, THEY ARE GOING TO
SAY IN OUR TAXING DISTRICT
WE'RE GOING TO HAVE 2.7%.

BE OUR, BUT YOU KNOW THE
LEGISLATURE HAS A TRUMP CARD
OVER HERE BECAUSE THE
LEGISLATURE CAN SAY A-HA, YOU
KNOW, YOU'VE DONE THAT BUT THE
WAY THAT WE'RE GOING TO ORDER
THE DISTRIBUTION OF, OF THIS
REVENUE IS, IS, IS TOTALLY
GOING TO DEFEAT WHATEVER INTENT
THE LOCAL VOTERS HAD IN
DOUBLING THEIR POTENTIAL TAX
RATE.

IN OTHER WORDS, YOU SEE WHAT
I'M SAYING?

DOES IT, DOES THE LEGISLATURE
HAVE THAT TRUMP CARD?

>> I DON'T BELIEVE THEY DO, AND
OF COURSE, THE REASON IS THAT,
THE WAY I LOOK AT THE
LEGISLATIVE ALLOCATION IS LET'S
TAKE FOR EXAMPLE, A DISTRICT
TODAY WHERE THE EXISTING TAXES
IN THE DISTRICT ARE AT 20
MILLS, AT 2%.

AND THAT'S BROKEN UP AMONG THE
THREE ENTITIES LETSVER AAND IT
DOESN'T REALLY MATTER WHAT
PERCENTAGE IS AT WHAT ENTITY.
WHAT'S GOING TO HAVE TO HAPPEN
IS THE LEGISLATURE'S GOING TO
HAVE TO LOOK AT THAT SCENARIO
AND SAY OKAY, AS TO THE
ENTITIES THAT ARE AUTHORIZED TO
PARTICIPATE IN THIS PERCENTAGE,
WE'RE GOING TO HAVE TO
DETERMINE WHO HAS A PRIORITY OR
HOW THE CAPS ARE SET, IN OTHER
WORDS, WE'RE GOING TO HAVE TO
DETERMINE IF THE OVERALL AMOUNT
OF TAXING IS IN EXCESS OF 1.35

--

>> WHEN DOES THAT COME INTO
PLAY?

WHEN DOES THE LEGISLATURE
ACTUALLY GET THIS AUTHORITY
BECAUSE IN THE, IN THE, IN THE

SUMMARY, YOU SAY THAT THEY GET IT WHEN THE, IT REACHES THE 1.35%.

YET IN THE AMENDMENT ITSELF IT SAYS WHEN IT EXCEEDS THE 1.35%. SO WHEN DOES THE LEGISLATIVE ACTION HERE ACTUALLY COME INTO PLAY.

>> WELL I DON'T KNOW IF THERE IS A REAL DIFFERENCE BETWEEN REACHES AND EXCEEDS BECAUSE THE POINT IS --

>> WELL, REACHES MEANS YOU'RE AT THE 1.35%.

>> RIGHT.

>> DOES THE LEGISLATURE AT THE 1.35% GET TO DETERMINE THE DISTRIBUTION, OR WOULD IT HAVE TO BE AT 1.4%, WHICH EXCEEDS 1.35% BEFORE THE LEGISLATURE ACTUALLY GETS TO DO THE DISTRIBUTION.

>> I WOULD SAY THAT IT HAS TO BE AT THE 1.4 IN YOUR EXAMPLE, AND HERE IS THE REASON.

THERE'S NOTHING TO BE DISTRIBUTED IF THE OVERALL TAXES ARE LESS THAN 1.35. IN OTHER WORDS, IF IT'S LESS THAN 1.35, IN OTHER WORDS IF YOU HAVE A DISTRICT THAT HAS 5%, A DISTRICT THAT 5% A SPECIAL DISTRICT THAT THE HAS 3% --

>> BUT ISN'T IT THE RIGHT OF THE VOTERS THEN TO OPT OUT OF THIS ELUSORY IF ONCE THEY DO IT AND DECIDE TO TAX THEMSELVES AT HIGHER VALUATION OR WHATEVER, THE LEGISLATURE BY THE AUTHORITY THAT THEY HAVE CAN TAKE IT ALL AWAY.

ISN'T THAT AN ELUSORY PROMISE IF THE LEGISLATURE IN ORDERING THE REDISTRIBUTION CAN SAY WELL, THEY VOTED TO DO THAT BUT WE THINK IT'S MORE EQUITABLE NOW FOR ONE OF THE OTHER TAXING ENTITIES THAT THAT'S WHERE THE STRAIN IS, YOU KNOW, YOU KNOW, RIGHT NOW OR SOMETHING. SO ISN'T THAT AN ELUSORY PROMISE FOR LOCAL VOTERS TO UP IT AND IF THE LEGISLATURE HAS

THE TRUMP CARD?

>> IF THE LEGISLATURE THE THE ABILITY TO DO THAT, I BELIEVE YOU COULD CALL THAT ELUSORY, BUT I DON'T BELIEVE THEY DO BECAUSE WHAT HAPPENS IS WHETHER THE LEGISLATURE DETERMINES THE ALLOCATION, THEN THE PEOPLE WILL KNOW HOW MUCH THIS ENTITY, WHAT THE MAXIMUM IS THAT THEY CAN, WHAT THEIR MAXIMUM TAX RATE IS.

AND AT THAT POINT, THEY HAVE THE ABILITY TO THEN VOTE ON HOW THAT MAXIMUM TAX RATE AND THE LEGISLATURE --

>> LET ME FOLLOW UP ON THAT.

>> CERTAINLY, YOUR HONOR.

>> BECAUSE I'M CONCERNED THAT WHAT IT SAYS IN THE SUMMARY, DISTRIBUTION OF REVENUE FROM PARCELS THAT HAVE REACHED 1.35%.

NOW IS THE CONSPLATION THERE THAT ALL PARCELS IN THE TAXING DISTRICT WILL REACH IT AT THAT -- AT THE SAME TIME?

OR COULD THERE BE PARCELS IN THE DISTRICT THAT HAVEN'T RAISED IT SO THAT YOU'VE GOT SOME PARCELS THAT ARE CONTROLLED BY THE LEGISLATURE AND SOME THAT AREN'T?

>> I DON'T BELIEVE SO BECAUSE THE LEGISLATURE IS GOING TO HAVE TO PUT IN PLACE A STRUCTURE THAT WORKS I MEAN THE SCENARIO WHERE YOU MIGHT GET THAT IS WHERE YOU HAVE ENTITIES THAT ARE WITHIN A MUNICIPALITY.

THE MUNICIPALITY HAS A TAX RATE AND THEN YOU HAVE ENTITIES THAT ARE IN SAY THE LARGER COUNTY BUT NOT IN THE MUNICIPALITY.

AND IT COULD BE IN THAT SCENARIO THAT THE MUNICIPALITY PLUS YOUR SCHOOL BOARD PLUS YOUR OTHER ENTITIES EXCEEDS 1.35 BUT IN THE GREATER COUNTY AREA, YOU DON'T EXCEED IT BECAUSE THE MUNICIPAL PART IS NOT PART OF THAT PARCEL.

>> I'M STILL HAVING TROUBLE BUT

MAYBE IT'S BECAUSE I'M A SIMPLE PERSON, YOU STILL HAVEN'T ANSWERED ME IN RESPONSE TO JUSTICE ANSTEAD'S QUESTION IF YOU HAVE A PROJECT OR SOMETHING THAT A DISTRICT OR A UNIT, LET'S SAY A UNIT, WANTS TO DO AND IT'S GOING TO COST MORE THAN 1.35% OF THE VALUE SO THEIR GOING TO HAVE TO DO SOMETHING AND THEY VOTE TO TAX THEMSELVES TO ACCOMPLISH A, B, OR, C, WHATEVER THAT MAY BE AND THEN THE STATE IS NOT BOUND BY THAT IF THE AMOUNT OF REVENUE ABOVE THAT CAN THEN BE DISTRIBUTED BY THE STATE.

WHAT'S WRONG?

I MEAN, THIS IS WHAT I'M MISSING.

YOU SEEM TO BE SAYING WORDS BUT IT'S NOT ANSWERING THAT QUESTION.

>> WELL, I, DEFINITELY WANTS TO ANSWER THE QUESTION, YOUR HONOR.

I DON'T BELIEVE THAT THAT'S A PROBLEM BECAUSE THERE'S NOTHING IN HERE THAT SAYS THAT THE LEGISLATURE HAS ANY ABILITY TO ALLOCATE IF THE VOTERS SPECIFY THAT THEY WANT TO RAISE TAX RATES IN EXCESS OF THIS CAP.

>> I THOUGHT IT IS THAT ANY REVENUE IN EXCESS OF THAT AMOUNT IS TO BE DETERMINED BY GENERAL LAW.

SO THEN THAT CONFLICTS WITH SOME SPECIFIC PURPOSE.

WOULD IT NOT?

>> IT BASICALLY CONFLICTS WITH, IN OTHER WORDS -- I DON'T BELIEVE IT DOES.

>> WHY.

>> AND I AM NOT TRYING TO BE CONFUSING ON THAT.

>> NO, I APPRECIATE THAT.

YOU ARE TRYING TO COMMUNICATE AND I WANT TO UNDERSTAND.

WHY WOULD IT NOT IF WHAT WE'VE BEEN TALKING ABOUT IS THAT THE FLORIDA LEGISLATURE WILL MAKE A DETERMINATION WITH REGARD TO

HOW THE REVENUES ABOVE THAT AMOUNT, CORRECT, ARE TO BE UTILIZED.

>> NO.

THEY BAYCLASE, THERE ARE NO REVENUES ABOVE THAT AMOUNT THAT THE LEGISLATURE DETERMINES. IN OTHER WORDS, IT'S NOT AS THOUGH.

>> LOCAL PEOPLE, AGAIN, THE LOCAL, WHOEVER IT IS IN THE DISTRICT, THEY VOTE THEMSELVES TO EXCEED THAT AMOUNT, CORRECT?

>> THAT'S CORRECT.

>> LET'S WORK THROUGH, REALLY, REALLY SIMPLY, AND IF THAT IS FOR A PARTICULAR --S COULD THAT BE FOR A PARTICULAR PURPOSE?

>> DEFINITELY IT COULD BE FOR A PARTICULAR PURPOSE.

>> ALL RIGHT.

AND IF IT'S FOR A PARTICULAR PURPOSE BUT THE AMOUNT GENERATED NOW ON THAT PARCEL OF PROPERTY WILL BE REVENUES IN EXCESS OF THE AMOUNT OF THE AMENDMENT, CORRECT?

>> OKAY.

>> AND IS THAT AMOUNT THE, THIS SAYS THAT THAT AMOUNT, THE REVENUES IN EXCESS OF THAT, THIS LIMITED AMOUNT, THE DISTRIBUTION OR PORTION OF THAT IS TO BE MADE BY GENERAL LAW. IS THAT WHAT IT SAYS?

>> I DON'T BELIEVE THAT'S EXACTLY WHAT IT SAYS.

>> WHAT DOES IT SAY, THEN?

>> AND HERE'S THE WAY I WOULD EXPLAIN THAT.

>> WHAT DOES IS SAY?

>> IT SAYS HERE DISTRIBUTION OF REVENUE FROM PARCELS THAT HAVE REACHED THE 1.35% LIMIT SHALL BE DETERMINED BY THE GENERAL LAW.

>> RIGHT SO YOU CAN ONLY GET IN THAT POSTURE, CAN YOU NOT, IF THE LOCAL PEOPLE HAVE VOTED TO GET IN THAT POSTURE, CORRECT?

>> NO, YOUR HONOR, BECAUSE UNDER THE CURRENT LAW THE LOCAL PEOPLE DON'T HAVE TO HAVE VOTED.

IN OTHER WORDS --

>> WELL, IF THEY HAVE THOUGH.

OKAY.

WE'RE --

>> SO, MR. ^WOODRING, WOULDN'T THE EXCLUSION WHERE IT SAYS THE PROPERTY TAX APPROVED BY THE VOTERS AREN'T TO BE CONSIDERED IN THE COMPUTATION OF THE CAP, DOESN'T THAT SENTENCE REALLY SOLVE THE PROBLEM?

BECAUSE YOU HAVE, YOU HAVE EXCLUSION FROM WHAT'S LIMITED BY THE CAP SO YOU NEVER GET TO THE POINT OF THE LEGISLATIVE DIVIDING THE MONEY TO THE ENTITIES.

DOESN'T THAT EXEMPTION SENTENCE SOLVE THAT OR NO?

>> YES, YOUR HONOR, YOU'VE PUT IT THERE BETTER THAN I DID.

>> THAT'S FOR SURE.

>> AND WHAT I WAS TRYING TO DO IS TO EXPLAIN THAT THE LEGISLATURE NEVER DISTRIBUTES FUNDING IN EXCESS OF THE 1.35% CAP.

THERE'S ONLY EVER GOING TO BE 1.35% THAT THE LEGISLATURE DETERMINES HOW IT'S DISTRIBUTED.

THERE NEED TO DETERMINE HOW IT'S DISTRIBUTED IS TRIGGERED IF THE OVERALL AMOUNT WOULD EXCEED THAT AT ANY GIVEN TIME WITHOUT AS WE'RE TALKING ABOUT A SPECIFIC VOTER APPROVAL.

>> ALL RIGHT.

>> SO --

>> MR. ^WOODRING, YOU HAVE GONE WELL BEYOND YOUR TIME.

BUT JUSTICE PARIENTE HAS A QUESTION FOR YOU ON THE FIRST ISSUE HERE.

>> YEAH.

I THINK, AND I, I FEEL, AND WE'LL SEE WHEN WE GET HERE, THAT WE MAY BE TALKING MORE ABOUT HOW THIS WOULD ACTUALLY BE IMPLEMENTED AS OPPOSED TO WHAT, YOUR, WHAT YOU'RE SAYING IN RESPONSE TO ALL OF THIS IS YOUR INTENT IS NOT TO, TO THE LEGISLATURE TO OVERRIDE THE

ABILITY OF THE VOTERS TO RAISE
FOR SPECIFIC PURPOSE -- RAISE
REVENUE FOR A SPECIFIC PURPOSE.

>> THAT'S CORRECT.

>> MY BIGGER CONCERN, MY
INITIAL CONCERN, WHICH IS OUR
FIRST CONCERN IS WHETHER
THIS IS A SINGLE SUBJECT
VIOLATION.

SINCE YOU'RE WAY OVER YOUR
TIME, THIS IS AN AMENDMENT THAT
FROM THE FINANCIAL IMPACT
STATEMENT WILL SUBSTANTIALLY OF
COURSE AFFECT THE REVENUE TO
THE TUNE OF 6 OR \$7 BILLION A
YEAR REDUCTION,
AND YOU DON'T ARGUE WITH, WITH
THAT FINANCIAL IMPACT
STATEMENT.

SO WE KNOW IT'S A DEVASTATING
EFFECT.

MY CONCERN IS IS HOW DO YOU
RESPOND TO THE FACT THAT IN OUR
PEOPLE'S PROPERTY RIGHTS
AMENDMENT CASE FROM 1997, THAT
WE SAID THAT WHERE AN AMENDMENT
IMPACTS MORE THAN ONE LEVEL OF
GOVERNMENT AND ONE MORE THAN
ONE BRANCH OF GOVERNMENT, IT
DOES NOT FALL WITHIN THE
REVENUE RAISING EXCEPTION, AND
THIS ONE -- UNDOUBTEDLY,
AFFECTS EVERY LOCAL GOVERNMENT.

IT AFFECTS THE SCHOOL BOARD T.
AFFECTS THE LEGISLATURE T.
AFFECTS THE EXECUTIVE BRANCH.
SO, HOW IS THIS NOT A SINGLE
SUBJECT VIOLATION?

AND HOW DOES IT NOT, HOW DOES
IT MEET THE, SO IF YOU COULD
JUST ANSWER THAT AND, YOU KNOW,
YOU CAN JUST SUCCINCTLY AS YOU
CAN.

>> NO, THANK YOU, YOUR HONOR.
THE, THE ANSWER TO THAT IS THAT
THIS, I MEAN, THERE'S A
SPECIFIC CONSTITUTIONAL
PROVISION THAT SAYS PROVISIONS
THAT ARE LIMITING THE POWER OF
GOVERNMENT TO RAISE REVENUE ARE
NOT SUBJECT TO SINGLE SUBJECT.
NOW, WHEN YOU'RE TALKING ABOUT
WHAT WAS CITED IN THE 97 CASE,

THAT ACTUALLY CAME FROM THE FINE CASE IS WHAT IT CAME FROM AND CAME FORWARD.

THE FINE CASE DID NOT AT ALL DEAL WITH BALLOT SUMMARY AND TITLE.

THE ONLY THING THE FINE CASE DEALT WITH WAS A SINGLE SUBJECT AND IF YOU THINK ABOUT IT, THIS COURT ONLY HAS AUTHORITY TO LOOK AT THESE AMENDMENTS UNDER TWO THINGS.

SINGLE SUBJECT OR BALLOT SUMMARY AND TITE.

>> BUT I READ THE 1997 CASE SAYING THAT IF IT DOES NOT FALL WITHIN THE EXCEPTION FOR SINGLE SUBJECT, IF IT SUBSTANTIALLY ALTERS FUNCTIONS OF MULTIPLE BRANCHES OF GOVERNMENT.

AND MAYBE I'M MISS -- DO YOU NOT -- SO THAT'S WHAT, YOU DON'T SEE THE PROPERTY PEOPLE'S PROPERTY RIGHTS AMENDMENT AS BEING SIGNIFICANT TO THE ANALYSIS AS TO WHETHER THIS FALLS WITHIN THE REVENUE RAISING EXCEPTION?

>> NO, YOUR HONOR, YESEE IT AS BEING SIGNIFICANT, AND IN OUR BRIEFS, WE ARGUE THAT THIS COURT TO THE EXTENT THAT IS THE LOGIC IN THAT AMENDMENT SHOULD RECEDE FROM THAT.

THERE ARE SEVERAL --

>> YOU ARE SAYING -- SO YOU ARE JUST SAYING THAT, THAT OPINION IS WRONG, AND WE OUGHT TO RECONSIDER THE OPINION.

>> ON, ON THAT POINT, I BELIEVE THAT OPINION SHOULD BE RECONSIDERED AND OF COURSE --

>> BUT IF WE RELY ON IT AS PRECEDENT, DOESN'T IT MEAN THAT THERE'S A SINGLE SUBJECT VIOLATION HERE?

>> IF YOU RELY ON IT AS PRECEDENT.

>> WHICH WE ARE SUPPOSED TO DO UNLESS WE FIND THAT IT WAS --

>> AND OF COURSE AS AN ADVISORY OPINION IT DOESN'T HAVE THE SAME PRESIDENTIAL VALUE AS YOUR

OTHER DECISIONS ALTHOUGH YOU'LL RARELY DEPART FROM IT BUT HERE'S WHAT I WOULD SAY ON THAT ANY REVENUE LIMITATION PROVISION IF IT'S A REVENUE LIMITATION PROVISION IS NOT GOING TO IMPACT NOT BECAUSE IT IMPACTS OTHER SECTIONS BUT BECAUSE THE REVENUE LIMITATION IMPACTS.

IN THE HOMESTEAD TAX EXEMPTION CASE IN 2004, YOU SAID WHILE AN ADDITIONAL HOMESTEAD EXEMPTION MAY RESULT IN A LOSS OF REVENUE, WHICH WOULD MOST CERTAINLY AFFECT THE GOVERNMENTAL ENTITIES TO WHICH THE REVENUE PREVIOUSLY FLOWED AND THEN YOU WENT ON AND SAID WE FIND THE PROPOSED AMENDMENT DOES NOT SUBSTANTIALLY ALTER OR PERFORM.

SO BY DEFINITION, REVENUE LIMITATION --

>> IF YOU WOULD JUST BRING YOUR ARGUMENT TO A CLOSE.

YOU ARE WELL OVER YOUR TOTAL TIME.

>> THANK YOU, YOUR HONOR. AND I WOULD JUST ASK THAT YOU ALLOW THIS CITIZENS' INITIATIVE TO GO ON THE BALLOT. THANK YOU VERY MUCH.

>> MR.^GRIMES?

>> MAY IT PLEASE THE COURT. STEPHEN GRIMES ON BEHALF OF THE FLORIDA LEAGUE OF CITIES FLORIDA ASSOCIATION OF COUNTIES AND SCHOOL BOARDS ASSOCIATION.

>> CAN YOU JUST FOLLOW UP, MR.^GRIMES, ON THAT LAST ISSUE T. DOES SEEM TO ME THAT IF THE VOTERS INTENDED THAT YOU COULD -- THAT THE REVENUE RAISING LIMITATION AMENDMENT DID NOT HAVE TO BE SUBJECT TO SINGLE SUBJECT, AND AS AS MR.^WOODRUFF SAID, EVERY REVENUE RAISING EXCEPTION IS BY DEFINITION GOING -- OR AMENDMENT IS GOING TO IMPACT GOVERNMENT. AND MULTIPLE LEVELS OF GOVERNMENT, DOESN'T OUR, IF THAT'S WHAT WE MEANT TO SAY IN

1997 DIDN'T WE EVISCERATE THE,
THE AMENDMENT THAT SAYS THAT
REVENUE RAISING AMENDMENTS
DON'T HAVE TO BE SUBJECT TO
SINGLE SUBJECT?

AND I'M SURE THAT'SETER THAN
MAYBE A FEW OF US HERE, I HOPE
I'M CLEAR IN WHAT I'M ASKING
YOU.

IT JUST SEEMS TO ME THAT WE
MAYBE DID THINGS IN THAT
PROPERTY RIGHTS AMENDMENT THAT
REALLY EVISCERATED WHAT THE
INTENT WAS AS FAR AS THESE
ABILITY OF THE ELECTORATE TO
LIMIT THE ABILITY OF THE VOTERS
TO ON REVENUE RAISING.
AMENDMENT.

>> YES, ON, I UNDERSTAND THE
QUESTION.

THE, THIS COURT HAS SAID
CONSISTENTLY THAT THE, THE
CITIZENS' INITIATIVES ARE NOT
DESIGNED TO AFFECT CATAclysmic
CHANGES TO OUR FORMS OF
GOVERNMENT.

>> AND THAT'S THE UNDER SINGLE
SUBJECT.

>> WELL.

>> BUT THEN WE HAVE THE
AMENDMENT THAT SAYS THAT
REVENUE RAISING LIMITATIONS,
AND IN AN AMENDMENT, ARE NOT
SUBJECT TO SINGLE SUBJECT
ANALYSIS.

SO WHAT I'M SAYING, IS IT SEEMS
TO ME THAT IF YOU FOLLOW
PROPERTY RIGHTS AMENDMENT TO
ITS LOGICAL CONCLUSION, THAT
THE, WHAT WE'VE ANNOUNCED
WOULD, WOULD ANNIHILATE THE
INTENT OF THE AMENDMENT THAT
SAYS YOU DON'T HAVE TO LOOK AT
A SINGLE SUBJECT ANALYSIS IN
THOSE CASES.

>> WELL, I THINK IT WAS, THE,
THE SCOPE OF THE AMENDMENT
REALLY, ACTUALLY
THERE IS THE COURT IN THIS TAX
LIMITATION CASE IN, HAS
ACTUALLY, IT WAS ANOTHER
REVENUE LIMITATION CASE AND THE
COURT, WHATS IT IS THAT IT
WOULD'VE BEEN A SINGLE SUBJECT

BECAUSE THE SAME, THE SAME CASE
HAD BEEN UP EARLIER AND THE
COURT HAD SAID THE TAXES, IT
WAS FEES AND TAXES WERE
SOMETHING DIFFERENT.

AND STRUCK IT OUT BECAUSE OF
SINGLE SUBJECT.

THAT WAS BEFORE THE REVENUE
LIMITATION EXCEPTION GOT INTO
THE CONSTITUTION.

IT CAME BACK AGAIN BEFORE THE
COURT AND THE COURT SAID AT
THAT TIME BECAUSE OF THE
REVENUE LIMITATION EXCEPTION,
THAT IT WAS NO LONGER A PROBLEM
FOR SINGLE SUBJECT.

NOW MY POINT IS, THAT THE COURT
HAS ALREADY RECOGNIZED A SPHERE
OF OPERATION FOR THE REVENUE
LIMITATION.

>> WELL ISN'T THIS ONE THOUGH,
WHICH IS, IT MAY BE SIMPLE OR
IT MAY BE COMPLICATED IN ITS
IMPLEMENTATION BUT THE INTENT
IS TO SAY THAT GOVERNMENT
CANNOT TAX AT MORE THAN 1.35%
OF THE HIGHEST VALUE AND THAT'S
ALL IT SAYS AND IT CLEARLY THE
FINANCIAL IMPACT STATEMENT
WHICH NO ONE ATTACKS REALIZES
THIS WILL BE A SIGNIFICANT
LIMITATION ON REVENUE RAISED BY
THE TUNE OF \$7 BILLION
ANNUALLY, AND BUT THAT'S ALL,
THAT'S WHAT IT'S DOING.

I MEAN, IT GIVES SOME
EXCEPTIONS SO VOTERS COULD
MAYBE RAISE IT IN THEIR LOCALE
SO HOW IS THAT NOT EIN THE
REVENUE LIMITATION EXCEPTION.

>> BUT THIS GOES EVEN BEYOND
THAT.

IT'S BEYOND REVENUE LIMITATION.

LET ME EXPLAIN A COUPLE OF WAYS
THAT IT DOES THAT.

>> WELL, WOULD YOU AGREE, IF
THAT, IF IT JUST SAYS
GOVERNMENT CAN'T RAISE TAXES
STATEWIDE THAT TO THE TUNE OF,
YOU KNOW, THEY CAN'T TAX MORE
THAN, YOU KNOW, A CERTAIN
AMOUNT OF PER YEAR.
YOU KNOW, PER PERSON.

NOBODY'S GOING TO BE TAXED MORE THAN \$3,000 IN THEIR PROPERTY TAXES.

THAT'S JUST ALL IT'S GOING TO DO.

NO MATTER WHAT YOUR LEVEL, THAT'S ALL IT'S GOING TO DO. YOUR TAXES CAN'T BE HIGHER THAN \$3,000 A PERSON.

>> WELL, THAT MIGHT, MIGHT DO IT BUT THIS GOES BEYOND THIS AND IT WILL.

LET ME EXPLAIN, FOR EXAMPLE, AS IT'S ALREADY BEEN EARLIER DISCUSSED, THE TAX IN EFFECT THE LEGISLATURE IS BEING, BECAUSE OF THE WAY IT'S WRITTEN, THAT IF IT GETS TO 3.13 -- 313.5 THE LEGISLATURE IS GETTING PULLED INTO SOMETHING -- INTO DOING SOMETHING THAT IT HASN'T DONE BEFORE AND THAT'S ALLOCATION OF LOCAL TAXES.

>> WELL WHY SHOULDN'T THE PEOPLE BE ABLE TO DECIDE THEY ARE GOING TO GIVE THE LEGISLATURE THIS AUTHORITY? AND WHY SHOULD THIS COURT INTERPOSE ITSELF BETWEEN THE PEOPLE AND THEIR ABILITY TO MAKE THAT CHOICE IN THEIR CONSTITUTION?

THIS IS THEIR CONSTITUTION, IS IT NOT?

AND WHY WHAT AUTHORITY WOULD WE TELL THEM THAT THEY CAN'T DECIDE THEY'RE GOING TO ASSIGN THAT RESPONSIBILITY TO THE LEGISLATURE?

>> WELL, BECAUSE IT, THE EFFECT OF THIS DOES MORE THAN SIMPLY LIMIT REVENUE.

IT BRINGS -- IT, IT, FOR EXAMPLE, IT --

>> WELL, IT AFFECTS BUDGETING. THAT'S ONE IN THIS EARLIER OPINION, ONE OF THE, ONE OF THE ARGUMENTS OR, ONE OF THE POINTS THERE WAS THAT THE INITIATIVE CONCERN IS NOT ONLY REVENUE RAISING BUT ALSO THE LOCAL GOVERNMENT BUDGETING PROCESS. AND THAT WAS THE RATIONALE FOR

THE DECISION THERE.

WITH ALL DUE RESPECT, TO THE COURT'S PREVIOUS OPINION, OBVIOUSLY ANY LIMITATION OR REVENUE RAISING IS GOING TO AFFECT THE BUDGETARY PROCESS AND THE BUDGETING PROCESS. YOU COULDN'T HAVE THAT, A LIMITATION ON REVENUE, WITHOUT HAVING AN IMPACT ON THE BUDGETARY PROCESS AND TO SAY THAT AN IMPACT ON THE BUDGETARY PROCESS RENDERS THE EFFECT TO LIMIT REVENUE INAPPROPRIATE SEEMS TO ME TO BE NONSENSICAL.

>> WELL, BUT THIS GOES BEYOND THAT IT.

DOES -- SURE IT AFFECTS THE BUDGETING PROCESS BUT ASSUMING THAT IS NOT A VALID.

>> DO YOU SEE THE POINT I'M MAKING ABOUT THIS EARLIER, THE OPINION THERE?

HOW CAN WE MAKE SENSE OF THAT? IT'S JUST AN ASSERTION IN THIS OPINION WITHOUT ANY REASONING?

>> WELL, YOUR HONOR, IT WAS UNANIMOUS OPINION.

>> I UNDERSTAND THAT.

I UNDERSTAND THAT BUT IS THERE REASONING BEHIND IT?

OR IS IT JUST AN ASSERTION?

>> I CAN'T ANSWER THAT --

>> IF I -- POINT IT OUT TO ME.

>> WHAT I AM TRYING TO SAY IS THAT THIS GOES BEYOND THAT.

>> WELL, HOW DOES THIS GO BEYOND IT?

>> WELL, IN TWO WAYS.

THAT ONE AS I WAS TALKING ABOUT WITH, WITH RESPONSE TO JUSTICE PARIENTE, IT, IT BRINGS THE LEGISLATURE, THE LEGISLATURE NOW WILL BE ALLOCATING LOCAL GOVERNMENT REVENUE.

THAT'S SOMETHING THAT THEY THEY'VE, LOCAL GOVERNMENT TAXATION IT NECESSARILY MEANS THE LEGISLATURE IS DOING SOMETHING -- IT'S A TOTAL.

>> THE LEGISLATURE IS INVOLVED IN ESTABLISHING MILLAGE CAPS AS PART OF THE SCHOOL, SCHOOL FINANCING.

THE LEGISLATURE IS INVOLVED IN THAT SORT OF PROCESS.

THAT'S NOT -- NOW THIS GOES BEYOND THE SCOPE OF WHAT THEY MIGHT'VE DONE PREVIOUSLY BUT THE NOTION THAT THE LEGISLATURE'S NOT INVOLVED IN THAT, I THINK IS JUST NOT, I DON'T THINK THAT'S CORRECT.

>> WELL, I, WITH ALL DUE RESPECT, THEY ARE GOING TO BE, NOW GOING TO BE ALLOCATING HOW MUCH EACH CITY, HOW MUCH EACH COUNTY, AND HOW MUCH SCHOOL BOARD CAN TAX.

>> BUT ISN'T THAT BECAUSE, I MEAN, AGAIN, IN, ISN'T THAT BECAUSE WHEN YOU HAVE A REVENUE LIMITATION AMENDMENT, THE WAY THAT THE THEN THE AMENDMENT IS GOING TO WORK NEEDS TO BE SET FORTH, AND THAT'S WHAT IT SEEMS THAT THEY'RE TRYING TO DO IS GIVE THE DETAILS.

NOW, I GUESS THEY COULD HAVE SAID IN THE AMENDMENT THERE WILL BE A LIMITATION OF 1.35% AND THE DETAILS WILL BE WORKED OUT BY GENERAL LAW AS TO HOW THIS WILL WORK.

THEY COULD'VE SAID THAT. WOULD THAT HAVE BEEN THEN A, WOULD THAT HAVE FIT IN WITHIN THE EXCEPTION OR NOT? IN OTHER WORDS IF THEY DIDN'T

--

>> I AGREE.

>> UP FRONT ABOUT HOW THEY ARE GOING TO TRY TO WORK OUT THE DETAILS, THEN WE'RE GOING TO SAY IT'S NOW YOU GOT TO GO, YOU KNOW, WE'RE NOT GOING TO LET YOU TALK ABOUT THE DETAILS IN THE AMENDMENT.

JUST BE VAGUE.

JUST SAY THERE'S A LIMITATION, AND THEN IT WILL FALL WITHIN THE EXCEPTION AND EVEN THOUGH IT WILL AFFECT MULTIPLE LEVELS OF GOVERNMENT AND BE CATAclysmic, YOU KNOW, IT'S GOING TO BE OKAY.

AND THAT'S, I THINK, THAT WHAT I'M SEEING ABOUT WHAT, AND

FOLLOWING ON WHAT JUSTICE CANADY IS SAYING IT SEEMS THOSE ARE MORE THE DETAILS OF HOW YOU ARE GOING TO DEAL WITH THE REALT OF A \$7 BILLION ANNUAL LOSS IN REVENUE, WHICH WILL BE, YOU KNOW, CATAclySMIC FOR ALL GOVERNMENT, BUT THAT, IF THE VOTERS ARE AGAIN DECIDE THAT THEY WANT THE STATE TO CONTINUE TO, YOU KNOW, IN THIS, IN WHAT'S HAPPENING, I GUESS THE VOTERS CAN DO THAT.

>> WELL, THERE'S ANOTHER WAY THAT THIS IS DIFFERENT. IS IN THE SCHOOL AREA, WE'VE GOT THE CONTINUING REQUIREMENT TO RAISE MORE MONEY FOR SCHOOLS BECAUSE OF THE CLASSROOM AMENDMENT, CLASS SIZE AMENDMENT.

WHEN THIS GOES INTO EFFECT, IT'S OBVIOUSLY -- IF IT WERE TO GO INTO EFFECT, OBVIOUSLY CUT THE SCHOOL BOARDS -- IF I COULD

--
>> BUT THE LEGISLATURE COULD SAY THEY HAVE THE ABILITY TO ISSUESH, YOU KNOW, RAISE SALES TAXES.

I MEAN, THEY'VE GOT THE ABOUT TO ELIMINATE ALL THESE EXEMPTIONS THAT HAVE BEEN TALKED ABOUT THAT HAVE SEVERELY LIMITED OTHER REVENUES.

I MEAN, THIS IS ONLY TALKING ABOUT THE PROPERTY TAX AMENDMENT S. THERE ANYTHING THAT LIMITS THE ABILITY OF, LET ME ASK YOU THAT WAY.

OF THE LEGISLATURE TO RAISE OTHER REVENUES TO HELP FUND SCHOOLS OR DOES IT ONLY HAVE TO COME OUT OF PROPERTY TAXES.

>> NO. THAT WOULD BE THE EFFECT OF T. THEY WOULD HAVE TO RAISE ADDITIONAL MONEY IN ORDER TO DO THAT BECAUSE OF THEIR CONSTITUTIONAL REQUIREMENT OF HAVING HIGH QUALITY UNIFORM SCHOOLS IT WOULD SIMPLY BE A TRANSFER OF MONEY AND RIGHT NOW THE LEGISLATURE WOULD BE

RAISING THE MONEY.

--

>> MERITS ARGUMENT THAT THIS IS REALLY, YOU KNOW, ROBBING PETER TO PAY PAUL KIND OF ARGUMENT? THAT, YOU KNOW, YOU'RE STILL GOING TO BE TAXED IF YOU WANT TO HAVE, YOU KNOW, IF YOU WANT TO HAVE A POLICE DEPARTMENT, IF YOU WANT TO HAVE FIRE, RESCUE, YOU KNOW, IF YOU WANT TO HAVE GOVERNMENT.

IT'S JUST NOT GOING TO BE OUT OF YOUR PROPERTY TAXES.

>> BUT IT'S NOT, THE ILLUSTRATION I SAID DOES NOT JUST NOT LIMITING REVENUE. IT'S JUST TRANSFERRING TO THE LEGISLATURE THE RESPONSIBILITY TO RAISE THE SAME LIMIT. TO RAISE THE SAME REVENUE SO IN THAT SENSE IT GOES BEYOND LIMITING REVENUE.

>> LET ME SWITCH TO THE SUMMARY.

YOU KNOW, WE'VE QUESTIONED MR. WOODRING SEVERAL MEMBERS OF THE PANEL AS TO WHAT THIS WAS INTENDED TO DO.

BUT HOW DOES THE SUMMARY REGARDLESS OF WHAT IT'S INTENDED TO DO NOT REFLECT WHAT IS ACTUALLY IN THE AMENDMENT ITSELF? IN AN AMBIGUOUS WAY.

>> WELL, I SUBMIT FOR SEVERAL THINGS.

NOW ONE THING, WHICH HASN'T EVEN BEEN DISCUSSED YET IS BEGINNING IN FINE v. FIRESTONE AND CARRIED FORWARD IN THE TAX LIMITATION CASE LATER ON, THIS COURT HAS SAID THAT IRRESPECTIVE OF THE SINGLE SUBJECT REQUIREMENT, THE BALLOT SUMMARY MUST IDENTIFY A PROVISION, THE PROVISION OF THE CONSTITUTION THAT IS SUBSTANTIALLY AFFECTED. THIS SUMMARY SAYS NOTHING ABOUT ANY CONSTITUTIONAL SECTION, AND OBVIOUSLY THIS AFFECTS SECTION 7 OR ARTICLE VII SECTION 9, WHICH IS THE MILLAGE, THE,

ALLOWS THE 10 MILLS FOR THE VARIOUS ENTITIES, AND, AND THEREFORE, IT OBVIOUSLY AMOUNTS THAT SECTION -- AMENDS THAT SECTION BUT IT SAYING INTO ABOUT THAT TO THE VOTERS. IN FACT, WHAT IT DOES, THIS IS MUCH LIKE THE ASKEW CASE, IN WHICH IT SAYS THAT IT'S LIMITED TO 1.35 BUT IT DOESN'T TELL THE VOTERS THAT RIGHT NOW THIS, IF 3%, AND THAT WE'RE LOWERING IT, LOWERING THE ABILITY OF, OF COUNTIES TO TAX BY 70%. COUNTIES, LOCAL GOVERNMENTS, BY ABOUT 70%.

IT SIMPLY SAYS IT'S PUTTING A CAP ON THE 1.35 SO IT'S SIMILAR TO THAT OLD ASKEW CASE INVOLVING THE LOBBYIST WHICH I KNOW YOU'RE FAMILIAR WITH.

>> BACK TO THE QUESTION AS TO HOW DOES WHAT IS IN THIS AMENDMENT NOT ACCURATELY REFLECT --

>> I SUBMIT THAT IT IN SEVERAL OF COURSE, BEEN DISCUSSED EARLIER IN REQUESTING WITH RESPECT TO THE BOND PROBLEM OR THE ABILITY TO, OF THE CITIZENS TO VOTE FOR MORE TAXES, AND WHILE THE SUMMARY MAY APPEAR TO DO WHAT JUDGE POLSTON SAID, THE, THE AMENDMENT ITSELF WOULD APPEAR TO READ THAT THE, THE LEGISLATURE COULD STILL OVERRIDE THE --

>> WELL, WHEN DOES THE LEGISLATURE COME INTO PLAY IN THIS AMENDMENT?

I'M STILL NOT SURE WHEN THEY COME COME INTO PLAY.

IF THE PROPERTY TAXES AT 1.35% DOES THE LEGISLATURE GET TO DETERMINE HOW THAT 1.35% IS USED?

OR IF THE PROPERTY TAX EXCEEDS THAT, IS THAT WHEN THE LEGISLATURE STEPS IN?

I'M NOT SURE WHEN I READ THIS SUMMARY AND WHEN I READ THIS AMENDMENT WHAT --

>> WELL I'M NOT SURE EITHER, YOUR HONOR.

YOUR HONOR, I'M NOT SURE
EITHER.

BUT YOU KNOW, THAT'S JUST ONE
THE SEVERAL PROBLEMS --

>> BUT ISN'T THAT.

LET ME GO BACK ON THAT ISSUE
BECAUSE WE SPENT A LOT OF TIME
ON THE, IN THE FIRST PART OF
THE ARGUMENT.

TALKING ABOUT WHAT, WHAT, WHAT
THAT SAYS, WHAT THAT MEANS, AND
I THINK THAT, AND I'VE THOUGHT
OF MANY ARGUMENTS WE'VE HAD
OVER THE LAST DECADE WHERE IN
THESE CASES, THAT WE KNOW AND
YOU KNOW THAT WE DON'T RULE ON
THE WISDOM OR THE MERITS.

>> SURE.

>> AND ONE OF THE PROBLEMS
INHERENT IN CITIZENS'
INITIATIVES IS THAT THEY CAN BE
SUBJECT TO LITIGATION.

AND WE ALL KNOW THAT VERY WELL
AND THE PATIENT'S RIGHT TO
KNOW.

WHAT DOES IT MEAN?

AND IT SOUNDS TO ME LIKE THIS
ISSUE IS SAYING -- THEY'RE
SAYING IN GOOD FAITH JUST LIKE
YOU HAVE SAID IN MANY
AMENDMENTS SAYING THIS IS WHAT
OUR INTENT IS THAT IN GOOD
FAITH THEY DON'T INTEND FOR THE
LEGISLATURE TO OVERRIDE A, THE
ABILITY OF LOCAL GOVERNMENTS
OR, OR VOTERS TO RAISE A
PARTICULAR TAX OR A PARTICULAR
PURPOSE.

THAT'S NOT THEIR INTENT.

SO IT STRIKES ME THAT IF IT'S
NOT MISLEADING TMAY BE
CONFUSING BUT I'M NOT SURE THAT
WE HAVE A RULE THAT IF THEY
HAVEN'T, IF IT'S, MIGHT BE THE
SUBJECT OF LITIGATION, THAT WE
SHOULD, YOU KNOW, SAY, NO, GO
BACK AND REALLY DRAFT AN
AMENDMENT THAT'S VERY CLEAR IN
ALL OF ITS SPECIFICS.

WE'VE NEVER ACQUIRED THAT.

IN OTHER WORDS, DO YOU AGREE
WITH THAT THAT IT CAN BE
CONFUSING AND MAY HAVE TO BE
THE SUBJECT OF LITIGATION BUT

THAT DOESN'T MEAN AT THIS STAGE
WE OUGHT TO STRIKE IT BECAUSE
WE'VE JUST HAVE ABOUT 100
QUESTIONS WHICH ARE ALL
LEGITIMATE THAT MAY NOT BE ABLE
TO BE ANSWERED RIGHT NOW.

>> WELL, I CAN'T CITE A CASE TO
YOU BUT I KNOW THERE HAVE BEEN
CASES WHICH HAVE SAID THAT WHEN
THE BALLOT SUMMARY IS NOT CLEAR
OR UNAMBIGUOUS THAT OUR COURT
HAS STRUCK IT.

>> NOW THAT DOESN'T SOUND LIKE.
IT MAY BE, BUT IT'S ONLY IF
IT'S MISLEADING AS TO WHAT IS
SAID IN THE TEXT OF THE
AMENDMENT.

IF THE AMENDMENT ITSELF HAS
DETAILS THAT MIGHT BE THE
SUBJECT OF LITIGATION, LIKE
JUST, AGAIN, THINK ABOUT
PATIENT'S RIGHT TO KNOW OR
NURSING HOMES, YOU KNOW, PART
OR NOT, NOBODY CAN, YOU KNOW,
THAT WAS OR WASN'T DISCUSSED.

THAT MADE IT A, YOU KNOW, A
SUBJECT FOR LITIGATION.
BUT IS NOT, I DON'T KNOW A CASE
IF YOU CAN'T CITE IT, YOU WHO,
AGAIN, IN ALL, YOU KNOW, YOU
ARE THE EXPERT IN THIS AREA, I
DON'T KNOW THAT WE HAVE A CASE
THAT SAYS THAT SOMETHING THAT
IS NOT CLEAR OR MAYBE THE
SUBJECT OF LITIGATION MEANS
THAT WE HAVE TO STRIKE OR, OR
WHERE WE'RE CONSTITUTIONALLY
REQUIRED TO STRIKE IT.

>> WELL, --

>> CAN YOU THINK OF A CASE,
TELL ME A CASE?

THAT WOULD SAY THAT, THAT THE,
THAT WHAT YOU'VE JUST ESPOUSED
WHICH IS THAT IT'S AMBIGUOUS
AND THEREFORE --

>> NO, I CAN'T CITE YOU A CASE
OFFHAND.

I JUST --

>> CAN YOU EXPLAIN WHY WE
SHOULD HAVE THAT AUTHORITY?
WHY SHOULD WE BE ABLE TO
PREVENT THE PEOPLE FROM VOTING
ON SOMETHING THAT'S CONFUSING?
NOW, IF, IF, IF THE, I

UNDERSTAND THAT THE, THE
SUMMARY HAS TO BE NOT
MISLEADING.
PUT THAT ISSUE ASIDE.
FOCUS JUST ON THE PROPOSAL.
AND THE FACT THAT IT'S
CONFUSING OR RAISES INTERPRETIVE
QUESTIONS WILL, YOU KNOW, JOIN
THE CLUB.

I MEAN, STATUTES AND THINGS
THAT ARE ALREADY IN THE
CONSTITUTION.
AND IF THAT'S A REASON TO KNOCK
IT OUT, IT JUST SEEMS LIKE TO
ME THAT THAT SORT OF RATIONALE
IS SUBJECT TO JUDICIAL
MANIPULATION AND IS THE SORT OF
STANDARD THAT CAN BE EMPLOYED
SIMPLY TO KNOCK OUT A PROPOSAL
THAT CERTAIN PEOPLE DON'T LIKE.

ON A POLICY BASIS.
THAT SORT OF STANDARD IS VERY
DANGEROUS AND IT'S NOT THE SORT
OF, IT'S NOT THE SORT OF
STANDARD THAT A COURT SHOULD BE
EMPLOYING IN DEALING WITH THIS
SORT OF ISSUE.

>> YES, YOUR HONOR, I
UNDERSTAND.

>> MR. GRIMES, WOULD YOU
ADDRESS JUSTICE ANSTEAD'S
QUESTION WITH REGARD TO HOW
THIS THING OPERATES ON THE
GROUND WITH REGARD TO -- I HAVE
READ -- LET ME SEE THE
INTERPRETATION AS BEING
SUGGESTED AT ALL THIS MORNING
WITH SOME OF THESE THINGS AS
FAR AS THE SUMMARY GOES BUT HOW
DOES IT OPERATE IF THAT THE, A
PARTICULAR DISTRICT, LOCAL,
COUNTY, WHATEVER, JUST, A
UNIT, IF THEY VOTE TO
INCREASE TAXES AND IT'S CLEAR
THAT IT'S FOR A SPECIFIC
PURPOSE HOW DOES THAT
INTERACTION WITH THE GENERAL
REVENUE ASPECT THAT THE GENERAL
LAW ASPECT THAT THE LEGISLATURE
GETS INVOLVED IN BECAUSE IT'S
GOING TO TAKE IT ABOVE THE
AMOUNT.

>> WELL THE AMENDMENT ITSELF,

THE AMENDMENT ITSELF, SIMPLY IT SAYS THE LEGISLATURE SHALL LET GENERAL LAW PROVIDE FOR THE DISTRIBUTION OF TAX REVENUES DERIVED FROM PARCELS OF WHICH THE COMBINED AD VALOREM TAX EXCEEDS 1.35.

THAT SEEMS TO ME THAT THAT CAN HAVE THE EFFECT OF HAVING THE LEGISLATURE STILL UNDER CUT THE PROPERTY OWNERS' DECISION TO RAISE TAXES.

>> HOW --

>> THE SUMMARY ISN'T, DOESN'T QUITE PHRASE IT THAT WAY AND THEY CAN THE SUMMARY ITSELF IS NOT VERY LONG.

>> HOW CAN THAT EVEN HAPPEN IF YOU HAVE ONE SENTENCE THAT SAYS THE COMBINED TAXES CANNOT EXCEED 1.35%.

HOW CAN YOU HAVE ANOTHER PROVISION THAT, WHEN IT DOES EXCEED 1.35% THAT THE LEGISLATURE SHALL PROVIDE BY GENERAL LAW HOW IT'S DISTRIBUTED.

HOW DO THOSE TWO THINGS?

>> WELL, YOU KNOW, YOUR HONOR, I CAN'T EXPLAIN TOTALLY HOW IT WORKS.

>> IN OTHER WORDS, HOW COULD YOU EVER GET TO THE POINT WHERE IF IT EXCEEDS 1.35%, IF THERE'S A PROHIBITION ON IT EXCEEDING 1.35% TO BEGIN WITH.

>> I DON'T KNOW, YOUR HONOR.

>> THE OTHER QUESTION I HAVE FOR YOU, THAT, I IT'S MORE APPROPRIATE REALLY BUT THE WAY WE'VE DONE IT TIME HERE, SO I'M SURE WHETHER THE CHIEF WILL, YOU KNOW, PERMIT SOME HOPEFULLY EXTRA TIME BECAUSE THIS IS SO IMPORTANT.

THE, WHO IS IT WHO IS IT THAT IS GOING TO DECIDE THAT THE FACTS -- BETWEEN COUNTIES, SCHOOL DISTRICTS, MUNICIPALITIES, SPECIAL DISTRICTS, IS, IS GOING TO REACH REACH THIS 1.35%.

WHO IS IT THAT'S GOING TO DECIDE THAT THE COUNTY GETS .25

AND THE SCHOOL DISTRICT GETS
.50, AND WHO, IN OTHER WORDS,
IF ASSUMING ALL OF THESE
ENTITIES ARE NOW AT LEAST GOING
TO WANT TO GO UP TO THE 1.35 IN
ORDER TO GET ALL OF THE MONEY
THEY CAN TO SUPPORT THEIR
FUNCTIONS WHO DECIDES WHO CAN
HAVE HOW MUCH?

>> WELL, YOU KNOW, THAT'S ONE
OF THE PROBLEMS, EACH ENTITY
SAYS WE ARE GOING TO TAX THIS
MUCH AND DIFFERENT
MUNICIPALITIES MAY HAVE LITTLE
-- YOU KNOW, THERE'S LOTS OF
MUNICIPALITIES IN A COUNTY AND
THEY MAY HAVE DIFFERENT LEVELS
AND WHEN THEIRS IS PUT TOGETHER
WITH THE, COUNTY AND THE SCHOOL
BOARD, IT MAY EXCEED BUT ON THE
OTHER SIDE WON'T EXCEED.

>> WELL, MY CONCERN, AND I
GUESS IT'S A QUESTION FOR YOUR
OPPONENT IS THAT I'M WONDERING
THAT WHETHER THIS PROVISION FOR
THE LEGISLATURE ISN'T SUGGESTING
WELL SINCE OBVIOUSLY THOSE
GROUPS AREN'T GOING TO BE ABLE
TO AGREE, THAT WE'RE GOING TO
LET THEM GO AHEAD AND EXCEED
THIS BUT WE'LL JUST PROVIDE
THAT THE LEGISLATURE WILL
DECIDE HOW THAT REVENUE, YOU
KNOW, HOW, HOW THAT MAY BE.

>> WELL,.

>> THANK YOU.

>> LET ME WIND UP BY SAYING,
SAYING THIS, AND I KNOW WE'VE
ALL EXCEEDED OUR TIME, IN ORDER
TO, TO ASIDE FROM ALL THE
ARGUMENTS, WHICH I THINK ARE
LEGITIMATE AGAINST THIS, AND
THERE'S SOME OTHER ONES ABOUT
THE BALLOT SUMMARY THAT WE
HAVEN'T EVEN TALKED ABOUT, BUT
THIS IS COVERED IN THE BRIEF.
THE OTHER SIDE, THAT OVERALL
PROPERTY RIGHTS AMENDMENT CASE
YOU ALSO HAVE TO OVERALL THE
PROVISION THAT STARTED OUT WITH
FINE v. FIRESTONE AS WELL AS
WHAT WAS CARRIED FORWARD IN THE
TAX LIMITATION CASE THAT SAYS
THAT YOU GOT TO IDENTIFY THAT

PROVISION OF THE CONSTITUTION WHICH YOU'RE AMENDING AND THEY ARE FLAT AMENDING SAY, ARTICLE VII SECTION 9 AND I SUBMIT THAT THERE HAS NOT BEEN ANY SHOWING IN TERMS OF, OF STARE DECISIS OF WHY OR WHAT THE PROBLEMS HAVE BEEN OR ANYTHING THAT THE USUAL THINGS YOU CONSIDER IN DOING THAT SORT OF THING. AND YOU COULDN'T RULE FOR THEM WITHOUT DOING ALL OF THOSE THINGS I JUST GOT THROUGH SAYING, AND RESPECTFULLY WE ASK THAT THE AMENDMENT BE STRICKEN FOR SEVERAL REASONS THAT HAVE BEEN DISCUSSED.

>> I THANK YOU VERY MUCH. THANK BOTH OF YOU FOR YOUR ARGUMENTS HERE TODAY.