

>> THE NEXT CASE WILL BE ROBERTS
VERSUS DOYLE.

>> MAY IT PLEASE THE COURT,
RONALD LATHAN FOR THE SECRETARY
OF STATE, WHEN IT WAS PASSED IT
WAS A HOMESTEAD --

>> BEFORE WE GET STARTED HERE,
LET ME ASK YOU ABOUT THE PASSAGE
OF THE RESOLUTION IN THIS CASE
AND THIS WAS DONE IN 2009.

>> RIGHT.

>> CORRECT, BY THE 2009
LEGISLATURE.

SO, I GUESS MY REAL QUESTION
HERE IS, WHY ARE WE HAVING THIS
CASE NOW, AS OPPOSED TO, YOU
KNOW... A FULL YEAR HAS PASSED,
OR MORE, SINCE THIS PARTICULAR
RESOLUTION WAS PASSED, AND, YOU
KNOW, HERE WE ARE THAT THE
LAST MINUTE WITH THIS ON BEFORE
US WHEN WE SHOULD HAVE DONE THIS
MONTHS AGO.

I FIND IT VERY UPSETTING THAT
THIS HAS BEEN AROUND FOR A
WHILE, AND, ALL OF A SUDDEN WE
HAVE AN EMERGENCY AND WE HAVE TO
PUT THIS ON, YOU KNOW, THIS
CALENDAR AT THIS POINT.

BUT I ASSUME YOU HAVE NOTHING TO
DO WITH THAT?

[LAUGHTER].

>> THE APPELLEE IS PROBABLY IN A
BETTER POSITION --

>> [LAUGHTER].

>> JUST OUT OF THIS POSTURE --

IN [INAUDIBLE] POSTURE TO BE IN
AND WITH THAT SAID...

>> YOUR HONOR, AMENDMENT 3 WAS
DESIGNED TO PROVIDE A LIMITED
ADDITIONAL HOMESTEAD EXEMPTION
TO INDIVIDUALS WHO HAD NOT OWNED
HOME, A RESIDENCE IN THE --
PRINCIPAL --

>> LET ME UNDERSTAND WHAT IS
SAID WHEN THEY USE THE WORD
"ADDITIONAL", AND IT SEEMS IF
SOMEONE BUYS A HOUSE AS OF
JANUARY 2010, THEY CAN GET IN
ADDITION TO THE REGULAR
HOMESTEAD EXEMPTION, WHICH IS
THE 25,000 OR 50,000, THEY CAN
GET UP TO 25% OF THE ASSESSED
VALUE OF THAT HOME.
ADDITIONAL HOMESTEAD EXEMPTION.

>> YES.

BUT THERE IS -- BUT IT IS FOR
INDIVIDUALS, BUT IT'S NOT
STATEWIDE AND IS NOT FOR ALL --
JUST FOR INDIVIDUALS --

>> PEOPLE NOT HAVING HELP STEAD

--

>> PRECEDING 8 YEARS WHO
PURCHASED THE HOME ON OR AFTER
JANUARY 1, 2010.

SO --

>> JUDGE COOPER FOUND THE DATE,
JANUARY 1, 2010, THE OMISSION OF
THAT WAS IS A PROBLEM.

WHY IS THAT NOT A PROBLEM.

>> THE CLEAR ANSWER IS WHEN THE
COURT CONSISTENTLY STATED THERE

ARE TWO MAIN INQUIRIES, FIRST IS WHETHER OR NOT IT CAN BE -- AMENDMENT, AND... FAIRLY INFORMED THE CHIEF PURPOSE AND SECOND, IT MISLEADS AND WE'D ARGUE THE JANUARY 1, 2010 DATE IS MERELY A DETAIL BUT NOTHING THAT IS SORT OF DISPOSITIVE AS TO WHETHER OR NOT THE CHIEF PURPOSE IS CONVEYED, AND WHEN A VOTER GOES INTO THE VOTING BOOTH IN NOVEMBER, AND READS THE LANGUAGE OF THE BALLOT TITLE AND SUMMARY THEY WILL BE AWARE THAT IF I'M VOTING FOR THIS, I -- MY INCLINATIONS ARE, IT IS A GOOD THING AND GOOD PUBLIC POLICY, TO SPUR HOME OWNERSHIP AND A GOOD THING TO MAKE RENTERS INTO HOMEOWNERS, AND, IF -- I THINK, THE LOCAL, STATE, FEDERAL GOVERNMENTS ARE PERHAPS TAKING TOO MUCH MONEY AND, A LITTLE BIT OF EXEMPTION HERE, ACTUALLY IS A GOOD THING, I'LL VOTE FOR THIS. AND --

>> BUT ISN'T IT SIGNIFICANT THAT THE BALLOT SUMMARY, THE TITLE, IN THE TITLE IT SAYS, NEW HOMESTEAD OWNERS, THAT REFERENCE, AND, THEN, IN THE TEXT OF THE SUMMARY, IT MAKES REFERENCE TO AN ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS WHO HAVE NOT OWNED A PRINCIPAL RESIDENCE DURING THE PRECEDING 8

YEARS.

DOESN'T THAT REALLY HELP THE VOTER UNDERSTAND THE UNIVERSE OF PEOPLE THAT ARE ELIGIBLE, AND THOSE THAT ARE INELIGIBLE, AND, THAT IS WHAT THE DATES ALL ABOUT ANYWAY.

>> RIGHT, CERTAINLY, YOUR HONOR, THE DEFINITION OF THE PERSON WHO IS GOING TO BENEFIT FROM THIS IS EXPLAINING NOT ONLY IN THE BALLOT TEXT, BUT, ALSO GOING TO GET IN THE SUMMARY, YOU WILL GET A DEFINITION THAT -- AS TO WHO IT WILL APPLY TO AND IT MAKES IT VERY CLEAR THAT THIS JANUARY 1, 2010 DEADLINE FOR HOME OWNERSHIP, IS NOT A DISPOSITIVE SORT OF CRITICAL PRACTICE --

>> ISN'T JANUARY OF 2010, WHICH HAS PASSED A PART OF THE PRECEDING EIGHT YEARS?

ONE WOULD THINK, READING THE PRECEDING 8 YEARS IT WOULD COVER ALL TIME PERIODS, PRIOR TO THE ACTUAL VOTING AND IMPLEMENTATION OR EFFECTIVE DATES, OF THIS AMENDMENT.

THE EFFECTIVE DATE OF THIS AMENDMENT WOULD BE WHAT?

>> EFFECTIVE DATE WOULD BE BEGINNING WITH ASSESSMENT, JANUARY OF 2011.

>> SO WOULDN'T THE PRECEDING 8 YEARS, OF THAT TIME, INCLUDE JANUARY OF 2010?

>> STATE AGAIN, THE... IT WOULD START FROM THE -- AS... WHAT THE INTENTION OF THE LEGISLATURE WAS, WAS THAT IT WOULD BE THE PRECEDING 8 YEARS, TAKING INTO ACCOUNT THAT THE START DATE IS ANY DAY ON -- ANY HOME PURCHASED ON OR AFTER JANUARY 1ST, SO...>> JANUARY 1ST OF WHICH YEAR.>> JANUARY 1ST OF 2010.

AGAIN, JUDGE COOPER MADE A SERIES OF ERRORS IN OUR ESTIMATION AND, FIRST, I... THERE WAS THAT THERE WAS THE CHIEF PURPOSE OF THE AMENDMENT WAS NOT CONVEYED AND AGAIN, GETTING BACK TO WHAT I THINK IS CLEAR, THE CHIEF PURPOSE WAS CONVEYED AND EVERYBODY WHO KNOWS -- [INAUDIBLE] MIGHT HAVE TWO STRAINS OF VOTERS, THE INDIVIDUAL WHO THINKS IT'S A GOOD THING TO PROVIDE A LITTLE BIT OF TAX RELIEF, HOMESTEAD EXEMPTION, I WOULD SAY FOR THE INDIVIDUALS AN SPUR HOME OWNERSHIP AND THERE MAY BE INDIVIDUALS WHO SAY, WELL, GOODNESS GRACIOUS, THESE -- TAKING MONEY FROM LOCAL GOVERNMENTS MIGHT AFFECT THE INFRASTRUCTURE AND AMOUNT OF MONEY GOES TO SCHOOLS AND THAT IS BAD, AND GOODNESS WE SHOULD VOTE AGAINST THIS BUT IN EACH INSTANCE THE CHIEF PURPOSE OF

THE AMENDMENT IS CONVEYED TO PROVIDE A LIMITED, TARGETED EXEMPTION TO INDIVIDUALS WHO PREVIOUSLY IN THE PRECEDING 8 YEARS HAD NOT OWNED A PRINCIPAL RESIDENCE.

THE... WAS NOT DISPOSITIVE AND ANOTHER ERROR, THE TERM "FIRST TIME HOMESTEAD" AS MISLEADING AND WE BELIEVE THAT IS INACCURATE PARTICULARLY WHEN YOU GIVE EFFECT NOT ONLY IN THE BALLOT SUMMARY BUT... THEY HAVE A BASELINE OF KNOWLEDGE AND WILL BE INFORMED, SLIGHTLY HOW THE HOMESTEAD EXEMPTION WORKS, AND THEY -- BY THE READING AND TITLE WILL BE MADE AWARE THERE WILL BE A NEW EXEMPTION, AND, SO THEY UNDERSTAND THIS IS SOMETHING DIFFERENT THAN WHAT THE HOMESTEAD EXEMPTION IS COVERING, AND, THEY ALSO ARE BEING MADE AWARE WHO WILL BENEFIT FROM THIS, AND THEY GET INFORMATION AS TO THE DURATION OF THE -- DURATION OF THE EXEMPTION AND GET INFORMATION ABOUT THE SUN SET PROVISION, SO THEY KNOW THAT THE EXEMPTION IS NOT GOING TO BE LAST IN PERPETUITY AND UNDERSTAND IT'S NOT STATEWIDE IN ITS EFFECT AND UNDERSTAND THERE WILL BE A LIMIT OF A CERTAIN SEGMENT OF THE POPULATION AND SO, ALL OF THE INFORMATION IS

CONVEYED.

AND THERE IS NO SUGGESTIONS, NO ARGUMENT MADE, THAT A PROVISION OF THE FLORIDA CONSTITUTION IS BEING REPEALED, AND, SOMETHING THAT THERE IS -- THE AMENDMENT IS FILED UNDER FALSE COLORS AND NO SUGGESTION THAT IS... A VOTER WILL NOT UNDERSTAND, WHAT IS NECESSARILY A STATE.

WHEN HE VOTES FOR OR AGAINST THE AMENDMENT, THAT IS DESIGNED AS A STATE, TO PROVIDE AN ADDITIONAL EXEMPTION FOR NEW HOMESTEAD OWNERS.

WE SIMPLY BELIEF THERE IS A -- THREE CRITICAL ERRORS MADE AND IT WAS A HYPERTECHNICAL ANALYSIS, HYPER TECHNICAL IN THAT WE HAVE NEVER, NEVER REALLY -- THIS COURT NEVER SANCTIONED IN REGARDS TO BALLOT SUMMARIES AN TITLE ANALYSIS.

I THINK WE CONSISTENTLY SAID THAT WHAT MUST BE KNOWN AND WHAT THE VOTER MUST BE MADE AWARE OF, AND... IN ORDER TO CAST AN INTELLIGENT BALLOT WHETHER OR NOT THE CHIEF PURPOSE OF THE AMENDMENT HAS BEEN CONVEYED AND I SIMPLY REITERATE THE VOTER, THE VOTER WHO GOES INTO THE VOTER BOOTH WILL CERTAINLY UNDERSTAND THAT THIS IS JUST... WHO IT IS FOR, EVERYTHING ABOUT IT AND I THINK IT IS ABUNDANTLY

CLEAR.

SO, I SIMPLY...

>> ABUNDANTLY CLEAR, ANY VOTERS
WILL UNDERSTAND THAT...

[INAUDIBLE] \$500,000 HOUSE, THAT
YOU ARE GOING TO HAVE A \$50,000
EXEMPTION AND A \$100,000
EXEMPTION.

>> WELL, WE --

>> I'M JUST ASKING YOU.

DO YOU THINK, EVERY VOTER WILL
CLEARLY UNDERSTAND THAT?

>> YOUR HONOR, I THINK WE, I
THINK ARTICULATING THE TEST --
THIS COURT SAID THAT, DOES IT
FAIRLY INFORM THE CHIEF PURPOSE,
DOES IT MISLEAD AND THOSE ARE
THE TWO PRINCIPAL INQUIRIES THE
COURT IS SAYING ARE MOST
IMPORTANT.

SO, IS THERE -- THE TEST IS NOT
WHETHER A VOTER SOMEWHERE MIGHT
MISINTERPRET IT.

THAT -- A SECTION OF THE VOTING
POPULOUS, ALL TYPES OF THINGS
MAY INFLUENCE WHO VOTES FOR WHAT
AND OUR OWN PERSONAL
BACKGROUNDS, WHAT WE BRING WITH
US, VOTING... BUT AS THE COURT
SAID, THERE IS A BASELINE OF
KNOWLEDGE WE PRESUME THAT
INDIVIDUALS HAVE, WALKING -- OF
WHAT WENT INTO THE VOTING BOOTH
AND WE ARE COGNIZANT THERE WILL
BE MEDIA CAMPAIGNS AND THE FULL
TEXT OF THE AMENDMENT IS GOING

TO BE AT THE VOTING PRECINCT,

SO, WE ALSO --

>> I'M SORRY.

SAY THAT AGAIN.

>> WE PRESUME -- WE TALK ABOUT A

BASELINE, WE BELIEVE THAT

INDIVIDUALS HAVE A BASELINE OF

KNOWLEDGE, WALKING INTO THE

VOTER'S BOOTH AND --

>> WHAT THEY ARE READING IS THE

PARAGRAPH YOU HAVE OF THE

SUMMARY.

>> BUT THE SUMMARY, THE SUMMARY

WHICH PROVIDES THE DEFINITION

FOR THE TERM, FIRST TIME

HOMESTEAD, WHICH IS AN

INDIVIDUAL WHO HAS NOT

>> BUT THE INDIVIDUAL AND THE

VOTER KNOWS WHAT THE STATE AND

WHAT THE INDIVIDUAL ALSO KNOWS

IS THEY HAVE THE FULL AMENDMENT

THAT'S GOING TO BE IN THE VOTING

PROCESS.

THEY ARE NOT FLYING BLIND AND

THEY ARE NOT GOING INTO FALSE

COLORS OR THE VARIETY TERMS THIS

COURT USED TO SUGGEST WHEN THE

LEGISLATURE PERHAPS USES

LANGUAGE THAT IS TRYING TO

OBSCURE THE PURE PURPOSE OR

INTENT OF AN AMENDMENT.

THAT'S CERTAINLY NOT THE CASE

HERE.

NOBODY WOULD SUGGEST THAT IT'S

BEING OBSCURED.

ALL THAT'S REALLY BEING SAID IS

AGAIN AN INDIVIDUAL WILL GET THIS LIMITED TARGET EXEMPTION PASSED BY THE LEGISLATURE. THE MERITS OF THE PARTICULAR AMENDMENT IS WEIGHED UPON BY THE VOTERS, BUT IT CAN'T BE SAID ITS CHIEF PURPOSE WAS NOT CONVEYED. WHEN YOU ENGAGE IN THE HYPER TECHNICAL ANALYSIS AND COME UP WITH A VARIETY OF INSTRUCTIONS PARTICULARLY WHEN IT'S EASIER TO GIVE AFFECT TO THE CONSTRUCTION WHERE THE DEFINITION IS PROVIDED IN THE BALLOT SUMMARY ITSELF, AND THEN ALSO IF ONE CHOOSES TO LOOK AT THE BALLOT SCHEDULE YOU GET A SENSE OF A DEFINITION OF THE TERM AS WELL SO THAT A BALLOT SUMMARY AND THE BALLOT AND AMENDMENT ITSELF BOTH ARE CONSISTENT IN LANGUAGE. THERE'S NO CONSISTENCY BETWEEN THE TWO.

>> THE ISSUE HERE IS THE CONCEPTS ARE HERE, BUT IT'S NOT DEFINITE AND SPECIFIC AS THE DATE THAT'S IN THE TEXT OF THE AMENDMENT.

IS THAT WHAT IT AMOUNTS TO?

>> YES, IF I UNDERSTAND YOUR QUESTION IS THAT EVERYTHING THAT NEEDS --

THE CRITICAL ELEMENTS THAT NEEDS TO BE BEFORE THE VOTERS ARE BEFORE THE VOTERS AND EVERYTHING

WHETHER THE INDIVIDUAL WANTS THIS TO BE THE WAY TO PERCEIVE THIS WITH REGARD TO THE EXEMPTION IS PROVIDED AND THE DATE IS NOT AN ISSUE THAT WOULD BE SOMETHING THAT WOULD CONSTITUTE SOMETHING OF CONSEQUENCE OR IMPORT TO REQUIRE IT BEING STRUCK AS MISLEADING OR OBSCURE THE MAIN PURPOSE OR THE CHIEF PURPOSE OF THE AMENDMENT. IF THERE ARE NO FURTHER QUESTIONS, I RESERVE THE BALANCE OF MY TIME.

>> I'M BARRY RICHARD.

I'D LIKE TO ADDRESS THE QUESTION ABOUT WHY ALL I KNOW FOR SURE IS I FILED THIS AS SOON AS I WAS HIRED, BUT I CAN TELL YOU WHY I PRESUME I HAD NOT FILED SOONER, AND THAT IS BECAUSE THE LEGISLATURE PASSED THIS, AND THERE WAS TO BE ANOTHER SESSION BEFORE IT WENT ON THE BALLOT, AND I PRESUMED THOSE WITH CONCERNS ABOUT IT PRESUMED IT MIGHT BE CORRECTED IN THE SUCCEEDING LEGISLATIVE SESSION. IT WAS FILED ALMOST IMMEDIATELY AFTER ITS SECOND SESSION SINCE THE PASSAGE WENT BY WITHOUT ANY CORRECTION.

THAT'S MY ASSUMPTION.

THE COURT ANY SUCCESSFUL OF AN AMENDMENT --

>> ARE ASSUMED IT'S CORRECTED OR

DIDN'T WANT TO CORRECT.

>> NOW YOU ARE ASKING ME TO GET NOT HEADS OF PEOPLE AND I'M NOT CAPABLE OF THAT.

THEY HAD THE OPPORTUNITY TO DO IT, AND WE APPRECIATE THE COURTS AS WE ALWAYS HAVE ON ACCOMMODATION ON THESE PROPOSALS.

WITH REGARD TO THE PURCHASE DATE, THE FACT IS ITS NOT IN THE SUMMARY EVEN IN CONCEPT.

THE ATE YEAR TELLS US NOTHING ABOUT THE CONCEPT DATE.

FIRST THE AMENDMENT DOES NOT SAY EIGHT YEARS PRIOR TO THE AMENDMENT, BUT TO THE PURCHASE OF THE PROPERTY.

YOU COULD HAVE PURCHASED THE PROPERTY 20 YEARS AGO AS LONG AS YOU DIDN'T OWN A RESIDENCE AND HE WOULD BE ENLIGHTENED TO THIS.

>> DOESN'T THE LANGUAGE HAVE TO BE THE TITLE AND THE NEW HOMESTEAD OWNERS.

THEORETICALLY THAT'S A POSSIBLE CONSTRUCTION.

IS ANY REASONABLE PERSON GOING TO UNCTION NEW HOMESTEAD OWNER TWENTY YEARS AGO?

>> NO.

LET'S ASSUME I'M AN OWNER AND LIVED IN RENTAL HOUSING UNTIL 2009 WHEN I PURR PURCHASED I INTENDED TO MAKE MY HOMESTEAD. I ASSUME READING THIS SUMMARY

THAT I'M ENTITLED TO THE
HOMESTEAD EXEMPTION HOMESTEAD
EXEMPTION BECAUSE THAT'S WHAT IT
SAYS.

I DID NOT OWN A PRINCIPLE
BECAUSE I LIVED IN RENTAL
HOUSING, I'M ENTITLED, BUT I'M
NOT BECAUSE THERE IS A
REQUIREMENT IN THE LAW THAT I
PURCHASED AFTER JANUARY 2010,
AND IT SAYS NOTHING ABOUT THAT
AND THE EIGHT YEARS TELLS ME
NOTHING ABOUT THAT.

IF YOU LOOK AT THE LEGISLATIVE
HISTORY, THE ORIGINAL RESOLUTION
SAID NOTHING ABOUT HAVING TO
PURCHASES OVER JANUARY 1, 2010.
IT WAS ADDED LATER, AND WHOEVER
ADDED IT FAILED TO PUT IT IN THE
SUMMARY.

IT DOESN'T MAKE DIFFERENCE
WHETHER IT WAS THE BEST OF
INTENTIONS.

IT'S SIGNIFICANT, AND IN THAT
REGARD, LET ME MENTION
SOMETHING.

THROUGHOUT THESE PROCEEDINGS.

THE SECRETARY HAS SAID THE
PRINCIPLE, THE CHIEF PURPOSE OF
THIS PROPOSED AMENDMENT IS TO
PROVIDE AN ADDITIONAL EXEMPTION
TO INDIVIDUALS WHO HAD NOT OWNED
A RESIDENCE FOR EIGHT YEARS IS
WHAT SHE SAID OR THE COUNCIL
SAID.

THEY DID NOT SAY THE CHIEF

PURPOSE WAS TO PROVIDE EXEMPTION
FOR INDIVIDUALS PERIOD.

THEY DID NOT SAY THAT.

IT WOULD HAVE BEEN INCOMPLETE
AND MISLEADING.

THEY KNEW THEY HAD TO TELL THE
VOTERS ABOUT AN ESSENTIAL
CONDITION WHICH IS THE EIGHT
YEARS, BUT WHAT IS THERE ABOUT
THE EIGHT YEARS THAT'S ANY MORE
ESSENTIAL THAN THE FACT YOU HAVE
TO PURCHASE YOUR PROPERTY AFTER
JANUARY 1, 2010 WHICH
SIGNIFICANTLY NARROWS THE POOL
OF PEOPLE WHO THIS IS A BENEFIT
FOR.

THESE TWO CONDITIONS, BOTH OF
THEM, THE EIGHT YEARS AND THE
JANUARY 1, 2010 CONDITION,
DEFINE THE BENEFIT CLASS.

THEY TELL US WHO'S ENTITLED, AND
WHO'S NOT.

IF YOU LEAVE THEM OUT, YOU ARE
TELLING PEOPLE YOU CANNOT READ
THIS.

IT DOESN'T MATTER ABOUT THE
EIGHT YEARS.

ALL IT TELLS YOU IS THAT YOU
CAN'T HAVE OWNED THE PRINCIPLE
RESIDENCE FOR EIGHT YEARS, AND
THE SCENARIO I GAVE YOU IS NOT
ONE THAT'S UNUSUAL.

IT PROBABLY HAPPENS TO A LOT OF
PEOPLE.

I BOUT A PIECE OF PROPERTY.

IT'S THE FIRST PROPERTY I'VE

EVER OWNED.

I EXPECT TO BUILD ON IT OR MOVE INTO IT, AND I'M GOING TO TAKE MY ADDITIONAL HOMESTEAD EXEMPTION.

THAT'S THE FIRST HALF OF THE PROBLEM.

THERE'S A SECOND PROBLEM WITH THE REVISION AS WELL.

IT'S MISLEADING IN A WAY IT'S MISINTERPRETED.

WE'RE NOT TALKING ABOUT THE AMBIGUITY AND THAT'S THIS MAKES A DEFINITE STATEMENT.

HERE'S WHAT IT SAYS.

THIS AMENDMENT ALSO REQUIRES THE LEGISLATURE TO PROVIDE AN ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS WHO HAVE NOT OWNED A PRINCIPLE RESIDENCE DURING THE PROCEEDING EIGHT YEARS, AND THEN THE NEXT LINE SAYS UNDER THE EXEMPTION 25% OF THE FIRST VALUE OF A FIRST TIME HOMESTEAD UP TO \$100,000 IS EXEMPT FROM PROPERTY TAXES.

THAT IS THE SUMMARY.

YOU CANNOT READ THE TERM FIRST TIME HOMESTEAD.

IT MEANS THIS IS THE FIRST TIME I HAVE NEVER BEFORE DECLARED HOMESTEAD.

THAT'S WHAT IT MEANS, BUT THAT'S NOT WHAT THIS AMENDMENT MEANS.

IT USED TO SAY THAT, BUT ONCE THE RESOLUTION WAS PASSED, IT

DIDN'T SAY ANYTHING ABOUT EIGHT YEARS.

IT DIDN'T EVEN MENTION THE WORD PRINCIPLE RESIDENCE.

IT CADS EXACTLY WHAT THE SUMMARY SAYS NOW WHICH IS THAT YOU COULD NEVER BEFORE HAVE DECLARED HOMESTEAD.

THE LEGISLATURE CHANGED THAT. THEY ELIMINATED THAT AND PUT IN THE EIGHT YEAR PROVISION.

NOW, WHAT THIS SAYS TO AN INDIVIDUAL IS I CAN NEVER BEFORE HAVE HAD A SUMMARY.

EVERYBODY AGREES AS I POINTED OUT THAT PRINCIPAL RESIDENCE DOES NOT MEAN THE SAME THING AS HOMESTEAD.

>> IF I UNDERSTAND EXACTLY WHAT YOU'RE SAYING THAT THIS FIRST TIME HOMESTEAD MEANS AND THAT IS IF I TWENTY YEARS AGO HAD A HOMESTEAD NEAR AND FOR WHATEVER REASON I NO LONGER OF HAD IT AND NO LONGER HAD IT FOR THE LAST EIGHT YEARS, THE TERM FIRST TIME HOMESTEAD, I WOULD NOT BE ENTITLED BECAUSE I HAD HOMESTEAD IN THE PAST?

>> YEAH.

HERE'S AN EXAMPLE.

LET'S ASSUME I'M A HOMESTEAD EXEMPTION OWNER AND DECLARED HOMESTEAD, AND I NOW MOVED INTO RENTAL HOUSING AFTER THAT OR IT WAS NOT MY PRINCIPLE RESIDENCE.

I OWNED THE PROPERTY, BUT I LIVED SOMEPLACE ELSE, AND AT SOME POINT I DIDN'T HAVE A RESIDENCE FOR THAT PERIOD OF TIME, AND I DECIDE NOW I WANT TO BUY A NEW HOME.

THIS SAYS TO ME I'M NOT ENTITLED TO IT BECAUSE I DECLARED IT ONCE BEFORE.

THIS TELLS ME TWO THINGS.

IT TELLS ME I CANNOT HAVE OWNED A PRINCIPLE RESIDENCE FOR THE PAST EIGHT YEARS OR EIGHT YEARS BEFORE SOMETHING, AND I CAN NEVER HAVE BEFORE DECLARED HOMESTEAD.

ONCE AGAIN THE CONFUSION HERE HAS NOTHING TO DO WITH THE LEGISLATURE HAVING INTENT THAT WE HAVE TO GLEAN FROM THIS.

IT HAS TO DO WITH THE FACT THE RESOLUTION WAS AMENDED AND THE SUMMARY WAS NEVER FIXED.

NOW, THIS COURT HAS REMOVED PROPOSALS FROM THE BALLOT NUMEROUS TIMES BECAUSE OF AMBIGUITIES THE VOTER GUESSES WHAT IT MEANS.

THIS IS MORE THAN AN AMBIGUITY. YOU HAVE TO MISUNDERSTAND IT IN ORDER TO THINK IT DOES WHAT IT REALLY DOES.

YOU HAVE TO MISUNDERSTAND THE WORDING IN ORDER TO UNDERSTAND WHAT THE AMENDMENT REALLY DOES. NOW, I UNDERSTAND AS JUSTICE

CANADY SAYS AND FRANKLY AS THE JUDGE SAID THAT THE WORD NEW HOMESTEAD CAN BE AMBIGUOUS. IT CAN MEAN BUYING A NEW HOUSE. THE FIRST TIME HOMESTEAD IS NOT AMBIGUOUS.

IT SAYS WHAT IT SAYS.

THE PROBLEM WITH THIS IS IT HAS TWO SEPARATE ERRORS IN IT.

EACH IS MISLEADING IN A DIFFERENT WAY, IN THE OPPOSITE WAY.

ONE OF THEM TELLS VOTERS THEY ARE NOT ENTITLED TO A HOMESTEAD THAT THEY ARE, AND THE OTHER SAYS THEY ARE NOT, AND THAT CAN CHANGE THE VOTE BOTH WAYS BOTH TIMES.

ON THE JANUARY 1, 2010 ISSUE I'M A VOTER CONCERNED ABOUT THE FISCAL IMPACT AND THINKS THIS IS GOING TO AFFECT A LOT MORE MONEY THAN IT REALLY IS, AND I MIGHT VOTE AGAINST IT.

OR I MIGHT BE A VOTER WHO BELIEVES I AND A LOT OF PEOPLE IN MY SAME SITUATION WOULD BE GETTING ADDITIONAL HOMESTEAD WHO NEED IT AND I'LL VOTE FOR IT WHEN THEY WILL NOT GET THE ADDITIONAL HOMESTEAD.

FOR THE SECOND ONE, THE ONLY WAY TO UPHOLD THIS WHICH IS THE WAY THE SECRETARY IS ARGUING IS BY MAKING TWO CONCLUSIONS NEITHER ONE OF WHICH MAKES SENSE.

THE FIRST ONE IS THAT WHEN THIS
SAYS FIRST TIME HOMESTEAD, IT
REALLY MEANS EIGHT YEARS.
JUST MEANS EIGHT YEARS.
I DON'T KNOW ANY INTERPRETATION
IN THE ENGLISH LANGUAGE THAT
ALLOWS YOU TO REACH THAT
CONCLUSION.

>> DON'T WE ALWAYS HAVE TO LOOK
AT LANGUAGE IN ITS CONTEXT, AND
THE CONTEXT INDICATES HERE THAT
REFERENCE IS AN APP CIGS TO THE
REFERENCE TO THE EXEMPTION FOR
PERSONS WHO HAD NOT OWNED A
HOMESTEAD EXEMPTION IN EIGHTS.

--

YEARS.

>> NO.

>> I DIDN'T THINK YOU DID.

>> EVEN A LAWYER WOULD
UNDERSTAND A PRINCIPLE RESIDENCE
IS NOT A HOMESTEAD.

YOU CAN READ THIS AND SAY I
DON'T KNOW WHAT GOES THROUGH THE
LEGISLATIVE MIND, BUT THEY
DIDN'T WANT YOU ON A PRINCIPLE
RESIDENCE FOR EIGHT YEARS PRIOR
TO SOMETHING OR DECLARE
HOMESTEAD.

IF I'M A LAYMAN, I HAVE NO IDEA
THAT THERE'S SOME CONNECTION NOT
ONLY TO PRINCIPLE RESIDENCE AND
HAVING DECLARED HOMESTEAD FOR
THE FIRST TIME.

THAT'S WHAT IT SAYS.

IT'S INTERESTING, I THINK, THAT

WE REQUEST BANTER OVER THIS PROVISION, BUT THERE IS NO BANTER OVER THE JANUARY 1, 2010. THEY STUCK IT IN AND FORGOT TO PUT IT IN THE SUMMARY, AND YOU CANNOT SAY IT'S NOT SIGNIFICANT. NOW, THE SECRETARY'S ARGUMENT IN THE BRIEF IS THIS IS A MERE DETAIL, AND THE SECRETARY COMPARES IS TO LIKES TO REFER TO IT BY THE WAY, AS A DEFECTIVE DATE AND COMPARES IS TO CASES WHICH THIS COURT BY THE WAY STRUCK FROM THE BALLOT. THIS IS NOT A DURATIONAL DATE. IT IS A DEFINITION OF THE CLASS OF INDIVIDUALS ENTITLED TO THIS BENEFIT. IF THIS WAS AN EFFECTIVE DATE, IT WOULD HAVE BEEN SIMPLE. IF THE LEGISLATURE WHAT THEY REALLY INTENDED WHICH WE KNOW THEY DIDN'T INTEND, BUT LET'S ASSUME THE ONLY THING THE LEGISLATURE INTENDED WAS TO SAY THAT THIS ACT TAKES AFFECT ON JANUARY 1, 2011, THAT'S WHAT THE SECRETARY WAS ARGUING, AND WE UNDERSTAND THAT ORDINARILY HOMEOWNERS WOULD TAKE THIS AFTER JANUARY 1, 2011. LET'S ASSUME THAT WAS THEIR PURPOSE. THAT WAS SIMPLE. WHAT THEY WOULD SAY IS THE ACT TAKES AFFECT JANUARY 1, 2011,

BUT THE EXEMPTION IS APPLIED ON
JANUARY 1, 2010.

THE PURCHASE DATE IS ENTIRELY
DIFFERENT BECAUSE THAT NARROWS
THE CLASS OF PEOPLE ENLIGHTENED
TO THIS AMENDMENT.

BY THE WAY, THE LANGUAGE IS NOT
SUBJECT TO ANY INTERPRETATION.

THE LANGUAGE IS VERY CLEAR.

THE LANGUAGE SAYS THAT YOU MUST
HAVE PURCHASED IT AFTER 2010.

THAT ELIMINATES MOST OF THE
PROPERTY OWNERS IN FLORIDA.

AT LEAST IT'S A NARROW CLASS.

>> THIS GOES ON UNTIL THE TIME
OF SOME OTHER AMENDMENT REPLACES
IT?

>> THE AMENDMENT HAS A FIVE YEAR
DURATION.

>> I KNOW ANY INDIVIDUALS WHO
CLAIMS THIS, YOU HAVE A
REGRESSION.

>> THAT'S CORRECT, SO IN OTHER
WORDS --

>> BUT AS LONG AS THIS SUSPECT
REPLACED FIVE YEARS FROM NOW IF
SOMEONE WHO BOUGHT THEIR HOUSE
WOULD STILL BE ENTITLED TO THIS
25%?

>> YES, YOUR HONOR, IF THEY
BOUGHT IT AFTER JANUARY 1, 2010.
YOU CAN ALSO SAY BY THE WAY,
THAT ANYBODY CAN GET INTO THIS
CLASS AS LONG AS THEY BY THE
HOUSE AFTER JANUARY 1, 2010.
THAT DOESN'T MAKE IT ANY LESS

MISLEADING.

IF I OWN A HOUSE I JUST PAID A
SUBSTANTIAL AMOUNT OF MONEY FOR
IN 2009, I'LL LOOK AT THIS AND
ASSUME I DON'T HAVE TO BUY
ANOTHER HOUSE.

I'M ENTITLED NOW AND EVERYBODY
ELSE IN A SIMILAR SITUATION IS
ENTITLED TO IT.

I DEFY ANYONE TO READ THIS
SUMMARY AND FIGURE THAT OUT,
BECAUSE YOU CANNOT.

THE SUGGESTION BY THE SECRETARY
YOU SHOULD UNDERSTAND THAT
BECAUSE THE EIGHT YEAR
PROVISION, IT JUST DOESN'T MAKE
SENSE BECAUSE OF THE REASON THAT
I SAID.

I COULD HAVE BOUGHT MY PROPERTY
IN MARCH OF 2009 OR ANY TIME --
>> DECEMBER.

>> DECEMBER HAVING LIVED IN
RENTAL HOUSING FOR YEARS, AND
THIS TELLS ME IN UNAMBIGUOUS
TERMS I'M ENTITLED TO THIS
EXEMPTION AS IS ANYONE ELSE IF
THEY HAD NOT OWNED A PRINCIPLE
RESIDENCE PRIOR TO PURCHASE OR
PRIOR TO THE EFFECTIVE DATE I'M
ENTITLED TO IT.

THAT'S WHAT IT SAYS.

UNLESS THE COURT HAS QUESTIONS,
I HAVE NOTHING FURTHER.

>> THANK YOU.

>> VERY BRIEFLY, YOUR HONOR, WE
HAVE A FEW QUICK BULLET POINTS

AND ALLOW YOU TO GET TO THE NEXT CASE.

THERE'S A LOT OF DISCUSSION ABOUT FIRST-TIME.

WELL, THERE'S A FEW ANSWERS TO THAT.

FIRST, FOR EXAMPLE, DURING THE SAME TIME THAT AMENDMENT 3 WAS BEING CONSIDERED, THE FEDERAL FIRST TIME HAD NOT OWNED A HOUSE IN THE PROCEEDING THREE YEARS.

IF YOU OWNED A HOME FIVE YEARS PAST YOU WERE STILL A FIRST-TIME HOME BUYER.

THE DEFINITION OF FIRST TIME HOME BUYER IS CONSISTENT WITH THE TITLE, THE BALLOT, THE SUMMARY, SCHEDULE --

>> HOW DO VOTERS KNOW THAT?

>> ARE YOU TALKING ABOUT --

>> THIS IS CONSISTENT WITH --

>> I THINK THAT IS A PIECE OF LEGISLATION THAT WAS RELATIVELY WELL-DOCUMENTED AND FOLKS MAY HAVE BEEN AWARE --

>> I THINK PEOPLE PROBABLY KNOW IN GENERAL TERMS, BUT I'M NOT SURE THAT EVERYONE WOULD NECESSARILY UNDERSTAND THAT DEFINITION.

>> RIGHT.

THE POINT IS WE'RE NOT TRYING -- THE VOTER DOESN'T GO WITH THE SAME SORT OF HYPER TECHNICAL RIGID --

>> I THINK THE MORE IMPORTANT

ISSUES HERE REALLY IS HOW WOULD ONE KNOW, AND MAYBE YOU TOUCHED ON IT BEFORE, BUT HOW WOULD ONE KNOW THAT IF THEY PURCHASE THE PROPERTY, THEIR NEW HOMESTEAD IN 2009 THAT READING THIS SUMMARY, HOW WOULD THEY KNOW THAT THEY WOULD NOT BE ENTITLED TO THE ADDITIONAL HOMESTEAD EXEMPTION?

>> VERY SIMPLY, YOUR HONOR.

2010 INCLUDES THE PROCEEDING EIGHT YEARS, SO IF I PURCHASED THE HOMESTEAD EXEMPTION IN 2009, I WOULD NOT BE IN THIS EXEMPTION AND 2009 IS --

>> CONVERSELY HOW WOULD ONE KNOW IF THEY PURCHASED A HOMESTEAD EXEMPTION IN FEBRUARY OF 2010 THAT THEY WOULD BE INCLUDED?

>> WELL, WE ASSUME AND THIS COURT SAID THAT LEGISLATION IS PROSPECTIVE IN ITS OUTLOOK AND PRESUME THEREFORE THAT THIS WOULD BE FORWARD LOOKING AND APPLICATION IS FORWARD LOOKING. MOREOVER, THE KEY, AND THE KEY EFFECTIVE DATE --

>> LOOKING FROM WHERE?

FROM WHERE?

FORWARD LOOKING FROM THE DATE YOU PASSED THE AMENDMENT? THAT'S THE FORWARD LOOKING THAT AN ORDINARY PERSON WOULD BE LOOKING AT.

>> RIGHT, I THINK YOUR HONOR, THOUGH THE KEY THAT'S BEING

IGNORED THAT IS UNCHALLENGED
THAT THE ASSESSMENTS TAKE PLACE
ON JANUARY 2011.

THAT'S NOT MENTIONED IN THE
SUMMARY EITHER, BUT THAT'S NOT
CHALLENGED.

IT NECESSARILY MAKES SENSE THAT
AN ASSESSMENT APPLIES TO THE
PROPERTY --

>> THAT WOULD SEEM TO ME MORE
NATURALLY TO KNOW BECAUSE YOU
CERTAINLY WITHOUT SAYING SO
WOULDN'T BE TALKING ABOUT
ASSESSMENTS FROM 2010 WHEN ITS
BEING VOTED ON IN NOVEMBER OF
2010, SO TO ME, THAT IS NOT AS
CRITICAL AS ONE HAVING KNOWLEDGE
THAT IF YOU PURCHASE THE
PROPERTY IN 2010 THAT YOU WOULD
BE INCLUDED IN THIS.

>> YOUR HONOR, AGAIN, WE CAN
ONLY GO BY WHAT THE SUMMARY
PROVIDES AND WE DO PRESUME THAT
VOTERS ARE GOING TO COME TO THE
BALLOT BOX WITH KNOWLEDGE AND
READ THE SUMMARY IN THE
APPROPRIATE CONTEXT AND GIVE
EFFECT TO THAT.

A PERSON WHO PURCHASED A HOME IN
TWINE 2009 ARE NOT GOING TO BE
COVERED.

A PERSON PURCHASING IN 2010 THE
VOTER KNOWS THE EXACT LANGUAGE
IS PROCEEDING EIGHT YEARS IS NOT
NECESSARILY GOING TO BE A
LITERAL REFERENCE AND

CONSEQUENTLY, YOUR HONOR, I JUST WANT TO READ ONE LAST QUICK POINT.

THE DEFINITION THE FIRST TIME IS PROVIDED IN THE AMENDMENT, IN THE SUMMARY, AND THE STANDARD WE USE IS CLEARLY AND CONCLUSIVELY EFFECTIVE.

THERE'S NO AMENDMENT THAT THIS IS INEFFECTIVE.

WE ASK THAT AMENDMENT 3 IS TO REMAIN ON THE BALLOT.

>> BEFORE YOU SIT DOWN CAN I ASK YOU TO GO BACK TO THE FIRST TIME HOMESTEAD AND WHAT SUBSECTION ARE YOU SAYING THAT CLEARLY IN THE TEXT SETS THIS FORTH?

>> OH, YOUR QUESTION WAS WHAT IS THE DEFINITION OF FIRST TIME HOMESTEAD?

>> THE SUMMARY.

THERE IS A SUMMARY THAT MAKES 25% OF THE JUST VALUE OF THE FIRST TIME HOMESTEAD. YOU SAID THAT'S COVERED CLEARLY IN THE TEXT.

I WAS ASKING ABOUT THE SUBSECTION YOU'RE REFERRING TO.

>> I WAS REFERRING TO THE SCHEDULE, YOUR HONOR.

IT MAKES REFERENCE TO WHAT EXACTLY DEFINES FIRST-TIME HOMESTEAD AND IF YOU'RE LOOKING AT THE ORDER, I CAN GIVE YOU SPECIFIC SITE IS F12 OF THE AMENDMENT IF THAT'S ANY HELP.

>> AGAIN, IN THAT SCHEDULE THEY
USE THE FIRST-TIME HOMESTEAD --
>> WHICH DEFINITION IS
CONSISTENT WITH THE TEXT OF THE
SUMMARY, AND IT'S A PARTICULAR
TERM THAT HAS PARTICULAR
DEFINITION AND MEANING AND THAT
MEANING IS IN THIS CONTEXT WE'RE
REFERRING TO NEW HOMESTEAD
OWNERS WHICH IS THE TITLE, AND
THAT THESE FIRST TIME HOMESTEAD
REFERS TO ANYONE WHO HAS NOT
OWNED A HOME AND THAT'S HOW THE
TITLE AND SUMMARY AND DEFINITION
OF FIRST-TIME HOMESTEAD ALL WORK
TOGETHER.

IF THERE'S NO FURTHER QUESTIONS,
YOUR HONOR, I ASK AMENDMENT 3 IS
TO REMAIN ON THE BALLOT.

THANK YOU.

>> THANK YOU.

>> THE COURT WILL NOW TAKE ITS
MORNING RECESS FOR 10 MINUTES.