



ACTION ALERT

FASA has joined with a coalition of groups to file suit in circuit court, arguing that Amendment 5, the 'tax swap' amendment, is misleading to voters.

The lawsuit seeks to remove Amendment 5 from the November 2008 ballot and is scheduled to be heard before Judge Cooper at 1:30 p.m. on August 13, 2008. Plaintiffs in the case are represented by Tallahassee attorney Barry Richard. Assistant Attorney General Lou Hubener will defend the state in this case with help from two outside attorneys.

FASA's suit argues that Amendment 5 should be removed from the ballot because "the reference to a limit on annual assessment of real property is, at best, ambiguous, likely to mislead some voters into thinking that it refers only to assessments for school funding and leaves others guessing as to the true reach."

In addition, Richard contends that "if courts were to allow propositions to be placed on the ballot despite a grossly misleading title, it would render the requirement for a separate title meaningless and would encourage negligence and even fraud by the sponsors of proposed amendments."

The Coalition includes nearly 30 interested parties. Those organizations who are named parties in the legal challenge to Amendment 5 are listed below:

Florida Association of School Administrators
Associated Industries of Florida
Florida Association of District School Superintendents
Florida Association of Insurance Agents
Florida Farm Bureau
Florida Fruit and Vegetable Association
Florida Institute of Certified Public Accountants
Florida School Boards Association
Independent Business of Florida
Printing Association of Florida

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