

Florida's Constitution: by the People, for the People!

Background

Recent successful citizen movements have amended the Florida Constitution after the legislature failed to address citizens' concerns. As a result, some Florida legislators have launched efforts to curtail the rights of Florida's citizens by restricting their ability to bypass the legislature and seek the approval or disapproval of all citizens on an issue. Being forced to listen to citizens and not lobbyists, these legislators are attempting to further isolate

themselves from the citizens they represent by severely restricting one of the few remaining vestiges of fair and open democracy.



Myth

Florida's Constitution is the easiest to amend nationally.

Facts¹

Out of 24 states with a citizen constitutional amendment process, Florida ranks 19th in the number of initiatives placed on the ballot. Out of these 24 states, 21 have a statutory initiative process as well. Florida does not. Florida averages 1.5 ballot initiatives every two years compared to 6 in California and Oregon.

- Between 1978 and 2004, 53 legislative referendums have been referred to voters. 46 of those have passed—a passage rate of 86.8%.
- Between 1976 and 2004, 27 citizen initiatives qualified for the ballot. Voters approved 22 of those—a passage rate of 81.5%

Myth

The Constitutional Amendment process has been hijacked by special interests.

Facts

Special interests have never had a problem pushing their agenda through the legislature, but the pleas of citizens often fall on deaf ears. Citizens' voices are the greatest value to democracy. These amendments are discussed and debated many times over before they are voted upon—much more so than the vast majority of matters that the legislature passes every year.

Myth

Florida's Constitution is cluttered with unnecessary amendments.

Facts

Many advocates would agree certain policies issues should belong in statutes rather than in the Constitution. However, years of grassroots efforts to pass measures on these and other popular issues were defeated time and again in the legislature by powerful minority lobbyists. Efforts to create a statutory initiative process have also been defeated.

¹ Professor Dan Smith, University of Florida, Political Science Department, Gainesville.

Myth

Something must be done to combat widespread petition fraud.

Facts

A basic right of all citizens is the right to petition their government. There has been no evidence of any type of widespread petition fraud. The cry of fraud has not come from the public, but rather from special interest lobbyists threatened by their way of doing business.

Why do we oppose the Fiscal Impact Proposal?

The people of Florida pay taxes into the General Revenue Fund, they should decide their priorities on how to spend it. Dozens of lobbyists pet projects are funded every year, and important issues of the people should also be funded.

Why do we oppose the Subject Matter Filter?

By dictating what issues belong in the Constitution, the legislature would be denying the citizens' their voice and rights to amend their constitution when the legislature refuses to act on important policy issues. Important amendments such as the Everglades cleanup, clean indoor air act, and class size initiative would not have passed this test. Furthermore, extensive debate as to what constitutes a "basic right" would tie up the courts for years.

Why do we oppose statutory changes to the petition process?

Extensive protections already exist to protect the petition process and there has been no proof of petition fraud in this state. The purpose behind efforts to impose excessive penalties and fines is to crush the citizen initiative process itself.

Why do we oppose a rewrite of the Constitution by this legislature?

A term-limited legislature should not have the authority to pick and choose articles that they agree and disagree with. The Constitution is a document by and for the people of Florida, and should not be subjected to the interests of minority lobbyists.

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