



STATE ISSUE: INITIATIVES CHANGING FLORIDA’S CONSTITUTION

POSITION: FNGLA supports efforts to uphold the integrity of Florida’s Constitution by modifying its amendment process.

BACKGROUND: Currently, only a simple voter majority is needed to pass an amendment to Florida’s Constitution. Of the amendments that have found their way onto the election ballot since 1990, ninety percent have passed. This strongly indicates if a group can get its initiative on the ballot, it passes.

FNGLA believes initiatives generally limited to fundamental rights and the state government’s structure and powers are the only ones appropriate for incorporation into Florida’s Constitution. Approval of the 2002 pregnant pig amendment to the Constitution is a poignant illustration as to how out of control this process has become. It underscores neither legal standing nor scientific data is the prominent factor in determining whether an issue can bypass the Legislature. Rather, the pregnant pig amendment demonstrates a deep pocket, a persuasive advertising agency, and emotional sound bites are the determining factors.

With a record number of petitions in various stages of activity, Florida voters could face as many proposals, and as lengthy a ballot, as in California. As a result, Florida’s nursery & landscape industry, and others, can be made vulnerable to the special interests of anti-agriculture and anti-business groups. Regardless of their merits, many recent constitutional initiatives (such as those dealing with high speed rail and smaller class sizes) imposed costs on taxpayers that were uncertain or even unknown at the very time the ballot initiatives were being passed.

Some say these citizen or special interest initiatives are necessary when the Legislature fails to act. However, FNGLA believes the Legislature must adopt meaningful and substantive changes -- such as a super majority or a two-thirds vote of the electorate -- to raise the bar for special interests to bypass the Legislature. After all, the Legislature is the very body of government whose members are elected by Florida’s voters to represent them in matters dealing with state law.