

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
INTERIM BRIEF**



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WEEKLY INTERIM LEGISLATIVE BRIEF FROM DECEMBER 8, 2003

AMENDING THE CONSTITUTION

On Monday morning Senator Rod Smith (D-Gainesville) called to order the first of four meetings of the Senate Select Committee on Constitutional Reform. The committee was created by Senate President Jim King (R-Jacksonville) to investigate methods for raising the hurdle for passage of constitutional amendments placed on the ballot through the citizen initiative process. Senator Smith, the committee's chairman, began the meeting with remarks on the nature of the problem the committee must address, namely the perception that Florida's constitution is too easily amended by special interests. The creation of an initiative process in Florida's constitution in 1972 gave birth to something that one observer calls the initiative-industrial complex, comprised of all the disparate parts that go into the expensive business of gaining passage of a citizens' initiative amendment. It is an effort that can cost millions of dollars and, as Senator Smith observed, the initiative process, conceived as an exercise in direct democracy designed to protect regular folk, has become the exclusive ground for moneyed interests. The discussion ranged over a variety of reform ideas, which can be grouped into three categories. The first category focuses on stiffening the requirements for getting an amendment placed on the ballot, i.e., by reducing the amount of time that amendment sponsors have to collect signatures, enacting a processing fee for filing an initiative, instituting qualifications and hourly wages for petition-signature gatherers. These process reforms could, for the most part, be enacted by statute. The second category of reform would raise the hurdle for passage of citizens' amendment through such means as increasing the number of yes votes needed for passage or requiring approval in two different consecutive elections. These changes would require amendments to the constitution. The final reform, which an alarming number of senators and representatives seem to support, would institute some kind of statutory initiative process as a trade-off for raising the bar on passage of constitutional amendments. In other words, voters would have a harder time enacting constitutional amendments, but in turn they would be able to bypass the Legislature completely by enacting state laws. Some, including Senator King, believe that adoption of a statutory initiative process would lead to the Californication of Florida, a slightly off-color and thoroughly dismissive reference to the breakdown of the political process in the Golden State, caused in part by the pernicious influence of a hyperactive electorate. AIF is open to the idea of initiative reform, but never at the expense of a statutory initiative, which would swamp Florida's economy in a tsunami of anti-business laws. Senator Smith advised the members that he planned to hold two hearings outside of Tallahassee — one in South Florida and one in Central Florida. Senator Jeff Atwater (R-Palm Beach Gardens), the committee's vice-chair, will select the site for the South Florida meeting. The committee's House counterpart, chaired by Representative Joe

Pickens (R-Palatka), will be holding a meeting in Central Florida meeting, either in Tampa or Orlando. Senator Smith said that the Senate select committee would schedule its meeting in whichever city Pickens doesn't choose. Senator Smith's committee will hold its next meeting in Tallahassee on January 5. The House select committee will hold its second meeting on Friday, December 12, in Pensacola.

The people retain the ultimate right to alter or revise the state constitution in accordance with fundamental precepts of democratic rule. AIF supports measures that strengthen the integrity of the constitutional amending process, especially with respect to citizen initiatives.

HEALTH CARE

The House Select Committee on Affordable Health Care for Floridians met briefly this afternoon to distribute its preliminary report, which compiles the policy options for reform that were submitted to the select committee in its round of public hearings. Representative Frank Farkas (R-St. Petersburg), the committee's chair, asked the committee members to review the report, familiarize themselves with the policy options, and suggest any additional reform ideas. The committee will meet again on January 9, at which time the members will review the policy options and reach a consensus on which of them should be included in legislation the committee will draft and submit to House Speaker Johnnie Byrd (R-Plant City).

Employment-based health insurance has successfully protected Floridians for decades but that system is being undermined by rising costs, inefficiencies, and a regulatory straitjacket. AIF supports legislation that will expand the ability of Florida employers to provide much-sought and much-needed group-health insurance coverage to their workers.

Please send your comments or suggestions to us at aif@aif.com or call the Governmental Affairs department at (850) 224-7173.

- For more information on all of the important legislative information concerning the business community, go to our "members only" Florida Business Network web site at <http://fbnnet.com>
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