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Published Monday, November 24, 2003

Taking A Wrong Turn

Florida's legislative leaders are once again mad at the citizens. Those doggone rascals keep amending the state constitution, requiring the Legislature to do all sorts of things -- some that cost money.

The citizens see it as one of the few ways they can let their voices be heard.

The Legislature has a reply to those loudmouths: Stuff a sock in it.

It's the wrong way to accomplish the goal. The better way would be for legislators to listen to the people in the first place -- instead of Tallahassee lobbyists.

Senate President Jim King, R-Jacksonville, who serves on a special committee to propose amendment reforms, said no one is out "to deny access to initiatives,"

but the state needs "some course of action that makes more sense, that is more difficult to accomplish."

While there have been many amendments passed in the past few years, getting them on the ballot is no cakewalk.

Nearly 500,000 signatures from registered voters must be collected, and the Florida Supreme Court must pass on the ballot language to make sure it addresses a single subject.

That's the relatively easy part. There's still no guarantee that the amendment will pass. Many, including ones to allow casino gambling, have been turned down by the voters, even after supporters expended large sums in advertising.

The favorite target of those wanting to restructure the amendment process is the pregnant-pig amendment, which passed in 2002. It protects pregnant pigs by requiring they be in crates large enough to allow them to turn around. (An underlying goal behind the amendment was to make Florida unattractive to hog

farms, which can be big sources of pollution, both in runoff and odors.)

But the Legislature finds amendments that are more relevant to humans just as obnoxious. For years, the Legislature resisted efforts to tighten laws restricting smoking in restaurants, or set requirements for separate air-filtration systems in smoking and nonsmoking areas.

As a result, anti-smoking groups petitioned for an amendment banning smoking in all workplaces. It passed easily with more than 70 percent of the vote.

The Legislature was listening to restaurant-association lobbyists who claimed smoking bans would put restaurants out of business. If legislators had been listening to their constituents, they would have found that was not the case.

Legislators have had many chances over their past sessions to reduce class sizes, and provide better tools and facilities for teachers, and increase the dollars going to the classrooms. Instead, they opted to reduce taxes.

Voters responded with an amendment mandating reductions in class sizes, starting in the lower grades and progressing through high school.

As pointed out here previously, a ban on gill nets shouldn't be in the constitution either. The Legislature was asked to ban them by the recreational-fishing industry, but legislators listened to commercial fishermen instead.

The Legislature could have acted. Instead, the voters overwhelmingly passed an amendment banning the nets in 1994.

There is a pattern here. Many constitutional amendments have gotten on the ballot because the Legislature ignored the issue.

As an alternative, Florida could adopt an initiative process that allows voters to pass laws through statutes rather than through constitutional amendments. Currently, the amendment process is the only way voters can circumvent a balky Legislature.

But the Legislature and governor have failed to comply with a constitutional mandate by failing to meet the Nov. 1 deadline for beginning high-speed-rail construction.

What respect might they have for a state law -- which the Legislature could easily repeal, unless the authors included specific language prohibiting that?

Faced with such possibilities, voters aren't likely to give up their powers to amend the constitution unless they are given other assurances that they can still affect their governance.

Legislators, meanwhile, should remember that they can significantly reduce the number of amendments that make it to the ballot by remembering that they work for the people, not the lobbyists.
