



# NEWS

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**CONTACT:** Harvey Bennett  
Communications Director  
850-222-5052

## **AMENDMENT 3 CRUCIAL TO PRESERVING VOTERS' AND TAXPAYERS' RIGHTS**

**TALLAHASSEE** — The growing number of new amendments being made to Florida's Constitution, of which only 10% have passed with the approval of a majority of registered voters, has created a threat to voters' and taxpayers' constitutional rights. That's one of the findings of a Florida TaxWatch report, which concludes that proposed Amendment 3 on this November's ballot would provide necessary and reasonable voter safeguards against what it called "minority rule".

"A small minority of registered voters is approving a vast majority of our constitutional amendments," said Dominic M. Calabro, President and CEO of the non-profit, non-partisan state government watchdog group. "Florida's current amendment process lacks the checks and balances necessary to ensure majority consensus and avoid amendments supported by a vocal few that could hobble the durability of Florida's Constitution and the economic, political, and social freedoms of all Floridians for generations to come," he said.

Amendment 3 would require that all future amendments receive approval from at least 60 percent of voters before passing, instead of the simple majority needed right now. The report concludes that Amendment 3 would be a reasonable increased standard. TaxWatch analysis found that 84 out of 103 of the amendments passed since 1970, including seven out of eight in 2004, would have passed with a 60% supermajority requirement.

The report included a review of proposed constitutional amendments dating back to 1970. It found that of the 103 amendments that passed, only 10 were approved by a majority of Florida registered voters, often due to low voter turnout. Yet a large majority of the amendments placed on the ballot (78.0%) passed into law. Some amendments have passed with fewer than 20% of registered voters approving.

"We have a higher standard to name a city park than to amend Florida's Constitution," added Calabro.

The report found that Amendment 3 would:

- Help assure that there is broad public support before changes are set in constitutional stone,
- Help maintain the Florida Constitution as the fundamental document that contains the root guidelines from which Florida should be governed, and
- Make it more difficult for special interest groups to effectuate changes that benefit their narrowly defined priorities at the expense of the majority of voters and taxpayers.

(more)

“Florida’s initiative process is an extraordinarily powerful tool that can be manipulated by very focused, single-issue, special-interest groups and organizations that can essentially buy their way onto the ballot,” said Calabro. “Requiring a supermajority vote is necessary to preserve voters’ rights.”

The report notes that some of the past successful initiatives have been pushed by out-of-state interests. These include the group ACORN from California, with its successful 2004 Minimum Wage Amendment; and Floridians for Human Farms, with its successful 2002 Pregnant Pigs Amendment, for which the group received well more than half of its \$1.7 million funding from out of state interests.

In addition to the six proposed amendments on the November ballot, the Florida Division of Elections currently lists 35 active initiatives that could potentially make it to a future ballot. These include lowering the voting age to 16, abolishing alimony, and requiring legislators to take and pass the 10th grade FCAT test.

“Constitutional revision is not intended to serve merely as a response to the passing political emotions of the moment or serve as a means to an end desired by a limited group,” said Calabro.

The process can make it too easy to amend the state constitution, weakens the state Legislature, ties the hands of the Governor, and limits the checks and balances authority of the judicial branch, according to the report.

The TaxWatch report also refutes arguments posed against Amendment 3, including assertions of the difficulty in collecting the number of required petition signatures and the legal review of the state supreme court. However, according to the report, 11 of the past 22 citizen initiatives have occurred in just the past two elections. Also, the report notes that the Florida Constitution can be amended by five different processes.

Florida TaxWatch also warns of the hidden costs many amendments carry. The report cites high-speed rail as an example where voters in 2004, once armed with information on the true costs, reversed their earlier decision and repealed the first high-speed rail amendment from 2000.

The report also warned of the “Californiacation” of Florida. California voters over the past twenty years have passed a number of propositions earmarking billions of dollars for specific programs, which is cited as a major factor in California’s fiscal problems. The report notes that “such measures do not allow the Legislature, with the attendant checks and balances, to change spending priorities when the circumstances warrant. Also, by locking in spending, basically exempting it from budget cuts, it limits budget flexibility, making dealing with shortfalls more difficult.”

Florida TaxWatch has urged a higher voter threshold for the past 12 years.

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Florida TaxWatch is a private, non-profit, non-partisan research institute that over its 27 year history has become widely recognized as the watchdog of citizens’ hard-earned tax dollars. Our mission is to provide the citizens of Florida and public officials with high quality, independent research and education on government revenues, expenditures, taxation, public policies and programs and to increase the productivity and accountability of Florida Government. On the web at [www.FloridaTaxWatch.org](http://www.FloridaTaxWatch.org).