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Amendment 3: Requiring a Supermajority Vote to Amend the Florida Constitution Strengthens Representative Government

On November 7, 2006, Florida voters will be deciding on six proposed amendments to the Florida Constitution on topics including providing property tax relief to low-income seniors and disabled veterans, spending millions on tobacco prevention programs, and making changes to the state budget process.

Perhaps the most important decision concerns Amendment 3, which would require a 60% supermajority vote to approve future proposed amendments to the Florida Constitution, instead of the current simple majority.

For 12 years, Florida TaxWatch has recommended a supermajority requirement as an essential check and balance to protect the long-term interests of Florida taxpayers. Our research finds that Amendment 3 would help assure that there is broad public support before changes are set in constitutional stone. It will 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.

Amendment 3's full title and summary:

REQUIRING BROADER PUBLIC SUPPORT FOR CONSTITUTIONAL AMENDMENTS OR REVISIONS

Proposes an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution, whether proposed by the Legislature, by initiative, or by any other method, must be approved by at least 60 percent of the voters of the state voting on the measure, rather than by a simple majority. This proposed amendment would not change the current requirement that a proposed constitutional amendment imposing a new state tax or fee be approved by at least 2/3 of the voters of the state voting in the election in which such an amendment is considered.

Florida TaxWatch has released several reports, beginning in 1994, urging the implementation of a higher voter threshold before an amendment can be added to the Florida Constitution. During the next eleven years, a number of proposals to require a supermajority vote have been introduced in the Florida Legislature, but ultimately failed. With a 74% affirmative vote in the

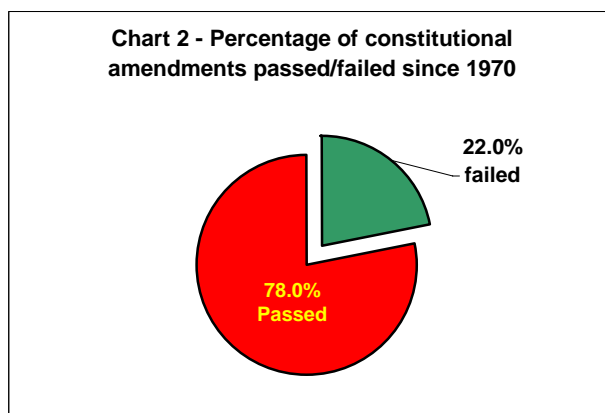
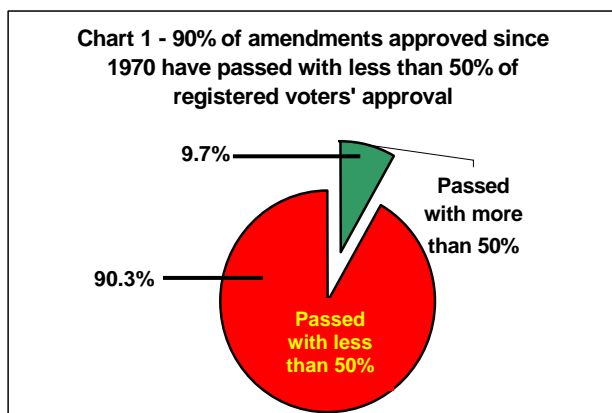
House and an overwhelmingly bi-partisan vote of 93% in the more politically moderate Senate, the 2005 Legislature finally passed a joint resolution to ask the voters for a higher standard.

Constitutional Revision: Protecting All Floridians from Minority Rule

The recent influx of proposed constitutional amendments again brings the need for a higher standard to the forefront, and perhaps now Florida voters can finally address this serious issue. This debate is a longstanding and serious one within the United States. Listen to the wise counsel of our nation's founders regarding constitutional rights. *Federalist Paper No. 10* argued in favor of representative government (a "republic") as the cure for factional politics. In it, James Madison, key author of our U.S. Constitution, wrote, "By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."

It is this issue—the will of the majority being disregarded due to the fervor of a few—that provides the strongest reason to increase the threshold for adding amendments to Florida's Constitution. This is clearly documented by the percentage of the state's registered voters that voted affirmatively to pass future amendments after the constitutional revision of 1968.

Currently, a simple majority **of those voting** on an amendment can pass it into law. As Chart 1 (below left) shows, of the 103 amendments that passed, only ten (or 9.7%) of them were supported by more than 50% of the state's registered voters. Yet a large majority of the amendments placed on the ballot (78.0%) passed into law (Chart 2). And remarkably, five amendments passed with the support of less than 20% of those registered to vote.



Eighteen total amendments were on the ballot in the 2002 and 2004 General Elections, and all but one passed with the current threshold. Florida's Constitution as amended now limits cruel and inhumane confinement of pigs during pregnancy and authorizes slot machines in South Florida, and affects a number of other issues that, while perhaps important, do not rise to the enduring level of "organic law," which should be ensconced in "constitutional concrete." Because of the overriding, enduring, and durable nature of a constitution, the standard for amending it should be more stringent than for issues that can be more expeditiously resolved or, if necessary, undone through the state legislative process. A process that makes 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. And yes, the standard for amending the Constitution and the peoples' basic rights and privileges should be higher than that for electing people to temporary public office.

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.

Florida's initiative process is an extraordinarily powerful tool that is susceptible to manipulation by very focused, single-issue, special-interest groups often mobilized and controlled out of state. In fact, the ballot initiative campaign has become a relatively new commercial product line for the public relations industry. The California-based Arno Political Consultants website asserts "We've made the record book many times, collecting 1,000,000 signatures in Florida in 70 days." A proponent can hire a firm to develop a public relations campaign, collect signatures on petitions, shepherd those petitions through the legal review process, and successfully gain a place on the next Florida ballot. Thus, special interests can essentially buy their way onto the ballot. Some have had no clear Florida connection either. Out-of-state interests (ACORN from California, with its successful 2004 Minimum Wage Amendment, and Floridians for Humane Farms, with its successful 2002 Pregnant Pigs Amendment) have pushed the most successful initiatives. Floridians for Humane Farms received well more than half of its funding from out of state interests to push the pregnant pigs amendment. Requiring a supermajority vote is necessary to ensure there is broad support by Floridians when such amendments are brought before them.

A 2005 poll, prepared for The James Madison Institute and The Collins Center for Public Policy, Inc. by Dr. Susan A. McManus indicated a wide public distrust of the amendment process. Among the findings: Only 12% agreed that "average citizens get amendments on the ballot", while 72% attributed ballot initiatives to "well-funded special interest groups"; 75% characterized amendment wording as "generally confusing"; 46% complained that they "did not get enough information" and another 17% said they "just got one side of the issue"; and 82% said "sometime" or "often" amendments get put on the ballot that really should not be there."¹

A state constitution is intended to serve as a strong foundation and outline of the general construct for a government. It should include provisions to protect the rights of its citizens, direct its government in the procedure of its duties, and assign and limit power. To adapt to the changing needs of the population it serves, a state constitution must also be an organic document, allowing for thoughtful, deliberate revision—that is, with safeguards to ensure that any revision fulfills a need for change in the general procedural instructions and guidelines for its government. 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 (called "factions" by James Madison).

¹ The poll was less clear on the question of a supermajority requirement – 42% favored requiring a higher percentage of the vote, while 50% were opposed. (Telephone survey of a random sample of 800 Florida residents 18 and over, conducted December 7-24, 2005 by Susan Schuler & Associates, Inc., margin of error +/- 3.5%.)

The legislative branch already provides a forum for individuals and interest groups to seek policy changes. The Legislature is a deliberative body with a committee structure as a means for proponents and opponents to air views and for subjecting those views to question from legislators from both parties and independents. The Legislature employs professional research staff to prepare bill analyses that explain what a bill actually does (because bills are rarely self-explanatory) and estimate fiscal impact as well other potential unintended effects. The bicameral nature of the Legislature assures that legislation that passes is far less likely to be whimsical or ham-handed. Furthermore, legislation that passes is still subject to signature or veto by the Governor—another mechanism put in place to assure checks and balances that are not part of the ballot initiative process.

The Florida Constitution is, and rightly should be, an organic document. Clearly, serving the needs of the more than 18 million current Floridians is dramatically different than serving the needs of the pioneer citizenry of Florida in 1838 (population of 54,477 in 1840). As a result of the changing needs of Floridians, the Florida Constitution has been completely rewritten five times from its original incarnation drafted in 1838. A striking example of the need for these revisits and reconstructions and evolving needs of Florida is the fact that the original constitution affirmed slavery, prohibited the emancipation of slaves, and forbade freed slaves from entering Florida. These provisions were a reflection of the times, but few, if any, today would contend that they were incorrectly removed from the constitution.

Fundamental changes in the structure of government must be allowed when necessary, but it is imperative that they be based on a broad and deep consensus of the governed. When they are not, an intense minority can tyrannize majority rights. In Florida, there are currently five different methods of proposing an amendment to the constitution:

- Proposal by state Legislature (71 of the 103 amendments passed since 1970);
- Proposal by citizen initiative (22 of the 103 amendments passed since 1970);
- Proposal by the Constitution Revision Commission (8 of the 103 amendments passed since 1970);
- Proposal by the Taxation and Budget Reform Commission (2 of the 103 amendments passed since 1970); and
- Proposal by Constitutional Convention (0 of the 103 amendments passed since 1970).

Unfortunately, in recent years, dissatisfaction with government has led to the proposal of drastic measures by a very vocal minority that could be very difficult and expensive to reverse. It is important to note that while 22 initiative-driven amendments have been added to Florida's Constitution since 1970, 11 of these were passed in the last two elections. This resorting to single-issue, hyper-democracy threatens the viability of representative government if left unchecked. 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.

A simple majority, particularly a simple majority of a quorum, can mask unresolved conflict between the electorate and a lack of real acceptance of the law by the public.

Although some direct voter controls are sound in concept and a fundamental right of a citizenry, if carried to the extreme, they can have dire consequences for all concerned. This is especially true when constitutional revision by initiative is dominated by special interests and used in lieu of statutory revision to bring about issues that are not fundamental to constitutional law.

The Price of Amendments

Proponent advertising is without obligation to be fair and objective. It may distort, ignore, or understate the cost of amendments. High-speed rail is a good example where voters, once armed with information on the true costs, reversed their earlier decision and repealed the first amendment. Florida's recently enacted requirement establishing a Financial Impact Estimating Conference to adopt and prepare financial impact statements to accompany any proposed amendment that is placed on the ballot by citizen's initiative petition has helped this situation. However, proposed amendments are increasingly becoming a way to add costs that can strain state budgets and overburden the hardworking taxpayers of Florida.

The “Californiacation” of Florida

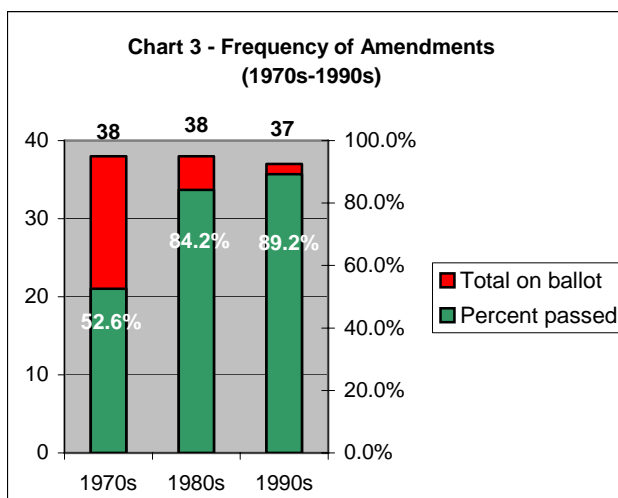
Florida also should avoid “ballot box budgeting”, such as what has happened in California. That state has passed a number of voter initiatives—or propositions—that have earmarked billions of dollars for specific programs. Ballot measures there have established minimum funding levels or “locked in” the allocation of specific revenues for various projects. Others have earmarked both new and existing revenue sources for specific spending measures. Many are citing this earmarking as a major factor in California's fiscal woes. 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.

Supermajority Vote to Amend the State Constitution Needed

Currently, a simple majority of those voting on an amendment can fundamentally change the state constitution. Turnout of registered voters has been as low as 58% in non-presidential election years, and less than 80% of those voters actually vote on constitutional amendments that are placed before them. Alarming, less than 20% of Florida's registered voters have enacted five constitutional amendments. This scenario leaves the door open to minority rule. This is why the supermajority requirement proposed by Amendment 3 is long overdue and yet not burdensome on needed changes that frequently affect more than 60% of those voting on revisions.

U.S. Constitution Amended 27 Times in Over 215 Years - Florida Constitution Amended 103 Times in 34 Years

Most Floridians likely would agree that changes in the foundation and structure of government should be based on a broad consensus of the governed. However, since 1970, the Florida Constitution has often been amended by less than a majority of those voting on Election Day. The ease of placing amendments on Florida ballots by citizen initiative and legislative directive, compared to the difficulty of amending the U.S. Constitution has resulted in the Florida Constitution being amended 103 times (out of 132 proposed) from 1970 to 2004—an astonishing 78.0% success rate (the rate is 92.9% over the last ten years, including 100% last election). Between 1890 and 1966, 212 amendments appeared on the ballot, 148 of which were adopted, for a success rate of 69.8%. In contrast, the U.S. Constitution, the oldest written constitution in the world, has been amended only 27 times in more than 215 years. Ten of the 27 amendments formed the Bill of Rights, and two (Amendments XVIII and XXI on prohibition) mitigated one another. The U.S. Constitution requires that an amendment must pass each house of Congress by 2/3 and then be approved by 3/4 of the states. Chart 3 (above) illustrates that although the number of amendments reaching the ballot in Florida has been consistent over the last three decades, the success rate has changed dramatically. So far during the first decade of the 2000s, 18 out of 19 amendments have passed (94.7%).



Amendment 3 Would Be a Reasonable Increased Standard: 82% of the Amendments Passed Since 1970 Would Have Passed With a 60% Requirement

Table 1 below shows the impact that a supermajority requirement would have had on the previously noted 132 amendments to Florida's Constitution. While 78% of the amendments were actually approved by the voters since 1970, a 3/5 or 2/3 supermajority requirement would have resulted in 64% and 48%, respectively, being passed. The actual numbers would have undoubtedly been slightly different because, if a higher threshold had been in place, sponsors presumably would have campaigned differently. There is a big difference between a 3/5 and a 2/3 supermajority, which requires proponents to convince more neutral, and then increasingly more potential negative voters, to vote for the amendment. The 3/5 standard is also less stringent than requiring a simple majority of those voting in the election. With a 3/5 requirement, 72 of all amendments since 1970 would have passed. Of the 103 that actually passed, 82% would have also passed with the increased standard. It should be noted that Florida already has a supermajority requirement for constitutional amendments that impose a new tax or fee (2/3 of voters voting in an election must vote for these types of amendments for them to pass). Only 17 amendments would have passed under this type of standard. The threshold proposed by

Amendment 3 is much lower. The 3/5 (60%) standard is the most reasonable and achievable threshold.

If a higher threshold of 3/5 of those voting on proposed amendments had been in place (as proposed by Amendment 3), several highly controversial amendments would have likely not passed. These include the high-speed rail, reduced class size, Save Our Homes, slot machines, and pregnant pigs. All of these amendments received “yes” votes from less than 55% of those voting on the amendments.

Table 1
Impact of Supermajority Requirements on Constitutional Amendments Since 1970

	Current law (simple majority of those voting on amendment)	3/5 of those voting on amendment (60%)	2/3 of those voting on amendment (66.67%)	Simple majority of those voting in election*
# That would have passed	103	84	63	72
# That would have failed	29	48	69	59
% that would have passed	78%	64%	48%	55%
% of those that did pass and would have passed under this standard	100%	82%	61%	70%

Source: Florida TaxWatch using Department of State Division of Elections and Bureau of Elections records, October 2006.

*The number of people voting in the Special Election of 1971 was unavailable; therefore, the percentage of those voting on one amendment is unknown.

For more information on historical votes for amendments to Florida’s Constitution, and the impact various supermajority requirements would have had, see the spreadsheet starting on page 11 of this report.

Other States

According to the National Conference of State Legislatures, a number of states employ a supermajority and/or more stringent requirements for ballot measures. Some examples include:

- Illinois requires an affirmative vote by 3/5 of those voting on the measure (60%), or a majority of those voting in the election.
- In Nevada, an initiative constitutional amendment must receive a majority vote in two successive general elections in order to pass.
- Mississippi requires a simple majority vote, provided that the total number of votes cast on the initiative equals at least 40% of the total votes cast in the election.

“The legal principles in the state constitution inherently command a higher status than any other legal rules in our society. By transcending time and political mores, the constitution is a document that provides stability in the law and society’s consensus on general, fundamental values. Statutory law, on the other hand, provides a set of legal rules that are specific, easily amended, and adaptable to the political, economic, and social changes in our society.”

– Florida Supreme Court Justice, Parker Lee McDonald, 1993

Conclusion

Florida TaxWatch has long recommended requiring a greater consensus of Florida voters to pass constitutional amendments. Amendment 3 would provide this needed change by requiring a reasonable threshold of a 3/5 supermajority of those voting on proposed changes to the Florida Constitution.

Florida TaxWatch research² of more than a decade concludes that Amendment 3 would be beneficial for numerous reasons, but three stand out:

- First, the Florida Constitution should be a fundamental document that contains the root guidelines (organic law) from which Florida should be governed. It should not be an instrument for redress of statutory issues that the Legislature refuses to tackle, or a compendium of special interest provisions put forth to the public in petition drives that use snappy titles, flowery language, and high-powered advertising campaigns to gain support from a ruling minority of voters. Moreover, the body of law encompassed in the Florida Constitution should be a product of dialogue and consensus generated by deliberation. It should not involve "logrolling", which hides special interest issues under a coating of popular prescriptions and seemingly attractive attributes, often designed to mislead voters.
- Second, if a supermajority vote is required to amend the Florida Constitution, it would be 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. Many powerful interest groups have the money to run well-financed campaigns that may misrepresent or deceive voters. Such efforts attempt to induce a positive perception of an amendment, but not necessarily an understanding of the issue or its potential impact. A supermajority vote would help ensure that passing constitutional amendments requires greater consensus and acceptance by a greater number of Florida's diverse demographic and social groups.

² See Research Report: *Supermajority Voters on Taxes and Constitutional Amendments Will Promote Public Consensus and Voter Confidence While Slowing the Trend Toward Governing by Referendum*, July 1998, and *Constitutional Revision: Protecting All Floridians from Minority Rule*, December 2003.

- Third, requiring a supermajority vote would force those endorsing controversial amendments to campaign differently—hopefully, more openly. The greater degree of consensus required to pass amendments would ensure that the concerns of more Floridians are heard. In short, a more stringent method of ratification would help prevent narrowly focused, time-bound amendments from being forced into the Florida Constitution by a vocal minority, thereby limiting the flexibility of the document and its durability over time.

Florida's current initiative process lacks the checks and balances necessary to achieve majority consensus and ensure that initiatives supported by a vocal few do not hobble the durability of Florida's Constitution for years to come. Amendment 3 can help achieve this goal.

VOTING RESULTS FOR AMENDMENTS TO THE FLORIDA CONSTITUTION SINCE 1970

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Grey Shading denotes amendments that failed

*Source (Column G): L = Legislature, I = Initiative, TBRC = Taxation and Budget Reform Commission, CRC = Constitutional Revision Commission

Total Who Voted in Election	Year	Amendment	For	Against	Total	Source (*)	Percent of Voters Voting to Amend	Approval by Percent of Registered Voters	Approval by Percent of Those Voting in Election	Passed by 2/3 of those Who Voted on the Amendment	Passed by 3/5 of those Who Voted on the Amendment	Approval by a simple majority of those voting in the election	Passed by 2/3 of those Who Voted in the Election	Passed by 3/5 of those Who Voted in the Election
1,730,813	1970	1 Amendment to 18 Year Old Voting	501,764	754,282	1,256,046		39.9%	17.9%	29.0%	No	No	No	No	No
		2 Amendment to 18 Year Old Majority	422,450	799,885	1,242,335		34.0%	15.0%	24.4%	No	No	No	No	No
		3 Amendment to Judiciary	503,992	526,328	1,030,320		48.9%	18.0%	29.1%	No	No	No	No	No
		4 Amendment to pollution abatement	819,029	331,250	1,150,879	L	71.2%	29.3%	47.4%	Yes	Yes	No	No	No
		5 Amendment to Land Sales	680,223	429,917	1,110,140	L	61.3%	24.3%	39.3%	No	No	No	No	No
Not Available		1971 (Special Election)												
		1 Amendment to Article VII - Tax on Corporations	841,433	355,023	1,196,456	L	70.3%	30.1%	N/A	Yes	Yes	N/A	N/A	N/A
2,028,526	1972	1 Amendment to Article V, Judicial	969,741	401,861	1,371,602	L	70.7%	34.7%	47.8%	Yes	Yes	No	No	No
		2 Amendment to Article VII - Student Loan	877,346	467,525	1,344,871	L	65.2%	31.4%	43.3%	No	Yes	No	No	No
2,583,283	1972	1 Amendment to Chapter 259, F.S. - Endangered Lands	1,256,292	509,679	1,765,971	L	71.1%	36.0%	48.6%	Yes	Yes	No	No	No
		2 Amendment to XII - Natural Resources	1,284,817	474,514	1,759,331	L	73.0%	36.8%	49.7%	Yes	Yes	No	No	No
		3 Amendment to Article XI, Initiative	1,157,648	476,165	1,633,813	L	70.9%	33.2%	44.8%	Yes	Yes	No	No	No
		4 Amendment to Article XII - Public Schools and Jr. Colleges	1,191,118	531,520	1,722,638	L	69.1%	34.2%	46.1%	Yes	Yes	No	No	No
		5 Amendment to Article X - Devise of Homestead	1,137,735	555,426	1,693,161	L	67.2%	32.6%	44.0%	Yes	Yes	No	No	No
1,828,392	1974	1 Amendment to Article XII - Gross receipt taxes	846,071	447,599	1,293,670	L	65.4%	23.4%	46.3%	No	Yes	No	No	No
		2 Amendment to Article XII Bonds for Transportation Facilities	547,435	695,523	1,242,958		44.0%	15.1%	29.9%	No	No	No	No	No
		3 Amendment to Article VIII - Property Appraiser	722,889	534,071	1,256,960	L	57.5%	20.0%	39.5%	No	No	No	No	No
		4 Amendment to Article IV, Game and Freshwater Fish Commission	859,517	366,965	1,226,482	L	70.1%	23.7%	47.0%	Yes	Yes	No	No	No
		5 Amendment to Article V - Judicial Qualifications Commission	946,006	264,161	1,210,167	L	78.2%	26.1%	51.7%	Yes	Yes	Yes	No	No
		6 Amendment to Article VII - Electrical Energy Facilities	658,790	517,926	1,176,716	L	56.0%	18.2%	36.0%	No	No	No	No	No
		7 Amendment Art. I - Discrimination Based on Physical Handicaps	974,892	300,633	1,275,525	L	76.4%	26.9%	53.3%	Yes	Yes	Yes	No	No
3,150,631	1976	1 Amendment to Article II, Section 8 - Sunshine Amendment	1,765,626	461,940	2,227,566	I	79.3%	43.1%	56.0%	Yes	Yes	Yes	No	No
		2 Amendment to Article V, Section 3.10.11 - Retention of Judges	1,600,944	527,056	2,128,000	L	75.2%	39.1%	50.8%	Yes	Yes	Yes	No	No
		3 Amendment to Article V, Section 12 - Discipline of Judges	1,514,623	564,441	2,079,064	L	72.9%	37.0%	48.1%	Yes	Yes	No	No	No
		4 Article VII, Section 3 Bond for Community Redevelopment								No	No	No	No	No
		5 Article VII, Section 16 Bonds for Housing Related Facilities								No	No	No	No	No
		6 Article II Number of State Employees								No	No	No	No	No
		7 Article I, Section 18 Administrative Procedures Act								No	No	No	No	No
		8 Article X, Retirement System								No	Yes	No	No	No
		9 Article IV Capitol and Mansion Commission	1,254,413	756,043	2,010,456	L	62.4%	30.6%	39.8%	No	No	No	No	No

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2,530,468	1978	None passed												
		1 Basic Document Revision of Florida Constitution	623,703	1,512,106	2,135,809	CRC	29.2%	14.8%	24.6%	No	No	No	No	No
		2 Revision of Article I, Section 2, Declaration of Rights	1,002,479	1,323,497	2,325,976	CRC	43.0%	23.8%	39.6%	No	No	No	No	No
		3 Revision of Article II, Section 16 Legislative Single-Member Districts and Reapportionment Commission	982,847	1,113,394	2,096,241	CRC	47.0%	2.3%	38.8%	No	No	No	No	No
		4 Revision of Article IV, Section (e) 3, 4, 5, 6, 8 (a) and Article XI, Section 2, Executive (Cabinet)	540,979	1,614,630	2,155,609	CRC	25.0%	12.8%	21.3%	No	No	No	No	No
		5 Revision of Article IV, Section 10, Public Service Commission and Public Counsel	772,066	1,375,548	2,147,614	CRC	36.0%	18.3%	30.5%	No	No	No	No	No
		6 Revision of Article V, Sections 10 and 11 (a) and (b) Judiciary	1,058,574	1,096,736	2,155,310	CRC	97.0%	25.1%	41.8%	No	No	No	No	No
		7 Revision of Article VII, Article X, Section 12 (b) Finance and Taxation	779,282	1,368,346	2,147,735	CRC	49.0%	18.5%	30.7%	No	No	No	No	No
		8 Revision of Article IX Education	771,282	1,353,626	2,124,908	CRC	36.2%	18.3%	30.4%	No	No	No	No	No
		9 Article, Section 15 Casino Gambling	607,460	1,720,275	2,407,735	I	20.6%	10.3%	27.1%	No	No	No	No	No
1,827,694	1980	Runoff												
		1 Tax Exemption	1,042,685	347,766	1,390,451	L	75.0%	21.7%	57.0%	Yes	Yes	Yes	No	No
		2 Bonds for Housing	826,742	618,694	1,445,436	L	57.2%	17.2%	45.2%	No	No	No	No	No
		3 Ad Valorem Taxation, Article VII, Section 3	916,043	541,630	1,457,673	L	62.8%	19.1%	50.1%	Yes	Yes	Yes	No	No
		4 Ad Valorem Taxation, Article VII, Sections 6 and 8	1,251,096	289,620	1,540,716	L	81.2%	26.0%	68.5%	Yes	Yes	Yes	No	No
		5 Ad Valorem Taxation, Article VII, Section 4	1,003,979	442,386	1,446,365	L	69.4%	20.9%	54.9%	Yes	Yes	Yes	No	No
2,068,180	1980	(Presidential Primary)												
		1 Homestead Exemption	1,088,921			L	69.6%	22.6%	52.7%	Yes	Yes	Yes	No	No
		2 Modified Jurisdiction of Supreme Court	940,300			L	67.1%	19.6%	45.5%	Yes	Yes	No	No	No
3,703,485	1980	General Election												
		1 Art.II, Section 5; Art.XI, Sects 2,5, Abolish Constitution Revision Commission	1,164,824	1,512,682	2,677,506	L	44.0%	24.2%	31.4%	No	No	No	No	No
		2 Right of Privacy	1,722,987	1,120,302	2,843,289	L	60.6%	35.8%	46.5%	No	Yes	No	No	No
		3 Passage of Bills	1,763,624	873,211	2,636,835	L	66.9%	36.7%	47.6%	Yes	Yes	No	No	No
		4 State Bonds for Water Facilities	1,826,026	899,906	2,725,932	L	67.0%	38.0%	49.3%	Yes	Yes	No	No	No
		5 Second Gas Tax	1,498,801	1,195,483	2,694,284	L	55.6%	31.2%	40.5%	No	No	No	No	No
2,688,566	1982													
		1 Searches and Seizures	1,440,523	828,571	2,269,094	L	63.5%	29.6%	53.6%	No	Yes	Yes	No	No
		2 Pretrial release and detention	1,412,269	917,092	2,329,361	L	60.6%	29.0%	52.5%	No	Yes	Yes	No	No
4,180,051	1984													
		1 Exemption of Homestead and personal property / forced sale	2,766,516	734,785	3,501,301	L	79.0%	49.6%	66.2%	Yes	Yes	Yes	No	Yes
		2 Disbursement of State Funds	2,467,025	919,675	3,386,700	L	72.8%	44.3%	59.0%	Yes	Yes	Yes	No	No
		3 Procedures of Judicial Nominating Commission	2,720,297	590,960	3,311,257	L	82.2%	48.8%	65.1%	Yes	Yes	Yes	No	Yes
		4 Speech or Debate Privilege Article III, Section 2	1,110,743	2,126,910	3,237,653	L	33.3%	19.9%	26.5%	No	No	No	No	No
		5 Election of County Commissioners	2,150,510	1,195,654	3,346,164	L	64.3%	38.6%	51.4%	No	Yes	Yes	No	No
		6 Eligibility to be a County Court Judge	2,529,436	823,219	3,352,655	L	75.4%	45.4%	60.5%	Yes	Yes	Yes	No	Yes
		7 Bonds for State Capital Projects	2,095,916	1,109,900	3,205,816	L	65.4%	37.6%	50.1%	No	Yes	Yes	No	No
		8 Public Education Capital Outlay - Bonds, PECO	2,553,332	778,114	3,331,446	L	76.6%	45.8%	61.1%	Yes	Yes	Yes	No	Yes
3,429,839	1986													
		1 State Wide Prosecutor	2,168,701	811,122	2,979,823	L	72.8%	38.5%	63.2%	Yes	Yes	Yes	No	Yes
		2 Article x, Section 15 Casino Gambling	1,036,250	2,237,555	3,273,805	I	31.7%	18.4%	30.2%	No	No	No	No	No
		3 Art. VII, Section 6, Art. XII, Sect. 20, Homestead Tax Exemption	1,127,438	2,045,473	3,172,911	L	35.5%	20.0%	32.8%	No	No	No	No	No
		4 Supreme Court Opinion, proposed initiatives	1,988,841	759,691	2,748,532	L	72.4%	58.0%	58.0%	Yes	Yes	Yes	No	No
		5 State operated lotteries	2,039,437	1,168,858	3,208,295	I	63.6%	36.2%	59.5%	No	Yes	Yes	No	No
4,412,839	1988													
		1 Impeachments of County Court Judges	2,840,296	1,085,751	3,926,047	L	72.3%	49.7%	64.4%	Yes	Yes	Yes	No	Yes
		2 Rights of Victims of Crime	3,629,963	394,617	4,024,580	L	90.2%	63.5%	82.3%	Yes	Yes	Yes	Yes	Yes
		3 Assessment of High Water Recharge Lands	2,423,783	1,187,303	3,611,086	L	67.1%	42.4%	54.9%	Yes	Yes	Yes	No	No
		4 Bonds for land acquisition for state and bridges	2,141,987	1,602,965	3,744,952	L	57.2%	37.5%	48.5%	No	No	No	No	No

VOTING RESULTS FOR AMENDMENTS TO THE FLORIDA CONSTITUTION SINCE 1970

Grey Shading denotes amendments that failed

*Source (Column G): L = Legislature, I = Initiative, TBRC = Taxation and Budget Reform Commission, CRC = Constitutional Revision Commission

Total Who Voted in Election	Year	Amendment	For	Against	Total	Source (*)	Percent of Voters Voting to Amend	Approval by Percent of Registered Voters	Approval by Percent of Those Voting in Election	Passed by 2/3 of those Who Voted on the Amendment	Passed by 3/5 of those Who Voted on the Amendment	Approval by a simple majority of those voting in the election	Passed by 2/3 of those Who Voted in the Election	Passed by 3/5 of those Who Voted in the Election
3,622,569	1990	5 Property tax exemption for widowers	3,415,074	593,913	4,008,987	L	85.2%	59.7%	77.4%	Yes	Yes	Yes	Yes	Yes
		6 Taxation and Budget Reform Commission	2,111,320	1,538,470	3,649,790	L	57.8%	36.9%	47.8%	No	No	No	No	No
		7 Art. V, Section 10 Terms of Office for Trial Court Judges	1,493,839	2,444,181	3,938,020	L	38.0%	24.7%	33.9%	No	No	No	No	No
		8 Civil Traffic Hearing Officers	2,736,373	1,147,126	3,883,499	L	70.5%	47.9%	62.0%	Yes	Yes	Yes	Yes	Yes
		9 Department of Veterans Affairs and Elderly Affairs	2,723,848	1,225,915	3,949,763	L	69.0%	47.7%	61.7%	Yes	Yes	Yes	No	Yes
5,438,612	1992	10 Art. I, Section 21 Limitation of Non-Economic Damages in Civil Actions	1,837,041	2,394,932	4,231,973	I	43.4%	30.4%	41.6%	No	No	No	No	No
		11 English is the Official Language of Florida	3,457,039	664,861	4,121,900	I	83.9%	60.5%	78.3%	Yes	Yes	Yes	Yes	Yes
		1 Regular Legislative Sessions	2,615,449	513,970	3,129,419	L	83.6%	43.4%	72.2%	Yes	Yes	Yes	Yes	Yes
		2 Three day waiting period for Handgun Purchases	2,840,912	522,248	3,363,160	L	84.5%	47.1%	78.4%	Yes	Yes	Yes	Yes	Yes
		3 Laws affecting local government expenditures and revenues	2,031,557	1,140,745	3,172,302	L	64.0%	33.7%	56.1%	No	No	No	No	No
		4 Open Government	2,795,784	392,323	3,188,107	L	87.7%	46.4%	77.2%	Yes	Yes	Yes	Yes	Yes
		1 Emergency Suspension or Delay of General Election	3,369,416	1,337,284	4,706,700	L	71.6%	51.5%	62.0%	Yes	Yes	Yes	No	Yes
		2 Access to public records and meetings	3,883,617	793,229	4,676,846	L	83.0%	59.4%	71.4%	Yes	Yes	Yes	Yes	Yes
		3 Historic preservation ad valorem tax exemption	2,908,730	1,752,480	4,661,210	L	62.4%	44.5%	53.5%	No	No	No	No	No
		4 Budget Reform	3,815,541	796,462	4,612,003	TBRC	82.7%	58.3%	70.2%	Yes	Yes	Yes	Yes	Yes
		5 Taxpayers Bill of Rights	4,258,422	472,324	4,730,746	TBRC	90.0%	65.1%	78.3%	Yes	Yes	Yes	Yes	Yes
		6 Art. VII, Sect. 9 Authorizing Municipalities and Counties to Levy a 1-cent sales tax with local voter approval	0	0	0	TBRC	0.0%	0.0%	0.0%	No	No	No	No	No
4,305,340	1994	7 Art. XII, Section 9, Bonds for the construction of educational facilities	3,089,042	1,461,429	4,550,471	L	67.9%	47.2%	56.8%	Yes	Yes	Yes	No	No
		8 Limited political terms in certain elective offices	3,625,500	1,097,127	4,722,627	I	76.8%	55.4%	66.7%	Yes	Yes	Yes	Yes	Yes
		9 Homestead Valuation Limitation	2,493,742	2,154,747	4,648,489	I	53.6%	38.1%	45.9%	No	No	No	No	No
		1 Start of Regular Sessions of the Legislature	2,713,189	955,223	3,668,412	L	74.0%	41.4%	63.0%	Yes	Yes	Yes	No	Yes
		2 Limitation on State Revenue Collections	2,182,411	1,489,268	3,671,679	L	59.4%	33.3%	50.7%	No	No	Yes	No	No
		3 Limiting Marine Net Fishing	2,876,091	1,135,110	4,011,201	I	71.7%	43.9%	66.8%	Yes	Yes	Yes	Yes	Yes
		4 May Amends, Limiting Gov. Revenue Cover Multiple Subjects?	2,167,305	1,560,635	3,727,940	I	58.1%	33.0%	50.3%	No	No	Yes	No	No
5,444,245	1996	5 Article X, Section 7 Limited Casinos	1,566,451	2,555,492	4,121,943	I	38.0%	23.9%	36.3%	No	No	No	No	No
		1 Tax Limitation	3,372,915	1,497,485	4,870,400	I	69.3%	41.8%	62.0%	Yes	Yes	Yes	No	Yes
		2 Constitution Revision Commission	2,733,993	1,720,193	4,454,186	L	61.4%	33.9%	50.2%	No	No	Yes	No	No
		3 Judiciary	3,436,753	1,153,367	4,590,120	L	74.9%	42.6%	63.1%	Yes	Yes	Yes	No	Yes
		4 Fee on Everglades Sugar Production	2,328,016	2,774,806	5,102,822	I	45.6%	28.7%	42.8%	No	No	No	No	No
		5 Responsibility for Paying Costs of Water Pollution	3,397,286	1,594,175	4,991,461	I	68.1%	42.1%	62.4%	Yes	Yes	Yes	No	Yes
4,070,262	1998	6 Everglades Trust Fund	2,825,819	2,108,286	4,934,105	I	57.3%	35.0%	51.9%	No	No	Yes	No	No
		1 Historic Property Tax Exemption and Assessment	1,970,419	1,646,069	3,616,488	L	54.5%	24.0%	48.4%	No	No	No	No	No
		2 Preservation of the Death Penalty; Interpretation of Cruel and Unusual Punishment	2,676,043	1,002,043	3,678,086	L	72.8%	32.6%	65.7%	Yes	Yes	Yes	No	Yes
		3 Additional Homestead Tax Exemption	2,560,979	1,180,341	3,741,320	L	68.5%	31.2%	62.6%	Yes	Yes	Yes	No	Yes
		4 Recording of Instruments in Branch Offices	2,540,872	887,999	3,428,871	L	74.1%	30.9%	62.4%	Yes	Yes	Yes	Yes	Yes
		5 Conservation of Natural Resources & Creation of Fish & Wildlife Conservation Commission	2,630,674	1,007,905	3,638,579	CRC	72.3%	32.0%	64.6%	Yes	Yes	Yes	No	Yes
		6 Public Education of Children	2,623,889	1,069,406	3,693,295	CRC	71.0%	31.9%	64.5%	Yes	Yes	Yes	No	Yes
		7 Local Option for Selection of Judges and Funding of State Courts	2,028,165	1,536,523	3,564,688	CRC	56.9%	24.7%	40.8%	No	No	No	No	No
		8 Restructuring the State Cabinet	1,950,311	1,562,234	3,512,545	CRC	55.5%	23.7%	47.9%	No	No	No	No	No
		9 Basic Rights	2,416,324	1,230,683	3,647,007	CRC	66.3%	29.4%	59.4%	Yes	Yes	Yes	No	No
		10 Local and Municipal Property Tax Exemptions and Citizen Access to Local Officials	1,754,747	1,766,490	3,521,237	CRC	49.8%	21.3%	43.1%	No	No	No	No	No

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6,138,765	2000	13 Miscellaneous Matters and Technical Revisions	1,869,111	1,530,833	3,399,994	CRC	55.0%	22.7%	45.9%	No	No	No	No	No
5,002,816	2002	1 FL Transportation Initiative for Statewide High Speed Monorail, Fixed Guideway or Magnetic Levitation System	2,900,253	2,607,495	5,507,748	I	52.7%	33.1%	47.2%	No	No	No	No	No
		1 Amending Art. I, Sect. 17	3,110,477	1,351,434	4,461,911	L	69.7%	33.4%	62.1%	Yes	Yes	Yes	No	Yes
		2 Economic Impact Statements for Proposed Constitutional Amendments	3,515,070	991,561	4,506,631	L	78.0%	38.0%	70.3%	Yes	Yes	Yes	Yes	Yes
		3 Miami-Dade Home Rule Charter	1,983,160	2,160,512	2,198,172	L	47.7%	20.8%	38.5%	No	No	No	No	No
		4 Laws Providing Public Records or Meeting Exemptions	3,403,776	1,045,004	4,448,780	L	76.5%	36.6%	68.0%	Yes	Yes	Yes	Yes	Yes
		6 Health Hazards, Second-Hand Smoke, Prohibiting Workplace Smoking	3,424,811	1,412,788	4,837,599	I	70.8%	36.8%	68.5%	Yes	Yes	Yes	Yes	Yes
		7 Exemption for Construction of Living Quarters for Parents of Grandparents	3,146,156	1,527,945	4,674,101	L	67.3%	33.8%	62.9%	Yes	Yes	Yes	No	Yes
		8 Voluntary Universal Pre-K Education	2,706,906	1,892,854	4,599,760	I	58.8%	29.1%	54.1%	No	No	Yes	No	No
		9 Reduced Class Size	2,533,389	2,253,025	4,786,414	I	52.9%	27.2%	50.6%	No	No	Yes	No	No
		10 Animal Cruelty (prequent pigs)	2,553,762	2,122,277	4,676,039	I	54.6%	27.2%	50.6%	No	No	Yes	No	No
		11 Local Trustees & Statewide Governing Board to Manage Florida's University System	2,750,229	1,810,474	4,560,703	I	60.3%	29.6%	55.0%	Yes	Yes	Yes	No	No
7,640,319	2004	1 Parental Notification of a Minor's Termination of Pregnancy	4,639,635	2,534,910	7,174,545	L	64.7%	45.0%	60.7%	No	Yes	Yes	No	Yes
		2 Constitutional Amendments Proposed by Initiative	4,574,361	2,109,013	6,683,374	L	68.4%	44.4%	59.9%	Yes	Yes	Yes	No	No
		3 The Medical Liability Claimant's Compensation Amendment	4,583,164	2,622,143	7,205,307	I	63.6%	44.5%	60.0%	No	Yes	Yes	No	No
		4 Miami-Dade/Broward County Slot Machines	3,631,261	3,512,181	7,143,442	I	50.8%	35.3%	47.5%	No	No	No	No	No
		5 Florida Minimum Wage Amendment	5,198,514	2,097,151	7,295,665	I	71.3%	50.5%	68.0%	Yes	Yes	Yes	Yes	Yes
		6 Repeal of High Speed Rail Amendment	4,519,423	2,573,280	7,092,703	I	63.7%	43.9%	59.2%	No	Yes	Yes	No	No
		7 Patients' Right to Know about Adverse Medical Incidents	5,849,125	1,358,183	7,207,308	I	81.2%	56.8%	76.6%	Yes	Yes	Yes	Yes	Yes
		8 Public Protection from Repeated Medical Malpractice	5,121,841	2,083,864	7,205,705	I	71.1%	49.7%	67.0%	Yes	Yes	Yes	Yes	Yes

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Source : Department of State Division of Elections, Bureau of Election Records and Florida Tax Watch, October 2006

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Florida TaxWatch's research recommends productivity enhancements and explains the statewide impact of economic and tax and spend policies and practices on citizens and businesses. Florida TaxWatch has worked diligently and effectively to help state government shape responsible fiscal and public policy that adds value and benefit to taxpayers.

This diligence has yielded impressive results: in its first two decades alone, policymakers and government employees implemented three-fourths of Florida TaxWatch's cost-saving recommendations, saving the taxpayers of Florida more than \$6.2 billion--approximately \$1,067 in added value for every Florida family, according to an independent assessment by the Florida State University.

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