



MARCH 17, 2005

HOMETOWN DEMOCRACY AMENDMENT STRUCK DOWN BY THE FLORIDA SUPREME COURT

Today, the Florida Supreme Court released its ruling on placing the Hometown Democracy Amendment on this year's ballot. According to the majority opinion "We hold that the proposed amendment should not be placed on the ballot because the ballot summary is misleading and does not comply with section 101.161(1) of Florida's statutes which lays out the guidelines for a proposed amendment's ballot title and summary."

This proposed amendment would have required a local referendum to adopt a new comprehensive plan or to approve any changes to a local comprehensive plan. The clear objective of proponents of this amendment is to slow growth by requiring it to be approved by the "ballot box".

The process of amending a local government comprehensive plan is already an arduous, time-consuming process. Additional requirements such as the one proposed in the Hometown Democracy initiative would make the process even more onerous, costly, and uncertain, thus adversely affecting Florida's business climate.

AIF applauds the efforts of the Florida Home Builders Association and the Association of Florida Community Developers for their advocacy on educating the public on the dangers of this proposed Constitutional amendment.

Please go to <http://www.floridasupremecourt.org/decisions/2005/sc04-1134.pdf> to read the Supreme Court's entire opinion.

CONSTITUTIONAL AMENDMENTS

The House Ethics and Elections Committee unanimously passed HJR 1177 Relating to Term Limits by Representative Baxter Troutman (R-Winter Haven). HJR 1177 proposes to amend Art. VI, s. 4 of the Florida Constitution to increase the current term limits from eight years to twelve years, for Florida Representatives and Senators, or any member of the Cabinet. It retains the eight year term limit for the Office of Lieutenant Governor.

If passed by the legislature, the proposed constitutional amendment will be presented to the electors of Florida during the November 2006 general election, and if approved, will apply only to those officers whose consecutive years in office begin in November 2006 or after.

Representative Troutman filed an identical bill during the 2004 session. That bill received favorable support in all committees of reference. The bill was placed on the special order calendar, but died on the last day of session. A number of states have taken steps to repeal term limits legislation. According to NCSL figures, 16 states have had legislation to alter their term limits since 1999. Idaho repealed its term limits law in 2003 and Utah did the same in 2004. Term limits was the issue of the day during the early 90s and many states including Florida bought into the idea that term limits were a positive thing. After nearly 12 years with term limits most people involved in the legislative process have come to realize that term limits have not lived up to its promise.

The current eight year term limit for members of the legislature has lead to intensified internal politics in which members are forced to start seeking support for a leadership position literally after being elected. In addition and more importantly, institutional knowledge has shifted from individual members to lobbyists and staff.

The bill received strong support from members of both parties and the public. HJR 1177 will now be heard by the House State Administration Council.

AIF supports extending term limits from eight to twelve years in order to once again allow members of the legislature to become statesmen well versed in the intricate complexities of crafting public policy. The overall impact of term limits on the Legislature has been to cull the Senate and House of its leaders, at a time when the “state” needs their knowledge and experience the most.

OTHER BILLS OF INTEREST:

The Senate Committee on Government Efficiency Appropriations unanimously approved SJR 2144 by Senator Jeff Atwater (R-North Palm Beach) which proposes an amendment to the State Constitution relating to requirements for state budget planning, spending and accountability. The Amendment would limit the amount of non-recurring general revenue that may be used to fund the recurring costs of state programs to 3 percent of total general revenue which would equate to approximately 800 million dollars. This limitation could be waived by a 3/5 vote of the Florida Legislature.

The Amendment would also require the Joint Legislative Budget Commission to issue a long-range financial outlook and establish fiscal strategies including workload and revenue estimates. Even state agencies legislative budget requests will be required to be based upon and reflect long-range financial outlook.

The committee also approved the implementing bill for this proposal, SB 2146, also by Senator Atwater. The bill directs the commission to develop a long-range 3-year financial outlook which shall be updated each year with the assistance of all state agencies, which will be required to provide information to support the commission’s development and updates of the long-range financial outlook.

Both bills will now be heard by the Senate Ways and Means Committee.

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>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.