

# **STUDY AND ACTION**

## **2013-2015**

**A Guide to Public Policy Positions  
LEAGUE OF WOMEN VOTERS OF FLORIDA**

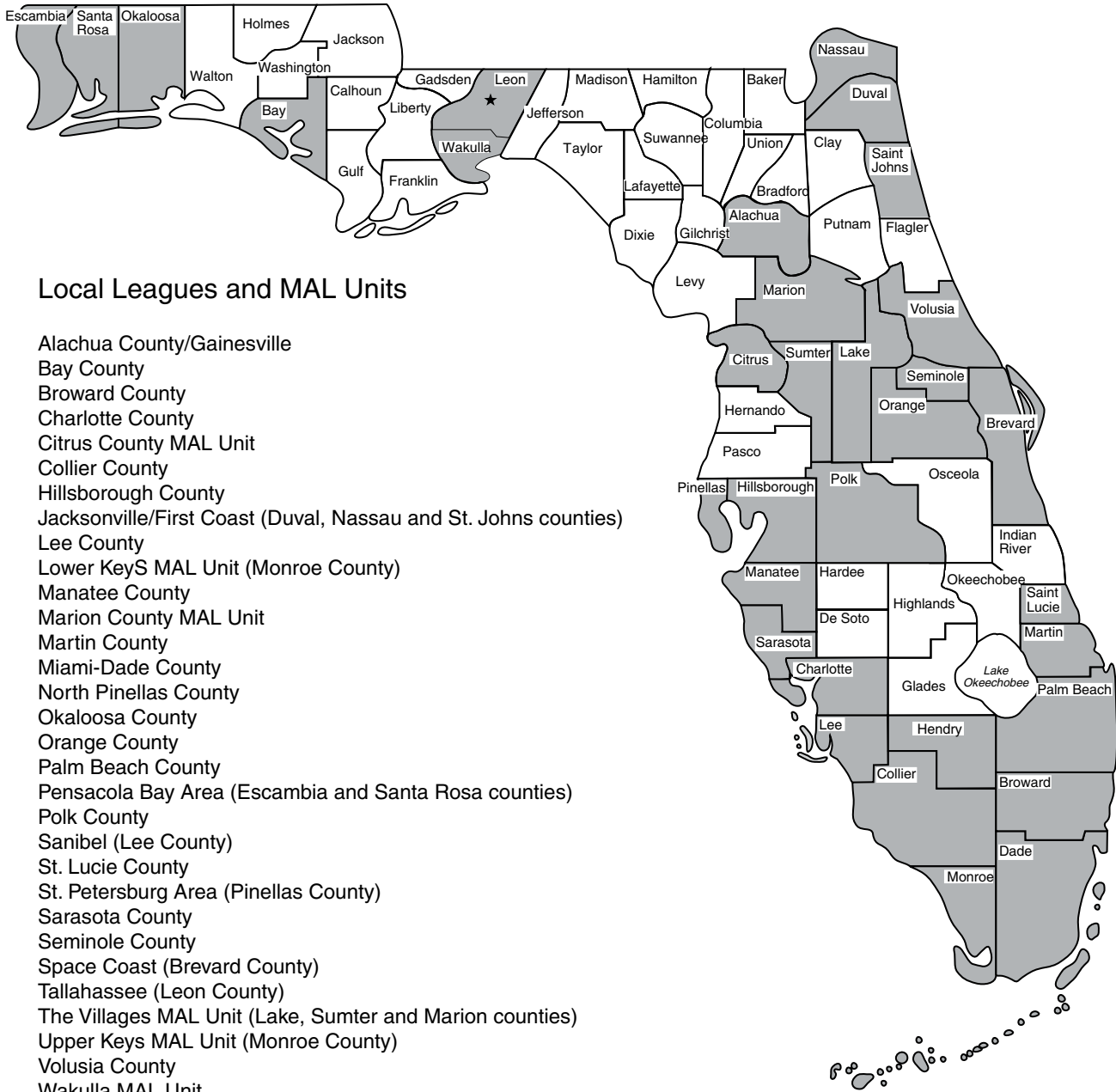


# League of Women Voters of Florida

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## Local Leagues and MAL Units

- Alachua County/Gainesville
- Bay County
- Broward County
- Charlotte County
- Citrus County MAL Unit
- Collier County
- Hillsborough County
- Jacksonville/First Coast (Duval, Nassau and St. Johns counties)
- Lee County
- Lower KeyS MAL Unit (Monroe County)
- Manatee County
- Marion County MAL Unit
- Martin County
- Miami-Dade County
- North Pinellas County
- Okaloosa County
- Orange County
- Palm Beach County
- Pensacola Bay Area (Escambia and Santa Rosa counties)
- Polk County
- Sanibel (Lee County)
- St. Lucie County
- St. Petersburg Area (Pinellas County)
- Sarasota County
- Seminole County
- Space Coast (Brevard County)
- Tallahassee (Leon County)
- The Villages MAL Unit (Lake, Sumter and Marion counties)
- Upper Keys MAL Unit (Monroe County)
- Volusia County
- Wakulla MAL Unit

Note: Shaded areas on map indicate counties in which there is a Local League or Member-at-Large (MAL) Unit of the League of Women Voters of Florida.

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NOTES: The exact wording of PROGRAM adopted for the biennium appears at the beginning of each major section. • Official POSITIONS adopted by the League are shown in **boldface sans serif** type, usually at the end of each section. • Explanatory and background information appear in normal type. • The year(s) in which positions were adopted or revised are shown in parenthesis by each position.

# The Process

## Study and Action: The words capture the essence of the League of Women Voters.

Every member of the League is encouraged to participate in the process of “study and action” in its entirety, from the adoption of a study, through the achievement of a consensus, to its ultimate conclusion with action.

## Program

Members of local Leagues come together to discuss issues of statewide interest and current or potential League concerns. They recommend to their local League boards the issues for study and action. Local League boards consolidate the members’ recommendations and decide which issues and positions have the most support, are most timely and are most appropriate for League activity. They then send their recommendations to the board of the League of Women Voters of Florida (LWVF). The State Board weighs the various recommendations from the local Leagues and decides which issues will become part of the state program that it will recommend to the state biennial convention (composed of local League delegates) for adoption.

## Study — consensus or concurrence — position

When a program is adopted that includes an issue for study, members first research the issue. Background material on all sides of the issue, a bibliography and consensus questions are furnished by a state study committee as approved by the State Board. These questions, when answered by the membership, may establish a statewide consensus.

Consensus by group discussion is the technique most often used in the League for reaching member agreement. It is a process whereby members participate in a group discussion of an issue. The consensus reached by members through group discussion is not a simple majority, nor is it unanimity; rather it is the overall sense of the group as expressed through the exchange of ideas and opinions, whether in a membership meeting or a series of membership or unit meetings.

The State Board evaluates the conclusions of the local Leagues. Wherever the State Board determines there is substantial agreement (or consensus), a formal LWVF position is adopted.

Occasionally the concurrence approach is used whereby local Leagues formally agree with a position already arrived at by another organizational unit of the League. Concurrence may be taken with the findings of a resource committee, with a statement formulated by a League board or with positions reached by another League. The subject of concurrence should be one about which members already have a base of knowledge and would be likely to agree. A League cannot take action on an issue until it establishes a position on that issue.

## Action

Action can be taken through various means: lobbying elected officials, testimony, letter-writing campaigns, litigation and informing the public, among others. At the national level, action may be taken based only on national positions. At the state level, action may be taken based on national or state positions. Local action may be taken based on local, state or national positions as long as there is member understanding of how the position relates to the situation and it affects only that local League’s area. If the application would have regional implications, all local Leagues in the affected region must agree that the action is appropriate.

At the state level, LWVF’s president, action chair and professional legislative consultant/lobbyist(s) measure proposed legislation against League positions to decide which to support, oppose or ignore. They decide the type and timing of any action. The State Board determines LWVF stands on state ballot issues and other action possibilities. LWVF does not take stands on every proposal that falls within League positions. The significance of the proposal in terms of our advocacy agenda, the possible impact of League action, timing and the demands of other League work are some of the factors weighed in decisions. (See discussion below on selecting legislative priorities.) Effective lobbying on state legislative issues depends on a partnership at all League levels — lobbying in Tallahassee and constituent lobbying at home.

In Tallahassee, the professional consultant and/or LWVF board members testify at the Capitol and lobby legislators and other government officials through letters, faxes, e-mails, phone calls, office visits and testimony at committee hearings. Day-to-day lobbying of staff members and committees is carried out by the professional LWVF lobbyist(s) or LWVF volunteer lobbyists.

Lobbying in Tallahassee by the LWVF and the professional lobbyist is vitally important, but direct lobbying of legislators by constituents often is the key to persuading them to vote for the League position. The arguments that

League leaders and members make to their respective representatives or senators can make the difference in how they vote. Legislators return to their districts regularly; this is a good time for League members, as individuals, to schedule meetings with them or to talk with them at public events.

The LWVF action chair acts as a liaison between LWVF lobbyist(s) in Tallahassee and local League members. Local League presidents and/or members may be called before critical votes or when in-depth and ongoing grassroots lobbying is needed from their areas. Local League presidents also will receive fact sheets and/or sample op-ed pieces and other information on issues on which LWVF is actively lobbying.

Written materials on priority issues are described below:

**Capitol Report** is produced by LWVF through its professional lobbyist before and during the legislative session. This newsletter describes legislation pertaining to LWVF legislative priorities and gives tips on when and how to take action. It is posted at the LWVF website ([www.lwvfla.org](http://www.lwvfla.org)) in the Capitol Reports section (located on the left column of the home page) monthly before session and weekly during session.

**Action Alerts** are sent to local League members when local lobbying can play a critical role and when member interest and knowledge are high enough to produce an effective response. Local Leagues are urged to take the action requested in Alerts in the name of their local League or as individual members as appropriate. State level positions come from the study and consensus of individual League members, so local League support can prove very effective in lobbying action on these positions.

**The Florida Voter** is produced by LWVF and often contains legislative information and lobbying opportunities.

#### Local action on state issues

Action on state issues usually is limited to LWVF priorities. When a local League wishes to take action on a state issue that is not an LWVF priority, these procedures must be followed:

The local League board should first consult with the state action chair if it wants to lobby its state legislators and then with any other local League boards that share representation in the Legislature.

Make a written request to the LWVF board describing the contemplated scope of action. Include a statement on how League positions apply to the specific legislation in question. This edition of Study and Action includes current LWVF positions. The request should be made in a timely

fashion, so the State Board will have adequate time for research and decisionmaking.

A local League may want to take action on an LWVF position at the local and/or regional level. If the local League board determines that its members are knowledgeable on the subject and support the action to be taken, it can undertake action at the local and/or regional level under a state position without prior clearance from the LWVF board. However, local Leagues may wish to consult with State Board members or staff for background on action previously taken at all levels of the League based on a particular position. If the action directly affects other jurisdictions, the League(s) desiring to take the action must obtain clearance from League boards of the other affected jurisdictions.

**A local League may not take action in opposition to any LWVF position.**

Local action based on national positions. Official local League action with state government officials using national program positions is taken only in response to an Action Alert issued by the State Board or if authorized by the state president.

## Legislative priorities

Legislative Priorities are selected each year largely based on recommendations from local Leagues. These items will be given special emphasis by the lobbyists, local Leagues and State Board for action during the ensuing legislative session.

The strength and credibility of the League of Women Voters is based on strong grassroots membership understanding and involvement in the entire program and action process. League members influence friends, relatives and acquaintances in their local communities, as well as national and state legislators.

For better understanding of League program and action, a history of state program follows. For further information on national program, please consult the latest edition of LWVUS Impact on Issues. For application of these principles or positions at the local level, please consult with your local League leadership and/or with a State Board member.

# League of Women Voters of Florida

## Proposed State Program 2013-2015

Adopted May 2013

### Government in Florida

Promote an open government that is responsive to the people of the state.

#### Florida Constitution

Support basic law that assures a government responsive and accountable to the people of the state.

**Issue for Action:**

- Promote the integrity of procedures used to amend the Constitution and restrict the number and length of amendments on the ballot.

#### Finance and Taxation

Support a state fiscal structure that is equitable in its distribution of the tax responsibility and responsive to public needs.

**Issue for Action:**

- Support the elimination of the Internet sales tax loophole.

#### Election Law

Support measures to protect, extend and encourage the use of the franchise and to advocate fair methods of financing political campaigns.

**Issues for Action:**

- Support greater flexibility in the selection of early voting sites.
- Support increasing the number of days for early voting; include two full weekends and extended hours during weekdays.
- Support automatic restoration of voting rights for former felony offenders.
- Support notifying voters if their absentee ballot has been accepted

or rejected, and provide a remedy for ensuring the vote of those whose ballots have been rejected.

- Support the prior protocol that allowed voters to update their addresses at the polls and still cast a regular ballot.
- Support an expedited process to allow disabled and elderly voters to vote without having to wait in line.
- Support requiring summaries of constitutional amendments proposed by the public and legislature to be clear and understandable, in plain language of 75 words or less.

### Education in Florida

Support a free public school system for Florida with high standards for student achievement and with equality of educational opportunity for all that is financed adequately by the state through an equitable funding formula.

**Issues for Action:**

- Promote adequate funding of public education with no use of public funding for the expansion of funding of private education through a voucher program.
- Promote the extension of public school testing of student achievement to private schools, charter schools and any institutions that receive state funding.
- Support the increased oversight of the development and implementation of charter school contracts with regard to administrative fees, teacher salaries and benefits, and instructional innovation.

### Justice in Florida

Support a judicial system that provides a unified court structure, improved provisions for judicial selection and merit retention and equal access to legal services. Support a criminal justice system that emphasizes rehabilitation and alternatives to incarceration.

**Issue for Action:**

- Support juvenile justice actions that emphasize civil citations, rehabilitation, and other alternatives to incarceration.

### Social Policy in Florida

Secure equal rights and equal opportunity for all. Promote social and economic justice, and the health and safety of all Americans.

**Issue for Action:**

- Support the safe rescue and rehabilitation of victims of human trafficking and the education of the public about this issue.

#### Children and Families

Support measures to meet special concerns of children and families, including countering intrafamily abuse and providing for safe foster care and shelter care.

#### Farmworkers

Support measures to provide adequate living and working conditions for farmworkers.

## Financing & Delivery of Health Care

Support measures to implement Florida health care in a manner consistent with the LWVUS position on health care reform.

### **Issues for Action:**

- Support implementation of the Federal Health Care Reform Law in Florida, emphasizing access for all and control of costs including Medicaid expansion and mental health coverage.
- Support the education of Floridians regarding application for coverage

## Immigration

Support immigration policies that promote reunification of immediate families, meet the economic, business and employment needs of the United States, and be responsive to those facing political persecution or humanitarian crises. Provision should also be made for qualified persons to enter the United States on student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status.

### **Issue for Action:**

- Support Florida resident status for children of undocumented immigrants.

## Libraries

Support full funding of eligible public library systems as provided in Section 257.27 Florida Statutes.

## Handgun Control

Support regulations concerning the purchase, ownership and use of handguns that balance as nearly as possible individual constitutional rights with the general interest and welfare of the community.

### **Issue for Action:**

- Support the repeal of the "Stand your ground" law.

## Sustainability

Support governmental action that results in sustainability: Meeting the needs of the present without endangering the ability of future generations to meet their own needs. Environment, society and the economy must be integrated and balanced to achieve a sustainable Florida.

### **Issues for Action:**

- Support public transportation projects which yield multi-modal investments in local and state enhanced infrastructure.
- Support governmental actions that result in sustainability by meeting the needs of the present without endangering the future.
- Support the adoption of a renewable portfolio standard.

## Natural Resources in Florida

Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest by recognizing the interrelationship of air quality, energy, land use, waste management and water resources.

## Land Use

Promote resource conservation, stewardship and long-range planning, with the responsibility for managing natural resources shared by all levels of government.

### **Issues for Action:**

- Support the preparation and implementation of a new state growth management plan that addresses current needs.
- Support the Water and Land Legacy ballot initiative.

## Energy

Support state legislation for energy conservation and greater use of renewable sources such as solar energy.

### **Issue for Action:**

- Support implementation of a financial mechanism such as but not limited to PACE (Property Assessed Clean Energy) that facilitates energy and other sustainability improvements to homes and businesses in Florida as authorized by Florida Statute Chapter 163.01.

## Freshwater Resources

Support public policies that promote conservation of freshwater and its availability for environmental, public supply, agricultural, industrial and mining uses on a priority basis.

## Coastal Management

Support intergovernmental stewardship of and fiscal responsibility for the Florida coast, under the management of the state, while recognizing the dominance of nature and the role of the sand transport system.

## Environmental Protection and Pollution Control

Preserve the physical, chemical and biological integrity of the ecosystem, with maximum protection of public health and the environment. (LWVUS)

## Public Participation

Promote public understanding and participation in decision making as essential elements of responsible and responsive management of our natural resources. (LWVUS)

## Agriculture

Promote resource conservation, stewardship and long-range planning, with the responsibility for managing natural resources shared by all levels of government. (LWVUS)

# Florida Constitution

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PROMOTE AN OPEN  
GOVERNMENT THAT  
IS RESPONSIVE TO  
THE PEOPLE OF THE  
STATE.

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**Issue for Action:**

- Promote the integrity of procedures used to amend the Constitution and restrict the number and length of amendments on the ballot.
- 

The League of Women Voters of Florida, shortly after its organization in 1939 by three existing local Leagues, undertook a comprehensive study of Florida government. As a result, members determined that the two most serious and interrelated problems were the outmoded 1885 Constitution and its resultant malapportioned Legislature.

To effect change in Florida government the League seeks reform through the state's: (1) constitutional amendment process, (2) legislature and (3) courts. In many cases we must use more than one of these avenues.

## Government operation

### Legislature composition

In 1968-70, fully two-thirds of the League's membership decided that a unicameral system would be superior to a bicameral one in efficiency, economy, simplification of procedures and the pinpointing of responsibility.

Delegates to the LWVF 1999 Convention dropped, with no opposition, the position on the Unicameral Legislature based on State Board recommendation because:

- The position was developed in 1970 and the current Florida membership had little, if any, interest in supporting this reform. (Nebraska remains the only state with a unicameral legislature.)

- During the 1998 Constitution Revision Commission (CRC) the idea was raised but neither the LWVF nor any other organization supported it. The Florida Legislature has shown no inclination in that direction.

- Florida has a great many other governmental problems in need of attention such as: reapportionment, fairer election laws, legislative rules reform, campaign finance reform, and HAVA implementation, to name a few.

The Board decided that this position be dropped until such time that there seemed to be a political climate for such a change. If that should occur, the issue could be studied to give the membership the opportunity to take a fresh look at the issue.

## Legislative rules

A priority issue on which the League lobbied during the '96-'97 Legislature was legislative rules reform. Both houses adopted new rules that incorporated many suggestions from Common Cause and the LWVF. The new House rules seemed excellent at first glance, but there were loopholes that allowed the speaker to take up bills on the floor with less than the 72-hours notice expected.

Legislators did take more time on bills, there were fewer sneak amendments at the end and fewer bills passed overall than in past years. The Senate's rules changes were not as extensive as those made in the House. More reform is needed.

For the second year, the LWVF pushed for further changes to the House and Senate rules and procedures. Unfortunately, little change took place in 1998-1999 and focus was on the implementation of rules and procedures begun during the 1997 session.

## Redistricting/reapportionment:

### • 1980s

The Florida Legislature is responsible for dividing the state into voting districts for Congress and the Legislature that reflect changes in population after each census. Historically, this has been a political process controlled by the party currently in the majority; district lines are drawn to maintain the majority and protect incumbents. The League believes that it is a conflict of interest for the Legislature to draw its own district boundaries.

During 1982 the Florida Legislature redrew the boundaries of both congressional and legislative districts. The LWVF supported the lines drawn for both sets of districts but opposed the contention of the Florida Senate that only half its members had to seek election in the fall of 1982. The League successfully argued its objections as an amicus curiae before the Florida Supreme Court in *In re Apportionment Law*, SJR 1E.

Reapportionment positions upon which the League acted were derived from both LWVF positions and principles and the LWVUS posi-



tion on apportionment. The League supports single-member election districts that are equal in population, that provide access for minorities, and, when possible, take local characteristics such as political and geographical boundaries into consideration.

### • 1990s

Reapportionment was one of the League's 1992 legislative priorities. The League monitored the process and offered testimony at public hearings around the state in support of the provision of opportunities for citizen participation. The extensive political battles in the Legislature over reapportionment/redistricting propelled the League into a decision to initiate a petition drive for a constitutional amendment placing redistricting/reapportionment in the hands of an independent commission. The decision to act in support of the 1970/1977 position was announced at the 1992 LWVF Council. Subsequently, a coalition was formed with Common Cause for the purposes of writing a valid petition and organizing the petition drive. There was considerable hope that the 1993 Legislature would produce a joint resolution that would be satisfactory to the League and thus make a petition drive unnecessary. However, the House-passed measure did not fit League positions, although the Senate's did. No compromise was reached.

### • 2000s

In preparation for the 2002 reapportionment, two prominent leaders, a Democrat and a Republican, joined to create two proposed redistricting amendments to the Florida Constitution and a signature-gathering campaign named People Over Politics (POP). The League and 11 other organizations joined the group in 1999. The League worked diligently, but insufficient signatures were obtained to place the issue on the 2002 ballot. The drive was cancelled.

But the 2001 Legislature-appointed redistricting committee did hold 20 public hearings around the state to educate the public about the process and to hear public testimony concerning the required 2002 reapportionment. League members spoke at each of the hearings, urging formation of an independent commission to draw the lines for compact and contiguous districts. However the map drawn by the Legislature was again contentious and resulted in many changes in boundaries and many strangely configured districts.

In 2003 the Committee for Fair Representation again proposed two constitutional amendments to establish an independent, nonpartisan reapportionment commission. The League supported these proposed amendments and local Leagues again gathered signatures. The amendments did not reach the 2004 ballot.

In early 2005, the League helped to create the nonpartisan Committee for Fair Elections for another citizen petition initiative campaign. Local Leagues gathered many of the needed 750,000 signed petitions to put this proposal on the 2006 ballot including to establish an independent

commission that would draw districts in time for the 2008 elections. However in March 2006, the Florida Supreme Court struck the proposed amendment from the ballot ruling in part that it included more than one subject. The League and its partners were very disappointed with the Court decision; however, this was the first time that the Court had ruled on any redistricting amendment. More importantly, the court's ruling provided a blueprint for writing amendment(s) in an acceptable form.

By fall 2007, the League was back in the redistricting reform game as a steering committee member for FairDistrictsFlorida.org that is proposing two amendments to the Florida Constitution, which would establish standards for drawing congressional and legislative voting districts. Districts could not be drawn to favor or disfavor an incumbent or political party, and would be required to ensure that racial and language minorities would have the opportunity to fully participate in the political process and elect representatives of their choice. Also, all voting districts would need to be equal in population, compact, contiguous and utilize existing geographical and political boundaries. Local Leagues are once again gathering signatures to get these citizen initiated petitions on the 2010 ballot.

In the fall of 2009, the League was still working with the FairDistrictsFlorida organization, and, at this point, 98% of the petitions needed to get the amendments on the ballot had been garnered.

Upon its founding in Florida, in 1939, the League of Women Voters cited the "malapportioned legislature" as a serious problem.

Finally, in 2010, the citizens of Florida voted to remedy the situation by voting for Amendments 5 and 6; these amendments require that districts be contiguous, compact, make use of existing city, county, and geographical boundaries where feasible, and the districts may not favor or disfavor incumbents or political parties. Also, districts may not deny racial or language minorities the equal opportunity to participate in the political process. 63% of voting citizens voted for the amendments in November.

On the way to passage of the amendments, the 2010 legislature placed a "redistricting amendment" of their own on the ballot; if all three of the amendments were passed by the voters, the legislature's Amendment 7 would essentially nullify Amendments 5 and 6. However, the Florida Supreme Court removed the amendment from the ballot along with two others placed there by the legislature.

While the former Governor had sent the amendments to the Department of Justice for pre-clearance--a requirement of the Voting Rights Act of 1965, one of the early actions the new Governor took was to withdraw the request. The LWVF and NAACP wrote to the Governor, asking him to resubmit the amendments. One of the amendments was already the target of a lawsuit filed by two U.S. representatives from Florida; they charged that the amendment violated the voting rights laws. The Florida House of Representatives signed onto the lawsuit.

Midway through the legislative session, the State Senate President and the Speaker of the House resubmitted the amendments for federal approval but suggested that the amendments could harm minority voting rights in Florida. The U.S. Department of Justice gave the green-light to the amendments a few weeks later, saying that the agency could not find any reason why the Voting Rights Act would bar Florida from using the new standards for redistricting.

A Senate Redistricting Committee met several times during the session; while the House had a Chair for the House Committee, committee members were not named until very late in the session. However, the House did set up a website where citizens could create their own maps; the Senate also had a similar website. The League supported two bills filed during the session, one that would speed up the timeline for the redistricting process by requiring the legislature to complete its plans sooner and the other to require that drafts of redistricting plans be considered public record in order to ensure transparency in the process. The bills did not pass.

A big concern for the people who worked on redistricting was the timeline the legislature set up for drawing maps and receiving suggestions. Both houses joined in visiting twenty six different areas around the state to receive public testimony; however, there were no maps on which to comment. These “listening” tours ran from June to September. The maps would not be drawn until 2012. According to the Florida Constitution, the maps are to be drawn during the legislative session. However, many citizens indicated that tentative maps could be ready to discuss early in the session; the legislature was scheduled to meet from January, 2012 to March, 2012. Once legislative maps are drawn, they are submitted to the Attorney General who has 15 days to submit them to the Florida Supreme Court. The Court would hear arguments from entities opposed to the maps and has thirty days to make a judgment. If the Court declares the maps invalid, the Governor has five days to call the legislature back into a special session to last no longer than fifteen days. If the revised maps are declared invalid by the Court, the Court then draws the districts. Once maps are approved by the Court, they go on to the Department of Justice which has sixty days in which to determine their validity. Citizens were concerned that the new districts would be drawn so late that challengers would be at a distinct disadvantage as would voters who would not know which district they were in or who was running for the legislature. If maps were not presented before March 9, there would be a possibility that consideration by the Court and DOJ could go past the qualifying deadline of June 4-June 8 for the November 12, 2012 election.

## Constitution revision

By 1952, years of study produced a yardstick for a good constitution. (See box page 10.) In 1964 voters approved a League-backed amendment permitting a complete revision

of the Constitution. A 37-member commission submitted a draft to the 1967 Legislature.

Local Leagues reaffirmed the 1952 yardstick. It was used as a basis for all League statements to the Commission. Local Leagues studied the executive, judicial, tax, local government and amending articles to reach positions needed for responding to the Legislature’s review of the proposed Constitution.

The Constitution approved by voters in 1968 contained basic changes and became more concise and better organized. The League actively supported the ballot issues, which passed. LWVF continues to seek improvements in the state’s basic document.

In 1977 LWVF participated as *amicus curiae* in a suit before the Florida Supreme Court to determine the proper time to appoint members of the new Constitution Revision Commission. The decision of the Court supported the League’s contention that Commission members could be chosen in the 30 days following the legislative adjournment in 1977. The appointments for the 1977 Constitution Revision Commission included the LWVF president and another Board member as an alternate. Throughout 1977-78 the League lobbied the Commission on League positions that had been reviewed and reaffirmed with one exception: The previously held position calling for no constitutional debt limits was dropped.

During the 1997-98 Constitution Revision Commission’s term, LWVF representatives spoke at all 12 hearings around Florida on ten subjects and lobbied commissioners during the committee meetings in Tallahassee. Among the issues on which the League had positions were cabinet reform, merit selection and retention of judges, environmental protection, gun control, declaration of rights, education, equalization of ballot access, and campaign finance reform. Of nine revisions placed on the 1998 ballot by the CRC, eight passed, including all that the League supported – representing phenomenal success. This was in contrast to 1978 when none of the CRC’s proposals passed.

The Taxation and Budget Reform Commission, meeting in 2008, proposed seven constitutional amendments; three were removed from the ballot following rulings by the Florida Supreme Court. One of those removed would have eliminated state required school property tax and would replace it with equivalent state revenues to fund education; a second required 65% of school funding to be spent on classroom instruction. However, the latter amendment would also delete the prohibition against using revenue from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

The third amendment, which addressed religious freedom, would have allowed vouchers for religious schools, an issue previously declared unconstitutional by the Florida Supreme Court. Another amendment would have allowed local governments to levy a local tax to support Community Colleges; it did make the ballot but was defeated. An

amendment that would assess working waterfront property based upon its current use made the ballot and was passed. Another amendment proposed by the commission gives a property tax exemption to perpetually conserved lands; it also made the ballot and passed. The League opposed this amendment since it also addressed land temporarily placed in easement and did not spell out what the ramifications would be if and when the land was taken out of easement. The amendment also places a hardship on some rural counties where much of the land is placed in easement; the tax base is reduced considerably.

The 2009 legislature proposed two constitutional amendments. The first would require the legislature to provide an additional homestead property exemption for members of the U.S. military or military reserves, the Coast Guard or its reserves, or the Florida National Guard who received a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations to be designated by the Legislature. The exemption amount will be based on the number of days the person was deployed during the previous calendar year.

A second amendment reduced the maximum annual increase in the assessed values of non homestead property to 5% annually. It will also reduce the just value of a first-time homestead by 25% up to \$100,000 for those persons who have not owned a home during the preceding 8 years; this amount decreases in each succeeding year for 5 years and is not available in the 6th year.

Both of these amendments will appear on the 2010 ballot.

Another amendment on the 2010 ballot will repeal the “Florida Election Campaign Financing Act” and remove the requirement of public financing of campaigns of candidates for statewide office who agree to campaign spending limits. If approved by the voters, the amendment passed by the electorate in 1998 that instituted public financing will be repealed. During testimony in the session, the program was billed as “Welfare for Politicians” since the 2005 legislature had more than doubled the amounts of money that could be raised by candidates. In both the 2008 and 2009 legislative sessions, the League lobbied against repealing the original amendment but, instead, asked for the limits to be lowered to pre-2005 amounts. Hearings on the bill began every early in the year, passing through committees as early as February, 2009. The League, along with Common Cause testified against the bill throughout the months of February and March. However, by March 29, the joint resolution was agreed to by both houses. There is one caveat; if the amendment is not supported by 60% of the electorate, the spending caps on the original amendment will revert to pre-2005 caps.

Of the three aforementioned amendments, the additional homestead property exemption for members of the military deployed overseas was passed by the voters.

The amendment that would reduce the maximum annual increase in assessed values of on homestead property was removed from the ballot by the Supreme Court.

The amendment to repeal Campaign Finance Reform was defeated by the voters.

The 2012 Florida election ballot contained 10 proposed amendments to the Florida Constitution; none were citizen initiatives. While citizen initiatives are limited to 75 words and may only address one subject, the legislature is not held to the same standards; one of the amendments addressed four different issues. This led to lengthy ballots and long lines at the polling places, and once again, the election process in Florida was questioned by the rest of the country.

Amendment 1 attempted to exempt Floridians from a provision in the federal health care law known as the individual mandate; it requires all Americans to have health insurance by 2014 or face penalties. In June, 2012, the U.S. Supreme Court ruled that the individual mandate is constitutional, so voting for the amendment had no practical implications except to indicate that a majority of Florida’s voters were in favor of or opposed to the individual mandate. The amendment was defeated; 48.5% of voters supported it. Florida law requires a 60% passage rate for all constitutional amendments.

Amendment 2 extended a homestead property tax discount to all disabled veterans who are Florida residents; previously, an amendment was passed that extended the discount only to those veterans who were Florida residents when they entered the military. The amendment passed with 63% of the vote.

Amendment 3 (TABOR) limited state government revenues. Colorado is the only state that has passed this type amendment, and it has suffered devastating cuts to major areas of spending, including schools, universities, and health care. The Senate President had been working to get the amendment on the ballot since 2008. Voters rejected the amendment; support was just 42%.

Amendment 4 addressed four different property tax limitations and reduced assessment increases for non-homestead property in the state. Voters rejected the amendment with 43% voting in favor of it.

Amendment 5 would require Senate confirmation of Supreme Court Justices, give legislators more control over any changes to the rules governing the court system, and direct the Judicial Qualifications Commission, which investigates misconduct complaints, to make its files available to the Speaker of the House even if there is no question of impeachment of the judge. Voters soundly defeated the amendment with just 36.9% supporting it.

Amendment 6 would prohibit public funding of abortions and nullify a privacy clause in the state constitution. Federal law already prohibits the use of federal funds for most abortions; this amendment would enshrine the prohibition in the state constitution. It would also eliminate the use of the privacy clause in abortion cases before the

## Yardstick for a Good State Constitution

A Good State Constitution:

1. Must not conflict with any provision of the Federal Constitution.
2. Should be a simple, understandable and integrated statement of basic law, free from obsolete and statutory detail; a flexible instrument free from unsound limitations binding upon the Legislature.
3. Should have clearly defined lines of authority and responsibility.
4. Should provide for a representative Legislature based essentially on population with self-executing reapportionment.
5. Should establish a uniform system of courts adapted to the expanding needs of a growing state.
6. Should have general provisions under which cities and counties may achieve self-government.
7. Should establish state standards for finance and taxation that meet the requirements of modern society.
8. Should provide for a merit system for the selection, retention and promotion of state personnel.
9. Should provide for meeting the increasingly extensive social and economic problems that affect the general welfare.
10. Should provide for a system of free public education with equality of opportunity for all.
11. Should include amendment processes that are in harmony with the other provisions of the Constitution. (1952)

courts. The amendment garnered just 44.9% of the vote and did not pass.

Amendment 7 was removed from the ballot by the Supreme Court. Recent Florida law allows the Attorney General to rewrite the ballot language and the amendment is reinstated on the ballot. So Amendment 7 is now Amendment 8.

Amendment 8 would repeal a 126-year-old provision in the state constitution that prohibits taxpayer funding of religious institutions. Currently school vouchers may not be used to attend religious schools. The Florida Supreme Court has ruled that using public funds for a voucher program to allow children to attend private or parochial schools is unconstitutional; the League of Women Voters of Florida filed an amicus brief in the lawsuit resulting in the afore mentioned decision. With just 44.5% of voters supporting the amendment, it failed.

Amendment 9 extends a property tax exemption to the surviving spouse of military veteran or first responder. State law has granted full homestead property tax relief

to surviving military spouses since 1997; this amendment would enshrine the law in the state constitution and extend it to surviving spouses of first responders. The amendment passed with 61% of the vote.

Amendment 10 would raise the current tangible personal property tax exemption for businesses from \$25,000 to \$50,000. This would affect county property tax income; the estimate was that local property tax revenues would be reduced by \$61 million over the first three years of implementation. This amendment was supported by 45.5% of the voters; it failed.

Amendment 11 would allow counties to grant a full homestead exemption to certain low-income seniors; local governments would need a super-majority vote to grant the exemption. The amendment passed with 61% of the vote.

Amendment 12 would change the method for choosing the student representative who serves on the Board of Governors of the State University System. The amendment failed, with just 41.5% of voters supporting the measure.

Based on League positions, the League of Women Voters of Florida opposed all eleven of the amendments. Amendments 2, 9, and 11 passed. The voters rejected the other eight.

## Ethics reform

2012 brought new leadership to the legislature; the new Speaker of the House and Senate President listed ethics reform, campaign finance reform, and election law reform as priorities.

The Senate Ethics and Elections committee produced a bill that the League supported. Some of the good things the bill does:

- Bars elected officials from taking advantage of their positions to get taxpayer funded jobs
- Increases the ability of the Ethics Commission to collect fines that are owed
- Blocks lawmakers from lobbying state agencies for two years after they leave office
- Requires financial disclosure forms to be put online and requires the Ethics Commission to develop an electronic filing system for financial disclosure
- Allows referral of ethics complaints from the Governor's office, FDLE, state attorneys and the U.S. Attorney
- Requires four hours of ethics training per year for constitutional officers

The League was opposed to the section of the bill that gives public officials thirty days to go back and fix an error on a financial disclosure form after an ethics complaint has been filed and not face a penalty. The bill was signed into law by the Governor on May 1, 2013.

This legislation will strengthen the state's Ethics Commission; it has been viewed as weak and possessing little power to enforce fines. With the passage of this law, the Commission will be able to garnish the wages of persons who are in violation of the Ethics law, and the time period for collecting these fines has been extended from four years

to twenty years. In the past, the Ethics Commission has had little power to collect fines from elected officials and has written of \$1,000,000 in the past ten years. Another plus for the commission is allowing referrals to come from several entities and not just private citizens. While the Commission would like to be able to initiate investigations on their own, the legislature was not prepared to grant this authority. This was a breakthrough year for ethics reform; hopefully, the new law will help to raise Florida national image in the area of ethics.

## Right to Speak

In 2008, a bill entitled “Vox Populi” or the Voice of the People was introduced in the Florida House; its companion bill in the Senate died in committee. The bill would have allowed Florida citizens to be heard at public meetings. The Sunshine Law mandates that meetings be open but does not give citizens a right to speak at those meetings.

In 2011, a new bill was offered in the Florida Senate that would allow citizens to be heard before decision making by a local government or board. While the bill passed the Senate, the House did not take up the bill.

The League has supported this legislation since it first appeared in 2008, and continued to support it in 2012, when it was again introduced in the Senate. In 2013, the bill was passed by both houses and signed into law by the Governor.

## Merit selection and retention of judges

League study of the judicial system in 1967 resulted in support of a merit selection and retention plan for judges. The 1968 Constitutional Revision Commission did not deal with the judiciary since Article V was to be developed by a special commission and was voted on in a special election in March 1972.

Article V went into effect in 1973 and provided for merit selection only if the governor appointed a judge to a vacancy. In 1975 when impeachment proceedings were brought against two Supreme Court justices and a third justice resigned under pressure, the League, with the Florida Bar Association, the press and the governor, persuaded the Legislature to put a more stringent selection process amendment on the ballot in November 1976. The League’s action campaign helped passage by 3 to 1 of the current system of merit selection and retention of appellate judges including those on the Supreme Court.

The passage in 1998 of a constitutional amendment shifts the major costs of Florida’s judicial system from the counties to the state, freeing more local revenue for local purposes; increases county court judges’ terms from four to six years, consistent with circuit judges; and allows voters to decide whether to maintain the election system for trial judges in their county and/or judicial circuit or whether to have them appointed by the governor and subject to subsequent retention elections under a system of merit selection (also allows for opting out later). In November

2000, voters statewide voted county by county on merit selection and retention of county and circuit court judges; in each county the vote was to retain the election system. The issue may be reconsidered by initiative in any county in 2006 [and it wasn’t] or every four years after that. The League remains in support of extending merit selection to include circuit and county court trial judges. (Also see the section on Justice in Florida, page 47.)

The 2001 Legislature gave the governor the power to make all appointments to the nine-member Judicial Nominating Commissions that in turn select nominees for openings in trial and appellate courts, with the requirement that four be chosen from names submitted by the Florida Bar. Previously, the Bar selected three, the governor selected three and those six selected three non-attorneys for the balance of the panel. All appointments to fill judicial vacancies are made by the governor.

In September 2006, the Florida Supreme Court Chief Justice established a Committee on Judicial Evaluations to extend to June 2008, consisting of eight members from the judiciary, eight members from The Florida Bar at large and five lay members. The Chief Justice appointed the state League president as one of the lay members. The Chief Justice directed this Committee to study judicial evaluation in connection with the selection and retention of judicial officials and to make recommendations as to the creation of a proper system, process and criteria for the evaluation of judges. After three intense quarterly meetings and in-depth analysis of state by state systems and processes, the Committee “sunset” itself in June 2007. By majority vote, it recommended no changes to the current judicial evaluation system. The majority of the Committee rejected the establishment of an Independent Judicial Qualifications Commission as used in 23 other states that would (1) systemically evaluate judicial performance for self-improvement of the justice and the courts (2) provide performance information to voters in retention elections. The LWVF president voted with the minority.

After the Supreme Court struck down three constitutional amendments proposed by the legislature in 2010, the Speaker of the House proposed legislation during the 2011 session that would change the makeup of the court. There no longer would be seven justices; instead there would be ten justices, and five would hear civil cases while the other five dealt with criminal cases. An earlier plan would have done away with the Judicial Nominating Commission, but that was removed from the bill when, statewide, judges and lawyers protested the move. Under the new plan, the Florida Senate would have to confirm all appointments to the Supreme Court. Also, confidential records of complaints against judges would be available to the House, even if there is no threat of impeachment.

While the attempt to set up two separate courts failed, a proposed amendment giving legislators more control over any changes to the rules governing the court system and directing the Judicial Qualifications Commission to make all files on misconduct complaints available to the

Speaker of the House, whether or not there is a question of impeachment, did pass and appeared on the 2012 ballot. It did not get the required 60% of the vote. Also on the ballot were the names of three Supreme Court judges up for retention; they were all retained on the Court.

## Initiative process

The 1968 Constitution Revision Commission placed on the ballot the constitutional citizen petition initiative procedure, which was supported by LWVF. The amendment passed allowing citizens to petition for amendments to the Constitution. In 1972 the League supported a successful campaign to allow an initiative amendment to change more than one section of the Constitution so long as it dealt with only a single subject.

The first successful attempt to place an initiative petition on the ballot occurred in 1976 when the governor, aided by the League and other citizen organizations, obtained sufficient petition signatures for the Sunshine Amendment. A majority (4-to-1) of Florida voters ratified this amendment provision for ethics and full financial disclosure by elected state and constitutional officers.

Nine proposed revisions to the Constitution were on the ballot in November 1978, including a failed initiative petition to allow casino gambling in a limited area of the southeast Florida coast. Revisions to the tax article of the Constitution were opposed by the League.

In 1980, a total of 12 proposed amendments were offered to voters. The only proposal rejected, a measure to abolish the Constitution Revision Commission, was opposed by LWVF, among the first and the most visible organizations to announce opposition.

In 1982 the League opposed a proposed constitutional amendment that would have weakened the Sunshine Amendment. The measure would have permitted legislators to become paid lobbyists immediately upon leaving office by filing a financial disclosure statement rather than having to wait a required two-year period. The League joined former Gov. Reubin Askew and Common Cause in *Askew vs. Firestone*, which asked the Florida Supreme Court to declare the ballot wording unconstitutional and to strike the measure from the ballot. The Court ruled in favor of the League's position.

The single-subject requirement has subsequently caused the Florida Supreme Court to remove several proposed initiative amendments from the ballot including a 1984 amendment to limit revenue expenditures at all levels of state and local government.

In 1989, League testimony supported limiting the terms of Cabinet members, but the bill did not pass. The League did not take a position on term limitations for the "Eight is Enough" amendment of 1992 (limiting terms to eight years) because, while LWVUS has a position opposing term limits for the U.S. Congress, LWVF has positions in favor of limited terms for the governor and Cabinet. Since the amendment was adopted in 1992, members of the Cabinet

and Senate have been limited to two terms (eight years), and members of the House to four terms (eight years).

Voters were presented with 10 amendments in 1992. They approved a League-backed amendment that granted public access to records and meetings of the executive, judicial and legislative branches of state government and other governmental entities. This amendment corrected the legal condition brought about by the 1991 Florida Supreme Court decision that held that the open records law did not cover the governor, Cabinet members, judges or legislators because they are constitutional officers. The amendment allowed the legislators, by simple majority, to create new exemptions for themselves until July 1, 1993.

In 1994 the League joined with others in a Florida Supreme Court challenge to the way signatures for the four Tax Cap Inc. petition initiatives were collected. Tax Cap Inc., funded by the Florida sugar industry and other corporations, paid petition gatherers to collect signatures, mailed huge numbers of copies of the petition to targeted areas, and used, in the opinion of the League, misleading forms and tactics.

While acknowledging that the integrity of the initiative process was in question, the Court concluded this was an issue the Legislature should resolve by appropriate statutory provisions. Additionally, LWVF was party to briefs filed with the Supreme Court challenging placement of the four Tax Cap Inc. petition initiatives on the ballot. Three, including a property rights amendment, were removed by the Court, but the revenue limits amendment was placed on the ballot and approved by voters. This amendment made a basic change in the petition initiative process by allowing petitions involving limiting government revenue to address more than one subject.

At the 1995 LWVF Convention delegates adopted a study of the process and impact of citizen initiative on the state Constitution. In December 1995 the LWVF Board announced a position that reaffirmed support for the constitutional citizen petition initiative and established support for the statutory citizen petition initiative. Also, a number of criteria for effecting the process were delineated. (See Art. XI Amendments under Florida Constitution Positions page 17.)

The 1997 Legislature passed a bill requiring that sponsors of initiative petitions who pay signature gatherers must notify the Division of Elections of the name and address of each petition gatherer being used and prohibits those sponsors from filing the undue burden oath. Also in agreement with the League's position, the bill requires petition gatherers to put their names and addresses on each petition form gathered and provides a penalty for signing another's name or a fictitious name to a petition.

In the ensuing years, citizens, frustrated by a Legislature apparently unwilling or unable to address specific concerns, have increasingly resorted to the initiative process to force the Legislature to deal with the issue. Often the resulting petitions address issues that should more properly be dealt

with by statutory law and are inappropriate for inclusion in a Constitution. Also, the use of paid signature gatherers, although judged legal, has made it much easier for well financed initiatives to reach the ballot.

In 2003 and 2004, the League worked with a coalition of groups opposing efforts to restrict the citizens' ability to amend the Constitution through the initiative process. As the 2004 session closed, the Florida Legislature hoped to discourage the onslaught of citizen petition initiatives, especially those proposed by special interest groups, by proposing several ballot initiatives. It proposed a constitutional amendment, which the League opposed but voters passed, that moved the deadline for collecting initiative signatures from August to February. Other efforts to reform the initiative process died as a result of a power struggle between the House and Senate leadership.

In the 2005 session, reform efforts gained stronger support from legislators. The LWVF gave testimony at hearings and committee meetings opposing all of the bills proposed concerning the initiative process because they would have diminished citizens' constitutional rights.

All attempts to place new restrictions on the citizen initiative process died on the calendar on the final day with one significant exception. The Legislature passed a proposed constitutional amendment for the November 2006 ballot that requires any future amendments to the Constitution to pass by a 60 percent rather than a majority vote. The League proactively participated in a Vote NO campaign to defeat this amendment. Voters passed the amendment ironically by less than 60 percent.

Again in the 2006 session, the League defeated four anti-petition-gathering bills working with the statewide coalition Save the Voters Voice to keep the citizen initiative and petition-gathering processes intact.

However during the 2007 session, opponents of the citizen initiative process, emboldened by the passage of the 60 percent rule by the voters, expanded their attacks on the initiative process. The League and its allies pulled out all stops to defeat legislation that established a revocation process for citizens who had signed petitions and allowed businesses to selectively prohibit citizen petition drives on their property. The legislation passed. The League was able to savor one small victory in 2007. The Senate Committee on Judiciary staff did research options for authorizing citizens to propose and adopt statutes, including consulting with the League. Their findings, although not totally supported by the League, were not included in any 2007 bills. Yet the concept of creating a statutory initiative process, a recommendation that the League has repeatedly offered, was now being endorsed by other groups and discussed in the Legislature.

## Gambling

An initiative petition on the November 1978 ballot to allow casino gambling in a limited area of the southeast Florida coast failed. Casino gambling by county referendum was

one of five amendments on the 1986 ballot. As a party to the No Casinos campaign, the League worked to successfully defeat the initiative. The League also opposed the 1986 amendment to create a state-operated lottery, which passed. The League monitored the legislative committees in charge of creating the lottery.

Of four petitions circulating to allow casino gambling, only one, Limited Casinos, received enough approved signatures to get on the 1994 ballot. The League, again working with No Casinos, opposed this amendment and voters soundly defeated it.

Impacts of several constitutional amendments weighed heavily on the budget process during the 2003 legislative session, making it necessary to consider new revenue sources. In this regard, legislation authorizing the use of video lottery terminals (VLTs) at licensed pari-mutual facilities was introduced. Such facilities include horse tracks, dog tracks and jai alai frontons. Once again the League lobbied hard against the use of gambling proceeds as a state revenue source. The League urged a more reasoned approach by eliminating inappropriate exemptions from the state sales tax, putting a freeze on new exemptions, and sunseting exemptions so that they would go through an approval process to be reinstated. In the end, the measure failed because the House was resolutely opposed to any tax increases. (See Finance and Taxation for 2003 Legislative session beginning on page 20.)

But in 2004, another initiative petition to allow the use of VLTs at licensed pari-mutual facilities in Broward and Dade counties was on the ballot. It passed narrowly in Broward but was defeated in Dade County. The League opposed these initiatives.

## Taxes

LWVF supported a failed amendment in 1986 that would have lowered the base on which homestead exemption is applied. LWVF produced 100,000 fliers summarizing the five amendments on the November ballot.

LWVF strongly supported two 1988 amendments, both of which passed. One created a Taxation and Budget Reform Commission to begin work in 1990. The other allowed creation of so-called blue-belt areas providing that land producing high water recharge to Florida's aquifers may be assessed at lower rates, similar to the green-belt agricultural assessments. In 1992, the League opposed an initiative amendment, Save Our Homes, that limited local property assessment increases to 3 percent per year until property changes hands. That amendment passed.

An amendment on the 1998 ballot authorized the Legislature to permit local governments to grant an additional \$25,000 homestead tax exemption to homeowners at least 65 years old whose household income does not exceed \$20,000. Based on a longtime position that there should be no increase or extension of homestead exemption, LWVF did not support this amendment; nevertheless, voters approved it. In 2002, an amendment was passed exempting

from taxation construction of add-on living quarters for a parent or grandparent of property owners or spouses who are at least 62 years old.

In the 2003 legislative session, the League advocated for a review of sales tax exemptions. After several unsuccessful attempts to bring about tax reform through the Legislature, Attorney General Bob Milligan and Senators John McKay and Jack Latvala launched the FAIR (Floridians Against Inequities in Rates) constitutional amendment, which called for the Legislature to review every sales tax exemption or exclusion every ten years. And in order to re-enact an exemption a three-fifths or 60 percent vote from each house of the Legislature would be required. The Supreme Court determined that this amendment dealt with more than one subject. The League supported this amendment; local Leagues collected signatures. In 2005, FAIR was divided into three amendments, which the League supports.

The League opposed two 2006 constitutional amendments proposed by the Legislature: Amendment #6: Increased Homestead Exemption and Amendment #7: Permanently Disabled Veterans' Discount On Homestead Ad Valorem Tax. The League opposed these amendments because it believes that there should be no increase or extension of the homestead exemption and that no source of revenue should be specified, limited, exempted or prohibited in the Constitution. Both passed.

Much of the 2007 legislative session, including two special sessions, was devoted to the rise in property taxes as propelled by acceleration in property values. The League voiced two reiterative messages: (1) Hold public hearings on tax measures that impact diverse local communities (2) Allow the Taxation and Budget Reform Commission that convenes every 20 years to deal with tax reform issues. The Legislature placed a proposed constitutional amendment on the Presidential Primary ballot in January 2008 that increased the homestead exemption from \$25,000 to \$50,000 irrespective of ability to pay, and granted homeowners under the Save our Homes 3 percent cap to transfer these tax savings to another home. The League and its allies fiercely fought this amendment. Voters passed it in the interest of tax relief not tax reform.

An amendment to reduce property taxes during their deployment for Florida military personnel deployed overseas appeared on the 2010 ballot and was passed by the electorate.

During the 2011 session, two amendments addressing property tax rates were passed and will appear on the 2012 ballot.

A previous amendment passed by the electorate had given additional homestead exemptions to Florida disabled veterans aged 65 and older, but only those who were Florida citizens when they went into the military were eligible. There will be a new amendment on the 2012 ballot that will expand the homestead exemption to all Florida veterans who are homeowners, 65 or older, and became disabled as the result of a combat injury, even if they were

not Florida residents when they entered the military. Also, their income may not exceed \$20,000 annually. If passed, it will take effect in January, 2013.

An amendment that supported property tax breaks for non-residents was taken off the ballot in 2010. The legislature passed another that will appear on the 2012 ballot; if passed, it will take effect in January, 2013.

The proposed amendment would reduce the current limitation on annual growth in the assessed value of certain non-homestead property from 10 percent to 5 percent. The January 1, 2019, constitutional sunset of the non-homestead assessment limitation is delayed until 2023. The proposed amendment would also allow the Legislature by general law to prohibit increases in the assessed value of homestead property and certain non-homestead property in any year where the market value of the property decreases. If implemented by general law, this provision would prevent what is commonly referred to as "recapture" in any year where the market value of a property decreases. Also, the amendment would allow individuals who are entitled to a homestead exemption under s. 6(a), Art. VII of the State Constitution, and have not received a homestead exemption in the previous three calendar years to receive an additional temporary homestead exemption. The additional exemption is equal to 50 percent of the just value of the homestead property, capped at the median just value for homestead property in the county where the property is located. This exemption applies only to non-school property taxes. The exemption is reduced each year and diminishes to zero in five years or less.

Other bills that passed and were signed into law included a tax break of \$1,100 per year on average for 15,000 small business as a first step in the effort to cut the state's annual \$2 billion corporate tax, and a tax cut for businesses by cutting state benefits for unemployed Floridians. Instead of providing the maximum \$275 weekly benefit available for 26 weeks, the state will use a sliding scale based on the unemployment rate. Benefits will be available for no more than 23 weeks and no less than 12 weeks.

During the 2008 legislative session, a Constitutional proposal (TABOR) was presented. The League strongly opposed this measure. If the amendment passed, it would restrict revenue growth at both the state and local levels to a formula based on population change and inflation. Colorado is the only state that has implemented a similar tax system and in the two years between 2001 and 2003, its state revenues decreased by 17%. TABOR requires budget cuts in good economic times since revenues above the formula based limit cannot be spent. These budget cuts also occur in bad economic times because of insufficient funds. State services would face budget cuts, and a deterioration in services would occur. Since Colorado implemented TABOR, its K-12 funding went from 35th in the nation to 49th in the nation, and higher education funding dropped by 31%.



At the same time this proposed amendment was heard in the legislature, the Taxation and Budget Reform Commission was also supposed to vote on it. After seven hours of discussion, the controversial nature of the proposal and the confusion of the public and some commission members resulted in no vote taken. Later in the session, the commission met and voted against the proposal.

Meanwhile, in the House, the proposal passed through two councils and passed on the floor. However, it was not addressed in the Senate.

During the 2009 legislative session, the proposal was again heard in committee. The League, again, opposed the legislation and testified against it in committee. While the joint resolution did pass out of one Senate committee, it was stalled in the committee that the resolution sponsor chaired. The bill was postponed four times and not even considered during the last two meetings of the session. In the House, the bill passed out of one committee but did not progress further.

Again, in 2010, TABOR or SMARTCAPS did not make it out of committee. However, the bill sponsor would be the new State Senate President in 2011, and we knew it would once again appear. TABOR was first rejected by the 2008 Taxation and Budget Commission and failed to gain momentum in either the 2009 or 2010 sessions of the legislature.

In February, 2011, TABOR was back as a Senate Joint Resolution. It was heard in four committee meetings prior to the start of the legislative session and would be heard in the full Senate in the first week of session. Opponents argued that a revenue cap already exists in the state constitution, and it has never been reached; one senator expressed concern about Florida's bond rating if the resolution is passed. An attempt to exempt bonds from the revenue cap failed.

Since TABOR was a high priority for the Senate President, many Senators felt obligated to support the resolution. After passage by the required 3/5 vote, the resolution was sent to the House.

The bill was next heard in the House Finance and Tax committee. The League worked to organize a presentation before the committee, including testimony from a representative of the Colorado Fiscal Policy Institute who described the impact of TABOR on Colorado's government

services, infrastructure and economy since its passage in 1992. Colorado went from being a middle of the pack state in funding for services and infrastructure to dead last and also had a more difficult time recovering from the recession. There were others who testified, including the president of the Florida League. The bill passed the committee on a party-line vote; since it was identical to the Senate version, it could come up before the full House for final passage early in the session. By the end of the sixth week of session, the bill had been heard in the House Appropriations Committee where the League again spoke against it. The bill went to the House floor in the last week of session and passed with the required 3/5 vote and will appear on the 2012 ballot. In order to reduce opposition to the resolution among legislators, the revenue caps will apply only at the state level; cities and counties are not included in the cap. However, it is hard to imagine that limiting revenues at the state level will not affect local governments.

If passed by the voters, the law will take effect in the 2014-2015 fiscal year.

## Executive

A 1998 amendment to the Florida Constitution:

- Merged the Cabinet offices of treasurer and comptroller into one chief financial officer.
- Effective 2002, reduced membership of the Cabinet to chief financial officer, attorney general, and agriculture commissioner. Secretary of state and commissioner of education are no longer elected cabinet offices.
- Created an appointed state board of education, which appoints the commissioner of education. A number of bills were filed in the 1999 Legislature to implement this amendment but none passed. The 2000 Legislature abolished the Board of Regents and established the Florida Board of Education, whose seven members are appointed by the governor with confirmation by the Senate. An initiative amendment was passed in 2002 setting up another layer of educational governance. (See also page 40.)

Another 1998 amendment, which also passed, allows candidates for governor to run in the primary without a candidate for lieutenant governor.

Constitution positions are on the next page.

# LWVF Constitution Positions

## ARTICLE III: Legislature

The Florida Legislature should have:

1. One vote for each legislator.
2. Annual sessions.
3. Partisan elections.
4. No fixed legislative salaries.
5. Representation based on whole population as defined by federal census.
6. A self-executing reapportionment formula effected by an agency independent of the Legislature with automatic Supreme Court review every ten years (after decennial census).
7. Single-member districts. (1981)
8. Mandatory merit or civil service system for state personnel.
9. Two-year terms for representatives and four-year terms for senators.
10. Small and workable houses with their size specified in the Constitution.

Rules should include:

1. Simplified procedures for the passage of bills.
2. Adequate notice of time and agenda of committee meetings. (1970; revised 1977)

## ARTICLE IV: Executive

1. The governor should be permitted to succeed himself for one term.
2. There should be a lieutenant governor, running on the same ticket as the governor.
3. There should be a Cabinet appointed by the governor with legislative consent.
4. Cabinet duties and/or posts should be defined in the Constitution only in broad, general terms.
5. If election of any member of the Cabinet is retained:
  - a. Terms should be limited in the same manner as the governor's.
  - b. Provision should be made for the governor to have some authority over the cabinet. (1967)

## ARTICLE V: Judicial

1. There should be uniformity in courts throughout the state. (1942)
2. There should be simplification and consolidation in courts to eliminate duplication. (1952)
3. There should be provision for the governor to appoint judges from a group of nominees selected by a panel or commission composed of members of the Bar and lay members. (1967)
4. Judges should be retained in office by means of periodic review through an election in which a judge runs unopposed and solely on his or her record. (1976)

## ARTICLE VII: Finance and Taxation

No tax sources or revenue should be specified, limited, exempted, or prohibited in the Constitution. (1967; revised 1977)

## ARTICLE VIII: Local Government

1. All charters for local governmental units should provide for initiative and referendum.
2. Constitutional provisions for local government should be a limitation of powers. Local government should have all powers not expressly prohibited by the Constitution or by general law. (1967)
3. The Constitution should require the Legislature to create statutory provisions for local governments to adopt charters. These provisions should be self-executing in that they should require no further legislative action or approval. (1967)
4. The Legislature should be required to create statutory provisions for a general form of local government with ordinance-making powers for those local governments not wishing to adopt charters. (1967)
5. The Constitution should not specify local government officials. (1967)
6. The Constitution should place some limitation on special acts. (1967)

## ARTICLE X : Miscellaneous

1. There should be no state lottery. (1982)
2. There should be no casino gambling. However, in the event that casino gambling were legalized:
  - a. Casino gambling should be regulated by the state.
  - b. Casino gambling should be permitted only by local option. (1982)

## ARTICLE XI: Amendments

1. Constitutional provisions for amendment and revision should include convention and initiative. (1967)
2. Revision or amendment by any method should be subject to a vote of the electorate. (1967)
3. Florida should have both constitutional and statutory initiatives. (1996)
4. Criteria should be developed to determine whether an initiative is appropriately placed in the Constitution or in statutory law. (1996)
5. A supermajority of those voting on an initiative should be required to pass a constitutional amendment. (1996)
6. There should be a requirement that a span of years elapse before a defeated or voter approved constitutional initiative amendment is placed on the ballot again. (Amended 2005)

7. The ballot language of an initiative amendment should be reviewed and/or revised by a designated group.
8. The state should be required to inform voters on the pros and cons and potential impact of each petition initiative on the ballot.
9. The number of signatures for placing a citizen initiative on the ballot should be greater for a constitutional than for a statutory initiative.
10. Sponsors should not be permitted to pay signature gatherers on a per signature basis.
11. Sponsors who pay signature gatherers should not be allowed to claim "undue burden" resulting in waiver of the signature verification fee.
12. There should be regulations governing signature gatherers that require that signature gatherers:
  - a. Be registered voters in Florida.
  - b. Register their name, address and telephone number.
  - c. Sign a statement that citizens signing a petition did so in the gatherer's presence.
  - d. Not be required to pay a registration fee.
13. Businesses/industries should be allowed to make financial contributions to petition initiative committees.
14. There should be limitations on the amount of financial contributions made to citizen petition initiative committees by persons, businesses/industries and political action committees or any one of these. (Items #7-14: 1996)

S&A

## Criteria for Evaluating Government

Whatever the issue, the League believes that efficient and economical government requires competent personnel, the clear assignment of responsibilities, adequate financing, coordination among levels of government, effective enforcement and well-defined channels for citizen input and review.

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PROMOTE AN OPEN  
GOVERNMENT THAT  
IS RESPONSIVE TO  
THE PEOPLE OF THE  
STATE.

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**Support a state  
fiscal structure  
that is equitable  
in its distribution  
of the tax  
responsibility  
and responsive to  
public needs.**

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**Issue for Action:  
Support the  
elimination of  
the Internet sales  
tax loophole.**

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## Finance and Taxation

Florida League members have long shown concern for taxation as a means of securing adequate revenue for services that the League supports. As a part of the first state program, finance was studied in relation to the Florida school system.

### 1950s

In 1958 League members began a study of the entire state tax system: sources of revenue, major expenditures, major state taxes, fiscal procedures, local finances and intergovernmental relations, assessment practices, and canons of good taxation related to Florida's tax structure. LWVF published a highly praised "Our Financial State: The Tax Structure of Florida" in 1959. This booklet was the result of the tax study made that year by the League of Women Voters of Gainesville.

During the state study, members noted many existing inequities and poor practices, and in 1960 they voted to pursue means of eliminating some tax inequities and equalizing property assessments.

### 1960s

As part of its 1966-67 study of Constitution Revision the League concluded that there was no single constitutional article containing more unnecessary statutory material than the article on finance and taxation. The study determined that the flexibility needed to make the tax structure responsive to the needs of the people could only be obtained if specific provisions of tax sources and revenues are left up to the Legislature or appropriate governmental bodies, not specified in the Constitution itself. During a 1967-1968 study members agreed that heavy reliance on the sales tax did not produce sufficient revenue and that further increases would result in compounding the already-existing tax inequities. Local revenues from property taxes were not sufficient to provide necessary services, but they could not be increased while current exemptions were continued without creating further inequities. The source that would both be equitable and produce sufficient revenue was a personal income tax.

When the League supported and worked for the adoption of the new Constitution in 1968 it did so with great concern about the tax article. League members believed that the only improvement regarding taxes was that at least all tax-related provisions were included in a single Article VII.

League deplored the 10-mil limitation on local taxing bodies in the 1968 Constitution and was even more concerned about the 8-mil ceiling subsequently imposed on local school operating millage. Increased homestead exemptions for the disabled and for those over 65 regardless of ability to pay also found disfavor with League members.

### 1970s

League members' hope that Article VII could be improved by constitutional amendment was given a boost in 1971 when a corporate income (profits) tax was proposed, thus allowing the realization of one League tax position. Although the amendment contained much statutory detail, League members actively campaigned for ratification and citizens responded with a favorable vote.

During 1973-75 the League undertook another study of Florida's property taxes, this time in the areas of administration of taxes, the proper classification of mobile homes and agricultural land, and a form of tax relief in the area of property taxes called the "circuit breaker." The circuit breaker, like the device that automatically interrupts the flow of an electric current when the current becomes excessive, provides property tax relief for households (including renters) when taxes on housing exceed an arbitrary percentage of income. In spite of enactment of a wide variety of such laws in other states, and in spite of League support, the concept has not found favor in the Florida Legislature.

The LWVF Board in 1975 recommended to the governor, Cabinet and Legislature the establishment of a statewide Tax Reform Commission. The League wanted the Commission to do a factual analysis of Florida's tax structure, its ability to meet growing needs, its dependability, its equitability and fairness.

The League's tax-related proposals made to the 1977-78 Constitutional Revision Commission were not accepted and, in turn, the Commission's proposals were rejected at the polls.

Sensitive to the tax revolt begun in California with the passage of Proposition 13, the governor and Legislature wrangled over what to do about an unexpected surplus in the state treasury. Improved assessment practices and inflated property values had greatly increased property tax yields.

The League was unsuccessful in getting the Legislature to increase funding for people needs. Meanwhile a Tax Reform Commission including a former LWVF Tax chair, was appointed by the governor. The Commission's recommendations were a disappointment to the League.

## 1980s

The Legislature proposed utilizing the surplus funds for property tax relief by placing a constitutional amendment on the March 1980 presidential preference ballot that would give property tax relief on school taxes by increasing the homestead exemption for five-year residents of the state. The League strongly opposed this amendment, and, although it passed, it was later declared unconstitutional. In November 1980 voters approved a constitutional amendment increasing the homestead exemption to \$25,000 for city and county property taxes.

All LWVF tax positions were reviewed during 1979-1980. However, when educational and other groups urged League support of a one-cent increase in the sales tax there was no position for such action. An action motion for such support was defeated at the 1981 LWVF Convention, but further tax study, including sales and gasoline taxes, gambling, impact fees and documentary fees, was adopted.

In 1982 the League took a strong position against casino gambling and a state lottery as revenue sources. Initiative petitions in favor of both were circulated prior to the 1982 election. Neither acquired enough signatures to qualify for the ballot.

Problems of financing local governments had been exacerbated by the increased homestead exemption. Rapid-growth areas of the state were unable to keep up with the demand for additional capital improvements required to service new residents. Slower-growth areas found their tax rolls reduced to the point that it was difficult for them to provide services and maintain existing facilities. The League reached a position in favor of enabling legislation to authorize additional sources of revenue to provide for these needs. Impact fees and a real estate transfer tax were considered as two possibilities. Members agreed there should be a provision for local option and an earmarking of revenue only for those projects consistent with local comprehensive plans.

In 1984 the League took an active part in the campaign against the Citizens Choice Amendment, which would have limited how governments, including local, can tax. The

amendment was ultimately removed from the ballot by the Supreme Court as dealing with more than one subject.

League lobbying efforts during the 1985, 1986 and 1987 legislative sessions focused on increasing the tax base, both state and local, and providing revenues to finance infrastructure needs.

At the local taxing level, the League supported equitable property tax reform, which would have put more properties back on the tax rolls by changing the \$25,000 homestead exemption formula to a three-level graduated tax: no tax on the first \$5,000 valuation, tax at half valuation from \$5,000 to \$45,000, and tax at full value any amount over \$45,000. In November 1986, voters turned down a constitutional amendment to that effect.

In 1985, League was the only group lobbying to sunset more than 200 existing sales tax exemptions in order to broaden the tax base. During the 1986 session, the Legislature, actively searching for new revenue sources for infrastructure and other needs, made the decision to eliminate several exemptions immediately and to sunset the remaining exemptions for review in 1987 after a Sales Tax Exemptions Study Committee reported its findings.

By the 1987 session, other organizations and pressure groups (including the State Comprehensive Plan Commission) had joined with the League in advocating a sales tax on most services. Despite opposition from many special interest service lobby groups, a fairly broad-based sales tax was placed on the service industry. The new tax on services was immediately challenged by attorneys and the advertising industry in the form of lawsuits and an advertising boycott of Florida by certain advertisers as well as a petition drive to repeal.

The Legislature repealed the tax on services on January 1, 1988, and raised the sales tax one cent to a total of six cents beginning February 1 of that year.

With the increased sales tax revenues, a State Infrastructure Trust Fund was created consisting of 2 percent of sales tax revenues (maximum of \$200-million) the first year and 5 percent (maximum of \$500-million) the following years. In addition, the League supported the 1987 legislation giving counties the option of levying a sales tax of up to 1 percent to finance infrastructure, subject to local referendum.

Two gambling-related amendments — a state lottery and a local-option casino gambling proposal — were placed on the November 1986 ballot via the petition signature method. The League campaigned actively against both amendments. Casino gambling was soundly defeated but the lottery amendment passed decisively. The 1987 Legislature was then charged with creating a state lottery. The League continued to monitor the item, posing questions to the appropriate legislative committees on lottery methodology and supporting accountability of the governor in appointments of the Lottery Commission and the director of the lottery. The lottery began in January 1988. During the 1989 session the League monitored spending of lottery

## League Canons of Sound Taxation

- 1. Equity of taxation according to ability to pay.**
- 2. Adequacy of revenue.**
- 3. Stability/flexibility: elasticity**
- 4. Administration/compliance: efficiency**
- 5. Consistency with economic, environmental, social and other goals.**

(1958; rev. 1977)

funds, which had been promised by lottery proponents to aid education but were, in fact, substituting for monies already allocated to education. A League-supported bill requiring lottery proceeds be used for education enhancement and guaranteeing a minimum annual level of funds, failed to pass.

In 1989, as Florida faced growing revenue problems, LWVF began a two-year study of Florida's tax structure. As a result of this study, new positions were adopted including reinstatement of support for a state personal income tax, which had been dropped during the 1979-1980 study.

### 1990s

LWVF monitored the proceedings of the Taxation and Budget Reform Commission, which made its final report to the Legislature in 1992. League members around the state testified before the Commission. The 1991 Legislature put some Commission recommendations into place by rule. The League was disappointed in the final report of the Commission because there were no significant recommendations for tax reform. The Commission did place two constitutional amendments that the League supported on the 1992 general election ballot: budget reform and taxation of government leaseholds. The latter was removed from the ballot by the Court. The budget reform amendment passed and included League-supported provisions for opening the state budget process to all legislators and the public; integrating the state comprehensive plan and agency functional plans into the budget process; giving local government more options for generating revenues; and accounting for all state funds within a single accounting system. That same year the League opposed a citizen-initiated homestead valuation limitation. This amendment passed and was implemented July 1, 1995.

Both the 1992 and 1993 legislative sessions were characterized by conflict among the governor, the House and the Senate over budget and taxes. In 1992 League joined with other statewide organizations to back the Governor's Fair Share plan, which combined a property-tax rollback, reduction in sales tax, broadening the sales tax base, and significant funding for needed services. This plan was not accepted by the Legislature. In 1993 the governor proposed including Subchapter S corporations in business taxes as well as expanding the state sales tax on goods to include

some services. These proposals were defeated with only a few minor League-favored pieces of tax legislation surviving, e.g. a law deleting the 15-year limit on the imposition of a discretionary sales surtax levied by counties.

In 1994 several former members of the first Taxation and Budget Reform Commission registered to circulate petitions to place a constitutional amendment on the ballot to limit state revenue collections in order to "encourage" the Legislature to pass a joint resolution on the subject. The Commission could never get the votes while in session to place this on the ballot. The ploy worked and the Legislature placed the Limitation on State Revenue Collections on the ballot. The League worked in opposition to this amendment, but it was passed by the voters.

In 1996 yet another restriction on taxation/fees was added to the Constitution by 69 percent of the voters. An initiative petition requiring two-thirds favorable vote of the citizens to add new taxes or fees to the Constitution passed in spite of League opposition. The voters seem not to subscribe to the Canons of Sound Taxation adopted so long ago by League members.

A study released in 1996 by the Citizens for Tax Justice rated Florida as having one of the ten most regressive systems because taxes disproportionately hit the poorest families. Canon one bites the dust. Canon two, adequacy of revenue, is lost to our crowded classrooms and other unfulfilled needs.

In preparation for the 1998 elections, LWVF testified in vain before the Constitution Revision Commission for a clean tax article. An amendment passed that authorizes the Legislature to grant an additional \$25,000 homestead exemption to homeowners at least 65 years old, whose household income does not exceed \$20,000.

### 2000s

Knowing that Florida was facing extreme budgetary challenges, the LWVF made fiscal policy a primary legislative priority during the 2003 legislative session. Funding constraints were expected to be at an all time high due to a downturn in economic growth and other significant items:

- **Article V:** Beginning July 2004, the state would be required to pay for judicial services previously funded at the local level. Costs were estimated between \$400- and \$600- million.
- **Class Size:** Fiscal impact for the recently passed class size constitutional amendment would be considerable. The highest estimate was at \$3-billion in the next year.
- **Health Care:** The costs of Medicare and Medicaid were rapidly increasing and translated into a further budgetary toll.
- **Bullet Train:** This constitutional amendment provided for a high-speed rail system in Florida.
- **Death Tax:** The federal government's elimination of the estate tax meant lost revenues to individual states.
- **The 2002 Legislature** funded roughly \$1-billion worth of recurring state programs out of non-recurring revenues.

The League tackled the issues from several fronts. First, a 10-point platform of policy reforms was crafted. It called for eliminating appropriate sales tax exemptions and creating a freeze on establishment of new exemptions; capturing taxes due to remote sales such as “e-commerce”; equipping local governments with revenue tools to address community based needs; and establishing a mechanism for fiscal policy reviews and reforms in the year ahead. The League also conducted its own detailed review of current tax exemptions and offered a plan for eliminating more than \$1-billion.

To generate further attention on the issues and pressure lawmakers, the League organized a press conference and a joint position statement with a range of other groups. The League lobbied hard for its positions and provided information to other groups interested in the issues. A broader based media outreach was also undertaken involving press interviews, opinion editorials and other steps.

The Florida Legislature’s 2003 session accomplished little on major issues. The budget was passed in special session after the House and Senate had refused to compromise when their goals were millions of dollars apart. While the Senate acknowledged the need for new revenue streams, the House was resolutely opposed to any tax increases. Even the prospect of collecting revenue through Internet sales was not supported by the House in order for enabling legislation to be addressed. The final result was a budget with numerous state needs and programs not funded or underfunded.

In the 2004 session the League expanded its platform of fiscal policy reforms and emphasized the need for long-range revenue planning, supporting excellent legislation advanced by the Senate. However, staunch opposition from the House Speaker stopped any meaningful laws from being passed.

But the League had laid the groundwork for the 2005 session. It endeavored to work with the new leadership in the House and Senate to advance the fiscal improvements that the League supported.

Several League priority issues did pass in the 2005 session: One was long-range planning and budgeting legislation that started in 2004. The League’s one concern with this approach is the placement of a limitation of expenditure of nonrecurring general revenue in the state Constitution. The long-range planning and projections on budget needs was strongly supported. Also passed was a streamlined sales and use tax. Some of the bills that died that the League opposed were the Tax Payer Bill of Rights, the elimination of surcharges on the sale of alcoholic beverages for consumption on premises and all the sports subsidy bills (the Senate refused to take them to the floor). The House refused to give the bills a hearing. The League was the only organization publicly objecting to the passage of these bills.

Also during the 2005 session, both the House and Senate introduced bills to create the Sales and Use Tax Exemption Committee for the purpose of reviewing exemptions

from general state sales and use tax. But the bills died in committee.

As part of the Growth Management legislative priority for the 2006 session, the League successfully pushed legislation that enabled counties to add a surcharge of up to \$2 on rental or lease of motor vehicles through citizen referendum to underwrite local transportation improvements. Unfortunately, the governor vetoed this bill.

Fiscal policy was added to the 2007 legislative priorities at Legislative Seminar when local League leaders overwhelmingly pressed for League lobbyist action in the heated property tax arena. League members gave generously to fund this extra work. Our message was clear: Let the Taxation and Budget Reform Commission convened in early 2007 do its job.

The Legislature did not listen. It called a special session in June and passed legislation that would impose a “rolled-back” real property tax rate on counties, cities and special property districts for the fiscal year 2007-08, and imposes maximum increases in tax rates and in total tax revenues that counties, cities and special property districts can collect in following years, on penalty of forfeiting the sales tax revenues that are owed to them. It also crafted a proposed constitutional amendment for the 2008 presidential preference primary ballot that would (1) Enact a new homestead exemption in the amount of 75 percent of the first \$200,000 of the homestead value, plus 15 percent of the next \$300,000; provide for annual increases in the upper limit based on growth in per capita Florida personal income; provide a minimum exemption of \$50,000, or \$100,000 for low-income seniors. (2) Allow homesteaders now subject to the Save our Homes tax limitation as of Jan. 1, 2008, to keep the existing exemption or irrevocably choose the new exemption. Homesteads established after enactment may not elect SOH. The League opposed this ballot question.

Then the Leon County Circuit Court found the ballot language misleading, and ordered that it should not be placed on the presidential preference primary ballot. Rather than rewrite the ballot language, the Florida Legislature held an additional Special Legislative Session in October 2007, to craft new property tax constitutional provisions. Voters passed this amendment. The League opposed it. League members again gave generously at Convention and thereafter to support the lobbyist for six months beyond the regular session.

The League viewed the convening of the Taxation and Budget Reform Commission (TBRC) as an opportunity to achieve real tax reform for Florida based upon public input. Local Leagues gave testimony at seven statewide public hearings in fall 2007. The League spoke for an equitable tax system based upon ability to pay, which suggests a state income tax; called for a systematic review of sales tax exemptions and an open process for economically justified re-enactment; and suggested a closing of several corporate tax loopholes. The TBRC that meets every 20 years per

the Florida Constitution has the authority to propose constitutional amendments. Their recommendations were due by May 2008.

In the 2008 session, a house joint resolution was introduced that would amend the Save-Our-Homes amendment and provide a greater homestead exemption. The bill did not survive the session and was never agendaed in the Senate.

A bill aimed at closing an existing tax loophole in the system that allows companies in Florida to assign business profit gained in Florida to other states in order to avoid Florida taxation was introduced in the house. The League supported this bill. However, the position of the leadership in the House was that there would be no more revenue collected, and the bill was laid on the table.

During the 2009 session, everyone on the Senate & House Finance & Tax Councils was asked to review all current sales tax exemptions. For the first time in decades the Senate Finance and Tax Committee heard a presentation that identified over \$2 million in exemptions that could be eliminated. While the committee expressed a willingness to consider ending some tax exemptions, very few members recommended eliminating any of the exemptions they reviewed, and none of those recommendations were adopted by either Council. Instead the House and Senate agreed to raise fees on services such as driver's licenses, title transfers, court fees, university tuition, and fishing licenses. Some of the fees were more than doubled.

A bill introduced in the House called for all reviewable tax exemptions to be considered for repeal or modification by the Joint Legislative Sunset Committee and for all reviewable exemptions to expire if not renewed or modified. A companion bill was filed in the senate. The House bill was never place on the agenda of the Finance & Tax Committee, and the Senate bill never made it out of its first committee.

A Senate bill that increased the cigarette tax by one dollar and levied the tax on all tobacco products except for cigars did become law.

In a repeat of the 2008 session, a bill was introduced in the Senate that would close an existing tax loophole in Florida's system that allows companies in Florida to assign business profit gained in Florida to other states, thereby avoiding Florida taxation. The League supported this legislation and spoke in support of it. The bill passed successfully through three committees before dying in the Policy and Steering Committee on Ways and Means; a House companion bill was never heard in committee.

Still another Senate bill was introduced that would close other corporate tax loopholes dealing with deductibility of intangible expense, interest expenses, and management fees. This bill also died in committee.

In both sessions the TABOR constitutional amendment was introduced. The League strongly opposed the amendment that would require budget cuts in both good and poor economic times because revenues above a formula based limit could not be spent. It would mean that state services

would constantly face budget cuts and deteriorate in most years. During the 2008 session, the proposal was voted down in the Taxation and Budget Reform Commission. While it passed the House, it died in the Senate. Unfortunately, it arose again during the 2009 session. While it passed through one committee in the Senate, it was postponed four times in a second committee where it finally died. In the House it also died in committee.

As previously noted in the Government in Florida, while the TABOR bill went nowhere in 2010, it was passed by both Houses as joint resolution and will appear on the 2012 ballot.

The League of Women Voters of Florida believes local governments should have available a variety of options for generating revenues to meet local needs. Florida's revenue structure is inadequate to meet the needs of Floridians. The Legislature already substantially cut the public education budget and many other services that are essential to our state's long-term prosperity.

The federal stimulus monies awarded to Florida have postponed but not solved some of the financial problems facing the state, including those in education funding.

During the 2012 session, legislation passed that doubled the corporate income tax exemption to \$50,000.

Legislators also passed three proposed constitutional amendments that would appear on the 2012 ballot; one that doubled the size of the tax exemption on business property and allowed local governments to increase the exemption as they saw fit. A second amendment would allow counties and cities to reduce property taxes for low-income seniors, and a third would eliminate property taxes for spouses of veterans or first responders killed in the line of duty. These proposed amendments joined three that had already been proposed for the ballot; one amendment that extended extra property tax exemptions to all disabled veterans living in Florida eliminated the previously passed amendment requirement that the veteran would have to have entered the military while living in Florida. Another would extend homestead property exemptions to non-homestead property, and, finally, TABOR was on the ballot.

The League of Women Voters of Florida believes that no tax sources or revenues should be specified, limited, exempted, or prohibited in the Constitution; the League opposed all six of these amendments. The three dealing with disabled veterans, surviving spouses, and low-income seniors did pass with 60% of the vote; the other three were soundly defeated by the electorate.

The League had been opposed to TABOR from the outset and was successful in its work to defeat it.

Tax positions are on the next page.



# LWV of Florida Tax Positions

## A Clean Tax Article in the Florida Constitution

No tax sources or revenues should be specified, limited, exempted, or prohibited in the Constitution. (1967; revised 1977)

## Comprehensive plan

1. The LWVF believes that the state of Florida has an infrastructure deficit and that state service levels and the quality of life are declining. Because the long-term goals of the state comprehensive plan were designed to reverse decline in levels of service and improve the quality of life, members find these goals are generally desirable and worth working toward. (1990)
2. Therefore, sufficient state taxes should be levied to begin the process of achieving these goals. (1990)

## Tax structure

1. Members believe that Florida's tax structure should be reformed in order that a greater proportion of taxes would be levied on the basis of ability to pay. (1990)
2. Local governments in Florida should be authorized through enabling legislation to utilize additional sources of revenue to finance capital improvements and major maintenance projects. (1983)
3. Local governments in Florida should have available a variety of options for generating revenues to meet local needs. (1991)
4. Formulas for state revenue sharing should take into consideration population, revenue bases and other economic conditions. (1991)

## Accountability

The LWVF believes that a system should be devised to measure effectiveness of expenditure of tax dollars in order to provide fiscal accountability and responsibility. (1991)

## Property tax

1. There should be no increase or extension of homestead exemption. (1968, 1979)
2. Goals for attaining equity in property appraisal:
  - a. Professional-level appraisals that more nearly approach fair market value in all areas of the state.
  - b. Enforcement of statewide uniformity in appraisal practices.
  - c. Combined city-county appraisals.
  - d. No property tax on those kinds of personal property that cannot be appraised equitably.
  - e. A broader real property base. Re-evaluation should be made of exemptions granted to charitable, religious, educational, fraternal and civic properties to determine which serve a public purpose. Exemptions on properties owned by such groups should be limited to the extent that such subsidies are justified. (1968, 1979)
  - f. Mobile homes considered as real property for tax purposes. (1974, 1979)
  - g. Preferential assessment for agricultural land with tax recovery when land is reclassified. (1974, 1979)
  - h. Public service charges for tax-exempt institutions. (1962, 1979)
3. Tax-relief (circuit breakers) for low income persons — both property owners and renters — of all ages. (1974, 1979)

## Sales tax

1. There should be no sales tax on groceries or medicine. (1962, 1980)
2. The rebate on sales tax should be no more than sufficient to cover the costs of collection. (1980)
3. There should be a beverage tax based on value rather than on quantity. (1977, 1980)
4. Ways should be found to make the general sales tax less regressive. (1977, 1980)
5. Any increase in motor fuel taxes should be utilized for transportation including mass transit. (1977, 1980)
6. The LWVF should support an increase in the sales tax when necessary to provide adequate revenue at the state level. (1982)

## Corporate income tax

There should be a tax on corporate income with uniform rates for all types of corporations. (1968, 1971, 1980)

## Personal income tax

The LWVF supports the adoption of a state personal income tax as one part of a balanced and equitable tax structure. (1991)

## Severance tax

1. There should be a tax on the severance of non-renewable natural resources. (1968, 1980)
2. Tax incentives should be provided for conservation and restoration connected with severing the resources. (1962, 1980)
3. There should be an increase in the solid mineral severance tax. (1977, 1980)

## Collection agency

There should be a single, separate agency for the collection of all non-regulatory state taxes. (1962, 1980)

S&A

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PROMOTE AN OPEN  
GOVERNMENT THAT  
IS RESPONSIVE TO  
THE PEOPLE OF THE  
STATE.

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**Support  
measures to  
protect, extend  
and encourage  
the use of the  
franchise and  
to advocate  
fair methods  
of financing  
political  
campaigns.**

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***Issues for Action:***

- **Support greater flexibility in the selection of early voting sites.**
  - **Support increasing the number of days for early voting.**
  - **Support automatic restoration of voting rights for former felony offenders.**
- 

*To see all issues  
for action, see  
State Program,  
page 4*

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## Election Law

The League of Women Voters grew out of the suffragist movement and was organized to teach women to register and to vote. Educating the electorate and protecting democracy have been the continuing cornerstones of League activity. The League believes that an informed electorate is essential to the promotion of a representative, accountable, responsive and open government.

During the 2008 session, the League supported a bill calling for tougher post-election audit requirements as well as a bill that would allow voters registered in the state of Florida as “no party affiliation” to vote in the presidential primary. Neither bill made it to the floor. The Secretary of State introduced a bill that addressed a tightening up of various election systems; there were many points with which the League did not agree. Our lobbyist addressed some of these concerns in a committee meeting and the chair of the committee asked that the Secretary reach out of groups like the League that had problems with the bill. League and Common Cause representatives met with the Secretary and his staff and laid out our concerns; they included when to invalidate a petition, insuring that the process for removal of “deceased” voter names from the rolls is accurate, and when bundling of petitions is permissible. The Court had already stated that the Secretary did not have the statutory authority to pass a rule prohibiting bundling; at this time, the Secretary was appealing the decision. This is another reason why the League did not feel that the time was appropriate for the Secretary to deal with this issue. Specifically, the League believes that bundling of like petitions should be permissible as long as there is a requirement that the voter still affirmatively act on each petition. After much jockeying, the final bill left much of the current law unchanged; while the current law had problems, they were not as broad as those in the new bill. We worked with one of the Senators on the procedure for revocation of signatures on petitions, and that amendment was added to the bill. However, on the day the bill was heard, the 1st District Court of Appeals struck down the revocation law, and support for the amendment dwindled;

the amendment was withdrawn. In the latter part of March, U.S. Senator Bill Nelson addressed the Florida Senate and declared the Florida election system “broken” and called for election reform.

In February, 2009, the Secretary of State reported to the Senate Ethics and Elections Committee. He attributed the success of the 2008 elections in Florida directly to early voting. 2.6 million voted early, 2.5 million voted absentee, and 4.1 million voted on election day. [adds up to 9.2 million]. While, statewide, this was not higher than the record 1992 election turnout, he concluded that there would have been many more glitches and longer waits on Election Day, if early voting had not been in place. During the early voting period, the Governor extended the hours for early voting. The League supports early voting and the Supervisors of Elections who have asked for more flexibility in determining early voting sites. The sites used were determined by the legislature; many were in libraries, and, according to the Secretary, literally closed down library activities.

Several legislators filed bills during the 2009 session that concerned early voting. Most common among the issues addressed were extending hours, adding more locations to the acceptable locations list, providing supervisors of elections with more flexibility to choose locations and times, and establishing a board to review early voting. Despite overwhelming support from groups like the League, the Supervisors of Elections Association, the Secretary of State, and the Governor, none of these bills was heard in any committee.

The Secretary of State presented three issues that he would have liked the legislature to consider: greater flexibility for supervisors of elections in determining early voting sites, an increase in the number of precincts and races audited, and an update of the statutes regarding electronic transmission to overseas voters, including e-mails. None of these issues was addressed during the session.

Meanwhile, the Ethics and Election Committee had not presented an election reform package. After several attempts to address bill

language, a committee substitute bill was released by the committee in mid-April. The new bill severely restricted third party voter registration efforts, removed previously acceptable forms of ID, required all who registered by mail to go to the Supervisor of Elections office and show proper ID or be forced to vote a provisional ballot, required anyone who has a change of address within 28 days of an election to vote a provisional ballot, and gutted the citizen initiative process, allowing just two years for a petition to be valid. The bill also created a moving 100 feet “no solicitation zone” around polling places and barred media access to polling places. Campaign finance rules were weakened; prohibitions on leadership funds were removed and political committees registered in other states would not have to file Florida spending disclosure reports. During committee hearings, the League lobbyist testified to the constitutional issues in the bill. Other groups coordinated their efforts so that all problematic parts of the bill would be addressed. However, after five citizens testified, testimony was restricted to three minutes per person. The bill was passed out of committee. Meanwhile a companion bill was introduced in the House that same day and was to be heard early the next morning. House committee members received the bill late in the afternoon but were in session until late evening. Most members had fewer than twelve hours to review the bill. The League offered to meet with any members who needed some explanation and discussion; three members did meet with the League lobbyist. The next morning, the League and other like-minded groups arrived at the meeting ready to testify. The first twenty five minutes were used by one of the legislators to explain the bill and answer a few questions. One of the representatives called for the question as the committee was preparing to hear public testimony. The chair allowed one speaker to address the committee for one minute and a representative from a public interest organization spoke for thirty seconds before it was pointed out that the question had been called and public testimony would not be heard. The other speakers were told to submit written comments after the committee voted on the bill. The committee debated for six minutes and passed the bill on to the House floor. Several differences in the House bill included a “resign to run” provision, a prohibition on the Governor extending early voting hours unless a state of emergency is called, no change in early voting sites allowed, and an exclusion of any advice to voters within the 100 feet “no solicitation zone. It also delayed voting machine compliance for the disabled voters under HAVA until 2014. Later in the week, elements of an onerous bill to restrict petition gathering activities were incorporated into the massive elections bill.

While the League was one of the organizations taking the lead on opposing the legislation, there were forty other groups represented and working to defeat the bill. A press conference was held, and many legislators spoke in opposition to the bill, organizations alerted their members and many phone calls were made to legislators asking them

to vote against the bill. Efforts were made in the Senate to assure the bill would be sent directly to the floor. In the House, the bill was temporarily postponed to allow negotiations to remove problematic parts; however, time expired and the bill was not brought up again. On the last day of the session, both bills were indefinitely postponed and withdrawn from consideration in the extended session to be held the following week.

While the 2010 legislative session did not address election law, including more flexibility for supervisors in determining early voting sites, the 2011 session produced a bill that was labeled “the voter suppression act” by many groups that register voters. According to the Secretary of State, the bill did not originate in his department; usually, the Secretary of State gives an update to the Senate Ethics and Election Committee early in the session and also presents the “wants” and needs of the department. Instead, on April 1, a bill was introduced that would cut the number of early voting days, require voters who change their address to vote a provisional ballot if the change was across county lines, require voter registration groups to register with the state and submit completed forms within 48 hours instead of 10 days; the bill also reduced the number of years for citizen initiative petitions to be valid from four years to two. Early voting would start 10 days before an election and end on the third day prior to the election, the total number of hours not to exceed ninety-six; supervisors would have the discretion of making early voting available from 48 to 96 hours during the eight days. There was no provision made to allow for flexibility in choosing early voting sites.

To add to the confusion, there were countless strike-all amendments; every time, the bill was to be heard in another committee, it was almost completely rewritten. During the sixth week of the session, the bill was heard in committees in the House and the Senate; each time “strike-all” amendments of over 100 pages were added to the bill. In other words, the bill was completely rewritten. These amendments were not made available until the night before the committee meeting was to be held. During the eighth week of session, the bill was heard in the Senate Budget committee on Monday and Tuesday. League members and other opponents of the bill attended both meetings and filed over thirty appearance cards to speak or waive in opposition to the bill. Finally, on Tuesday, the bill was brought up with only thirty minutes remaining in the meeting. After discussion by the committee, just three minutes were left for public comment, and only one person was allowed to speak before the bill was passed by the committee.

In response to this abuse of the legislative process and to put the Senate on notice concerning the lack of public testimony and legislative debate, the League hosted a well attended press conference later in the week. Members of like-minded groups, as well as the Leon County Supervisor of Elections attended and addressed the press corps.

Needless to say, those groups who advocate for voting rights as well as Supervisors of Elections were not pleased

with the legislation. The League worked to defeat this legislation; we participated in press events and provided both House and Senate members with talking points and questions for debate. There was a spirited debate in the House, and the sponsor of the bill was not able to give an adequate response to many of the questions asked. In the Senate, one Senator stated that “we should make it harder to vote.” Both chambers passed the bill in what can best be described as party line votes.

The State Division of Elections presented the rules for the bill, the Governor signed the bill, and it went into effect immediately. However, since five counties (Collier, Hardee, Hendry, Hillsborough, Monroe) in Florida had previously been found to practice racial discrimination in voting practices, the bill had to go to the Department of Justice for preclearance.

The League and several other organizations requested that the Department of Justice reject this bill because it will infringe on the rights of minority voters. On July 29, 2011, the Secretary of State withdrew, from the state’s request for preclearance, the four most controversial parts of the bill—early voting, third party voter registration, change of address across county lines, and the citizen initiative changes. Instead, the Secretary wanted the decision to be made by a federal court. Since the state had not asked for an expedited pre-clearance, and the DOJ had to make a decision by the end of the first week in August, the motivation for the withdrawal of these four sections was unclear.

## Voting rights

League involvement in the 1972 elections provided the impetus for the adoption of a study item at the 1973 LWVF convention. A diminishing voter turnout, despite Voters Service efforts, moved the League to do an in-depth study of election laws and procedures. The 38 positions adopted in January 1974 are summarized as follows:

“The League of Women Voters of Florida believes that democratic government depends upon the informed and active participation of its citizens. Fundamental to this participation is the citizens’ right to vote. In order to increase participation, the League believes that elections officials have the responsibility for encouraging the exercise of the vote, for promoting citizen confidence in and understanding of the electoral process, and for providing equal access to the ballot.” (Complete wording of Election Law positions begins on page 33.)

At its 1975 Convention, League delegates reaffirmed the above position and mandated further action. In 1977 the Convention adopted a new study on primary elections and campaign finance laws, but the State Board deferred action due to time constraints and recognition that LWVUS positions on campaign finance were adaptable to state issues.

The 1977 Legislature revised the election code to include closing registration books 30 days before elections, a simplified procedure for absentee voting, consolidation

of election functions in the supervisor’s office and reinstatement of purged voters at the polls.

The 1983 Convention voted to review existing positions for concurrence in 1983-84 and to study the primary system, campaign finance, election reporting, mail balloting and electronic voting techniques in 1984-85. As in 1977, the LWVF Board decided not to take on the study of campaign finance because they believed the subject was too complex to be properly addressed with the other issues.

In April 1984, the review for concurrence of the 1974 positions was concluded by local Leagues, resulting in nine-and-a-half positions being dropped and five being reworded and regrouped to more accurately reflect the contemporary state of legislation.

In 1985 local Leagues studied the presidential preference primary, mail balloting and electronic voting. No consensus was reached on mail balloting per se. Concerning electronic voting the League concluded that engineering performance standards should address accuracy, reliability, safety and operability. Management performance standards should address completeness and clarity of documentation and accountability, security and impartiality of procedures. As chief elections officer, the secretary of state should determine that voting systems comply with the standards. To establish the continuing compliance of systems in use, the supervisors of elections should regularly report any hardware, software or management problems.

In 1987, LWVF cosponsored with the Florida Association of Broadcasters and with the cooperation of the Florida Division of Elections a workshop on improving elections in Florida. During the 1987, 1988 and 1989 legislative sessions, LWVF advocated and built support for various election law reforms. In 1989, LWVF was instrumental in securing additional funding for the Florida Elections Commission and several measures to facilitate registration.

A 1998 constitutional amendment equalized ballot access requirements for all major and minor party and independent candidates. The 1999 Legislature implemented the amendment’s provisions on ballot access. The bill allows all candidates to either pay a filing fee or collect signatures from 1 percent of the district’s registered voters. It makes no change to the amount of the filing fee. The amendment allows all voters to participate in primary elections when only one political party fields candidates. Also it corrects the voting age from 21 to 18, which brings Florida in line with federal requirements.

## Election Law reform

The November 2000 election was unusually confrontational, confusing, and spiced with name-calling. This set the mood of the 2001 legislative session. However, the LWVF fared well on election law this session in one huge bill:

**Voting systems and procedures:** Punch cards, paper ballots, mechanical lever machines and central-count voting systems will not be used, beginning with the 2002 primary election. Future voting systems must tabulate votes at the

precinct. The Division of Elections must review, approve, and certify new technology and provide a uniform ballot design for each certified system. Funding is provided based on the number of precincts in the county as of the 2000 General Election.

The Florida Elections Canvassing Commission will consist of the governor and two members of the Cabinet and vacancies filled with an elected official. Voters may cast a provisional ballot, which will be counted on determination of eligibility by a local canvassing board. The deadlines for county canvassing boards to certify an election will be seven days following the primary or 11 days following the general election. The same manner of recount will be done in each affected jurisdiction. An automatic machine recount or an automatic manual recount will be conducted if the margin of victory is one-half or one-quarter of one percent respectively. The automatic manual recount will involve overvotes and undervotes and a vote will count if there is “a clear indication on the ballot that the voter has made a definite choice.” Any registered voter may vote by absentee vote without giving a reason.

**Voter education:** The DOE is required to adopt minimum standards for voter education. Six-million dollars were set aside for voter education and poll worker training. Counties may receive funds upon submission of a detailed description of proposed education and training programs and must report on the effectiveness of voter education programs in each county. A Voter’s Bill of Rights and Responsibilities will be posted at each polling place on Election Day.

**Voter registration:** The Department of State will develop a statewide voter registration database containing registration information from all counties. A criminal penalty is provided for any supervisor of elections who willfully refuses or neglects to administer the database. A voter registration applicant will be notified to provide missing information in writing instead of being required to fill out a new application.

**Election contests and protests, uniform poll times:** Circuit judges will no longer have unfettered discretion to order investigations to prevent or correct alleged wrong and provide appropriate relief. The Division of Elections and Florida Association of Supervisors of Elections was to conduct a study on the benefits and drawbacks of having uniform poll opening and closing times.

**What the LWVF did not get in this Bill:** • Limitation on political activity of members of local canvassing boards. • Non-partisan elections of supervisors of elections. • High school voter education. • Restoration of voting rights of former felons. • Permanent elimination of the second primary.

Following the historical Election 2000 controversy, whereby Florida took center stage in the national spotlight, the federal government passed the Help America Vote Act (HAVA) of 2002. It was the federal government’s biggest effort to bring uniformity to the nation’s election process. HAVA’s policy objectives are to: • Increase state level accountability for election reforms. • Provide new guide-

lines for voting systems. • Require provisional voting and posting of specific information for voters. • Require new central voter registration systems. • Align voter education and election training to meet new federal requirements. • Provide federal funding and require a state plan to receive federal funds. • Establish a new federal Election Assistance Commission.

All 50 states and U.S. territories are required to develop plans to modernize voting equipment and update administrative election procedures. A group of individuals was appointed to develop Florida’s HAVA implementation plan during a series of public hearings around the state. LWVF was represented on this planning committee. Because many election problems focused on Florida as a swing state with 25 electoral votes in the 2002 election, the 2001 state Legislature led the nation with many reforms described, as noted previously. The 2002 Legislature enacted additional election reforms, including the establishment of a statewide voter registration data base, to meet HAVA requirements. However, this Legislature narrowly interpreted HAVA and failed to pass legislation counting provisional ballots cast for all common offices, even if cast in the wrong precinct.

The 2005 legislature passed another substantial election bill on the last day of the session. While it gave the secretary of state more power to establish uniform election policies statewide, abolished the runoff primary, and created penalties for voter harassment or intimidation and for voter fraud that the League can support, it also limited the number of hours that polls can be open for early voting, imposed rules on groups, but not political parties, involved in registering voters, and mandated a photo ID requirement to vote.

Voters confidence in the voting process was boosted when the 2007 legislature passed legislation requiring that all voting machines used in Florida provide a voter verified paper trail (VVPT). While the League applauded this security measure, this same legislature introduced, in the opinion of the League, numerous and significant barriers to voting as, for example, limiting the types of photo voter ID, moving the state primary up to before Labor Day, amending but not rescinding, third party voter registration rules, and reducing the interval for a voter to provide identifying information to validate a provisional ballot. The League remains diligent monitoring election administration including maintaining security, accuracy, recountability (audits), and accessibility in the election process for voters, protecting the right to vote for all citizens, and guarding against the introduction of any barriers to voting including voter IDs, restrictions on early voting, and infringement on the functioning of third party voter registration groups.

In his report to the Senate Ethics and Elections Committee in early 2009, the Secretary of State was exuberant in his reporting on the flawless 2008 election. All the work put into creating a system that worked well had proved successful. Early voting was touted as one of the reasons the election went so smoothly.

Unfortunately, the situation changed during the 2011 session. A bill was introduced that was so onerous, it was

labeled “the voter suppression bill.” The Governor signed the bill. HB1355 reduced the number of early voting days, put more restrictions on third party voter registration groups, and required voters moving from one county to another to vote a provisional ballot. This last requirement affected many college students and low-income voters. The legislature put eleven amendments on the ballot; this required more vote time and resulted in long lines at the polls. Once again, Florida became a “poster child” for “How Not to Run an Election.”

The 2013 legislature, with the encouragement of the Governor, attempted to remedy the situation. Supervisors of Election from several counties, including those with problems at the polls, spoke before the Senate Ethics and Elections committee and the House subcommittee on Ethics and Elections. While the House passed the Elections Reform bill on the first day of the session, the Senate went through most of the session before their bill was passed. Although Election Law Reform was a priority for the legislature, the bill that would eliminate many of the problems of the 2012 election was not passed until the last week of the session.

Good things the bill does:

- Significantly increases the hours and days for early voting
- Supervisors of Elections have more flexibility in choosing early voting sites.
- Mandates a seventy-five word limit on the first version of ballot summaries for constitutional amendments proposed by the Legislature.
- Allows a voter to “fix” an absentee ballot that is “spoiled” because a signature has changed or is missing.
- Allows voters in most Florida counties who have moved to make an address change at the polls on election day.

The law does not mandate early voting on the Sunday before an election or expedited voting for elderly and disabled people; these were items the League had supported. The bill also requires a written request for absentee ballots that are to be sent to an address other than the voter’s home address; an amendment to the bill exempts the military from this requirement.

## Second primary

In 1985, after a year’s study, the League adopted a position to eliminate the second primary. Subsequently, at the 1985 Convention, delegates approved by concurrence to add the following to the position: “Plurality nomination will determine the winner of the primary election,” meaning that the candidate with the largest number of votes would win.

In 1993-94 Florida Leagues reevaluated the position and could not reach a consensus as to whether the position should be retained. The position was dropped; however there was support for election by superplurality (less than a majority).

For the third time, the primary question was addressed during the 1995-1997 biennium. Again, local Leagues reached a consensus to eliminate the second primary but

to accept superplurality winners if the second primary system is retained.

A 2001 law provided that for the 2002 election only, the Second Primary be eliminated. Again in 2003 and 2004, the Legislature continued the elimination of the second primary. In 2005, the Legislature made the suspension permanent, as the League supports.

### Campaign finance reform

In 1986 the study of campaign finance reform was completed and a position was announced by the LWVF Board. The position included public financing, limits on contributions and expenditures, disclosure, and regulatory agency responsibilities.

In 1991 the League lobbied successfully for campaign finance reform, keystones of which were partial public financing of gubernatorial and Cabinet races and campaign contribution limits.

During the 1997 legislative session, LWVF and Common Cause Florida lobbyists cooperated on the legislative priorities of campaign finance and legislative rules reform. They were instrumental in preventing the repeal of the Florida Elections Campaign Financing Act.

The 1997 omnibus election reform bill transferred the Florida Elections Commission to the Department of Legal Affairs and provided a separate budget entity; clarified that committees of a national, state or county level of political parties are included in allocable contributions made to candidates by the parties; provided a penalty for political party contributions of more than the \$50,000 limit; limited turnbacks to political parties to \$10,000; provided enhanced penalties for late filing of campaign reports and repeat violations of contribution provisions; prohibited the receipt of earmarked funds by political parties; required “approved by” disclaimers on political advertisements or certain political telephone calls on behalf of a candidate; and made receipt of filing fees and party assessments by political parties contingent upon not making independent expenditures during the election cycle.

A constitutional amendment in 1998 provided that when candidates for statewide public office agree to limit campaign expenditures, they qualify for limited public funding. This stabilizes the current campaign finance law.

The 2001 Election Law Reform Act provided that contributions to candidates by out-of-state residents will no longer be counted toward the threshold to receive public financing and cannot be used as qualifying matching contributions. The definition of a Political Action Committee was rewritten and more disclosure requirements were established for Committees of Continuing Existence and other entities making independent expenditures to political campaigns.

During the 2002 legislative session the LWVF became aware of a ruling by the U.S. Court of Appeals for the Eleventh Circuit on a case filed by Florida Right to Life Inc. The court ruled on another issue in a larger section of campaign finance law that, because of its proximity, struck the sentence, “...prohibiting anyone from making a con-

tribution in the name of another.” Because of the limited time left in the legislative session and the importance of preventing another loophole in campaign finance laws, the League drafted its own bill asking the Legislature to reinsert the vital language in the law to prevent anyone from making a contribution in the name of another. The bill was sponsored and passed in both houses. This requirement has prevented individuals and corporations from gaining undue influence with elected officials.

The 2005 Legislature slipped into the election reform bills at the last minute an increase in the public campaign financing spending limits. For the governor's race, the spending limit increases from \$6-million to \$20-million. They also increased the amount of soft money a political party can contribute directly to a candidate from \$50,000 to \$250,000. These questionable campaign finance provisions were never heard in committee and appeared as amendments on the floor at the final moment. They are clearly inconsistent with the intent of public financing to hold down the cost of campaigns.

In the 2006 session, the League took a small step forward on campaign finance reform. Legislation passed calling for transparency of contributions from special interest groups to elected officials but not contribution limits. And, although not campaign financing per se, passed legislation prohibiting public officials from working on campaigns while they are in office and from representing clients before a board or committee on which they have served until two years have elapsed.

In 2007, a plethora of good campaign finance bills were introduced but, unfortunately, they all died in committee. Two topics made their inaugural appearances: a truth in political advertising bill and a bill that would prohibit local governments from using public funds to lobby the public to vote for or against a proposed constitutional amendment or a local referendum.

In 2008, a bill was introduced that would prohibit the use of public funds by a local government entity to advocate for a specific position in an issue campaign. While the bill did not pass during the 2008 session, it reappeared during the 2009 session, passed the House and Senate and was signed into law by the Governor. The League supported the restricting of how governmental money may be spent.

A Senate joint resolution was introduced that would repeal the “Florida Election Campaign Financing Act”. The League supported the original amendment that limited the amount spent in the Governor's and Cabinet races and provided matching funds. The League opposed this resolution, and, instead, asked legislators to roll back the spending limits to pre-2005 limits. An amendment that would roll back the spending limits was introduced in the House and passed unanimously. Neither the bill containing this amendment nor the resolution was picked up in the Senate.

However, during the 2009 session, the resolution appeared again. While Common Cause and the League spoke out against it in every committee meeting, the joint

resolution was passed in both houses and will appear on the 2010 ballot. The House also amended the bill so that spending limits would revert back to pre-2005 limits if the amendment is not supported by 60% of the electorate.

Of course, the League is opposed to repealing the public campaign financing program; we believe that public financing of elections is the best way to ensure open elections and maximum citizen participation in the political process. The intent of the 1998 amendment was to help hold down campaign costs by providing an incentive to candidates who choose to abide by spending limits; they receive public money. It also prevents individuals and corporations from gaining undue influence over elected officials. The raising of the spending limits by the 2005 legislature resulted in huge election price tags and a backlash against public financing. Legislators used this cost as a reason to repeal the amendment, when, in fact, they were responsible for raising the limits.

In 2010, Florida citizens refused to pass the amendment that would repeal campaign finance reform.

However, during the 2010 legislative session a bill was passed that legitimized and created new campaign fundraising accounts that would be under the direct control of legislative leaders; the latter would be able to raise unlimited contributions to bolster the campaigns of their legislative supporters and could fundraise year round, even during the legislative session. These are commonly referred to as “Leadership Funds” and have been banned in the state. The bill was vetoed by the Governor.

During the 2011 session, both houses of the legislature voted to override the veto and legislative leaders now can raise special interest campaign money on a large scale.

Another bill that would increase the limits on contributions directly to the candidates from \$500 per election cycle was brought up in the Senate. There would be a tiered approach, where a party could contribute up to \$10,000 to a gubernatorial candidate, \$5,000 to a cabinet candidate, \$2,500 to a legislative candidate and \$1,000 to a county candidate. It had no companion bill in the House and died in the Rules Committee.

## Campaign finance reform

Along with election law reform and ethics reform, campaign finance reform loomed large in the 2013 legislative session. Both the Senate President and Speaker of the House named campaign finance reform as a priority. The struggle to get this legislation through both houses took most of the session. While the House's plan raised contribution limits to candidates from \$500 to \$10,000, the Senate bill maintained the current \$500 limit. However, the Speaker felt that there was room for negotiation. The final bill enhances reporting and disclosure requirements, eliminates the political committees known as CCEs (committees of continuing existence), and places a limit on the amount of surplus campaign funds that can be given to political parties. The bill also raises the contribution limit for statewide

aces to \$3,000 per election cycle and \$1,000 for local and legislative races. Political committees can accept unlimited contributions and make unlimited independent expenditures, and allows a candidate to carry-over \$20,000 from one election cycle to another for a re-election campaign. The LWVF opposed raising the amount of money individuals can contribute to candidates, fearing that there will be fewer contributions from ordinary Florida voters. The League also opposes the carry-over of \$20,000 by incumbents; this unfairly benefits incumbents. A letter was sent to the Governor asking him to veto the bill; however, it was signed into law during the last week of the session.

## Motor voter

The League supported a 1991 motor voter bill, which did not pass the Legislature, that would have provided for voter registration in Florida at driver's license bureaus.

The National Voter Registration Act (NVRA) endorsed by LWVUS passed the Congress in 1993 and took effect Jan. 1, 1995. This act allows citizens to apply to register to vote at various sites including driver's license offices, government assistance agencies, military recruitment offices and by mail.

In 1994, a League member was appointed by the governor to the Coordinating Council of the NVRA, a statewide committee charged with developing Florida guidelines for conforming to the implementation of the NVRA. Florida was one of the first states to have its guidelines accepted by the Federal Election Commission.

## Former felons

Since the League was unsuccessful in getting the automatic restoration of voting rights for former felons included in the broad 2001 election reform bill and the modifications thereto demanded by the federal HAVA law in the following session, the League joined with like-minded voting rights groups in March 2003 to form the Florida Rights Restoration Coalition (FRRC). The long term goal of the FRRC is to change the Florida Constitution from banning civil rights to former felons after completion of a sentence. In the short term, the FRRC began work on three fronts: the Legislature; the administration; the courts. The League supported statutes to streamline the cumbersome rights restoration process, lobbied the Executive Clemency Board to modify its rights restoration hearing rules and in 2005 filed an amicus curiae brief in the U.S. Supreme Court regarding *Johnson vs. Bush*, a class action on behalf of 600,000 former felons, challenging the constitutionality of the Florida ban on automatic rights restoration. The Supreme Court denied the plaintiffs a hearing.

The 2006 Legislature did pass legislation whereby administrators in county detention facilities must provide application forms for restoration of civil rights to released detainees convicted of a felony. Then in April 2007, the Executive Clemency Board adopted new rules restoring rights automatically to felons convicted and released thereafter

for non-violent crimes. While the League applauded this progress, the Executive Clemency Board had not clearly addressed restoring rights to those felons released before this Executive Clemency Board rules change—an estimated 950,000 people. Within the FRRC the League continues to work to achieve automatic restoration of rights to former felons upon completion of their sentence.

During the 2008 session, the FRRC organized a lobbying day for members to meet with their legislators, asking for the restoration of rights to convicted felons who are released from prison. In 2009, the group held a press conference in Tallahassee where many legislators spoke in support of the group.

Unfortunately, there has been very little progress in the area of restoring the rights of convicted felons who have been released from prison. According to the ACLU, the state still lags far behind the majority of states in eradicating the Reconstruction-era voting ban. More than 86% of the 28,000 ex-offender-initiated applications submitted since January, 2006 are piled up on bureaucratic desks and have not yet been submitted to the Clemency Board for review. "Automatic" restoration of rights does not exist.

Prior to the 2010 session, one representative has called for a rollback of the 2007 clemency rule changes, claiming they present an endangerment to public safety.

Voting rights for felons became an issue during the 2000 presidential election when thousands of black voters in Florida were purged from the rolls because the voter database misidentified them as felons. In the past ten years, some progress had been made to restore the rights of convicted felons.

While many have felt that the restoration of rights has been progressing at too slow a pace during the past few years, no one expected the clemency board to completely undermine the progress made thus far. Early in 2011, the newly elected Attorney General expressed the opinion that there should be rules changes regarding convicted felons.

The new rules passed by the Clemency Board are:

Felons convicted of non-violent crimes can apply to have their rights restored without a hearing five years after they have completed their sentences and paid restitution.

Felons convicted of violent crimes, including murder and DUI manslaughter, must wait seven years, request a hearing and win approval in the hearing to have their rights restored.

All felons must wait eight years before they can apply for the right to carry a firearm; previously they could seek a waiver to apply earlier.

All felons must wait 10 years before applying for a pardon; previously a waiver to apply could be sought earlier.

Persons who have been granted or denied any form of executive clemency may not apply for further executive clemency for at least 2 years from the date that such action became final.

Several legislators and representatives from the ACLU, League of Women Voters, and NAACP appeared before



the Clemency Board, testifying that felons who have completed their sentences and paid restitution should not have to wait an extra number of years to have their rights restored. At the time of the hearing, there was a backlog of 98,000 former felons who have applied to have their rights restored; the process is slow and arduous.

The Clemency Board moved with “uncommon speed” and voted unanimously to impose the strict new rules on ex-felons who are seeking the right to vote. The vote nullifies the policy adopted in 2007 by a different governor and a different clemency board that attempted to streamline the procedure and help ex-offenders to become productive citizens.

Copies of the proposed rule change were not made available to the public prior to the start of the meeting and public testimony was limited to two minutes per person for a total of thirty minutes.

During the session, a bill that would remove the link between restoration of rights and occupational licensing was signed into law. The bill prohibits state agencies from denying an application for a license, permit, certificate, or employment based solely on a person's lack of civil rights. Former felons now have more job options, but they don't have the right to vote.

The 2013 legislative session did not address the issue of rights restoration for ex-felons. According to news reports, just 370 restorations have been approved since the new rules went into effect in 2011. Previously, in the four years prior to the ruling in 2011, 154, 178 people had their rights restored. It is estimated that by the end of 2014, there could be as many as 600,000 people who do not have the right to vote. Southern states, including Florida, have resisted the trend to automatically restore civil rights to ex-felons.

## Voter registration data base

As required by HAVA, the Legislature enacted election laws to implement a statewide data base of registered voters before Jan. 1, 2006. It was to be a single, uniform, official, centralized, interactive, computerized statewide voter registration list run by the Department of Elections, rather than the multiple data bases heretofore managed by county officials. It was intended to alleviate questions concerning voter registration encountered at polls in a standard manner. However, the state of Florida included a "data base match" requirement for adding a new voter to the rolls. The state matches a potential voter's name to either the Social Security Administration database or to the Department of Motor Vehicles database before allowing that person to register to vote. The League believes that this matching process is disenfranchising eligible voters from voting and has argued in Op-Eds published statewide that Florida's law is inconsistent with HAVA. In late 2007, civil rights advocates challenged this provision in federal court. The court enjoined the law. The lower court decision, at press time, was under review by the federal Court of Appeals.

Several rules workshops on maintaining the state voter database were held during the fall of 2009. Supervisors from around the state gave their input on adding or deleting names from the database. The discussions included active and inactive voters, moving from one county to another, exceptions such as military personnel who move but would rather keep their voting information at their previous address. Supervisors are wrestling with the ambiguities presented by current law.

## Third party voter registration

On the last day of the 2005 session, Legislators passed another election bill that created, in the opinion of the League, more barriers to the voting process including stringent regulations for private-sector voter registration drives. The League suspended all voter registration activities across the state in March 2006; and then filed a complaint, *League of Women Voters vs. Cobb* in federal court in Miami in May 2006 to block Fla. Laws 2005-277, Secs. 2 and 7 arguing that this law trampled constitutional rights by imposing crippling fines and burdensome reporting requirements on voter registration groups, except political parties. In August 2006, the Miami Federal District Court granted the League and co-plaintiffs a preliminary injunction blocking enforcement of this third party voter registration law. Local Leagues resumed voter registration activities; the defendant appealed. The Brennan Center for Justice at NYU School of Law, the Advancement Project in Washington, DC, and Kramer Levin Naftalis & Frankel LLP in New York City represented the LWVF in this successful suit.

Then, the 2007 Legislature passed provisions amending the enjoined 2006 third party voter registration law. The League has entered into a stipulation with the Florida secretary of state under which the state has agreed not to enforce the new voter registration law, which would otherwise have gone into effect on Jan. 1, 2008. Although either the LWVF or the state may terminate this agreement, they must give 30 days' notice for this to occur.

In 2008, the League and the Florida AFL-CIO filed suit against the Secretary of State to enjoin enforcement of Florida's voter registration law fearing that its strict deadlines and fines could be enforced in a manner that would chill voter registration efforts. This suit followed the 2006 suit which challenged a previous version of the law.

In the first case, a federal court declared the original version of the law unconstitutional; the Florida legislature amended the law. In the second case, the League challenged the new, amended law. A federal judge denied the plaintiffs' request for an injunction to stop the new version of the law. But the court ruled based on an interpretation of the law that effectively reduced the amounts that organizations and individuals involved in voter registration activities could be fined. In the early months of 2009, the Secretary of State issued a rule that adopted the court's interpretation. In June, 2009, both lawsuits were settled. The settlement brought about a final resolution of both the second lawsuit and the

Secretary's appeal of an attorney's fees award from the first lawsuit. The settlement protects the ability of community groups to conduct voter registration drives, and allowed both parties to put costly litigation behind them.

At the time of the court's decision, Secretary of State Browning had not yet proposed final rules, and the law was not be enforced until the administrative rulemaking is completed.

The November 2008 election came and went without the rulemaking having been completed. As a result, plaintiffs were able to conduct registration drives before the 2008 election.

In early 2009, the Florida Department of State, Division of Elections proposed a final rule implementing the challenged statute. The rule, which took effect on February 26, 2009, incorporated the narrowed interpretation of the statute adopted by the district court, thus codifying the court's construction of the law into a binding administrative rule and protecting plaintiffs and similar organizations from excessive fines. After the adoption of the administrative rule, the parties agreed to settle the lawsuit; on June 17, 2009, the case was dismissed pursuant to the parties' stipulation. (See [brennancenter.org](http://brennancenter.org))

Midway through the 2011 legislative session, a massive elections bill that would negatively affect third party voter registrations groups passed both Houses. The bill requires that groups registering voters must register with the state, list its officers and the names and addresses of each and every member who will be registering voters. Those members registering voters must swear an oath to uphold state election laws. All new registrations must be turned into the Supervisor's office or the State within 48 hours of signing. Each voter registration form would list the League as the registrar and require the time of registration to be written on the form.

If the deadline of 48 hours is missed, a fine will be imposed. A carry-over from the last lawsuit, the total amount an organization can be fined in any one year is \$1,000.00.

Also, the rules for this legislation were written at the time of passage of the bill and went into effect immediately, except for the five counties that require preclearance by the Department of Justice. The law was enforced by the Supervisor in Miami-Dade prior to the Governor's signing the bill and is being enforced for all elections going on in the state.

It is hard to believe that the very same type of legislation that led to the 2005 lawsuit against the State of Florida and resulted in their paying over \$300,000 in legal fees incurred by the plaintiffs is back again today. At this time, the Florida League has suspended voter registration and is weighing all options, including legal options.

Immediately following the passage of the elections bill (BB1355), the Brennan Center for Justice, representing LWVF, Democracia, Inc., ACLU Florida, Project Vote, Rock the Vote, and the Lawyers' Committee for Civil Rights Under Law, sent a letter to Florida's Secretary of

State, requesting that Florida hold off on the premature implementation of the legislation. Since five Florida counties are subject to the pre-clearance provision of the Voting Rights Act, implementation of the law would mean that two sets of election rules would be in force throughout Florida; this would be unlawful under Florida statutes. Florida law requires uniform application of election rules and procedures across the state.

However, the law did go into effect and, for the second time in the past decade, the LWVF suspended voter registration activities. In December, 2011, The Brennan Center for Justice at New York University School of Law, the American Civil Liberties Union Foundation of Florida, Paul, Weiss, Rifkind, Wharton & Garrison LLP, and Coffey Burlington, representing the League of Women Voters of Florida, Florida Public Interest Research Group Education Fund, and Rock the Vote, filed a complaint against the state of Florida in the United States District Court, Northern District of Florida. Eight months later the Judge granted a permanent injunction to the plaintiffs, striking down many of the requirements regarding third party voter registration organizations and returning the deadline for turning in registrations to ten days. LWVF began registering voters and was able to register 4000 voters in the weeks preceding the 2012 election.

The many restrictions that were still in force in the legislation led to long lines and polling places in the 2012 election and a delay in reporting a final vote tally. Citizens were enraged by the length of the ballot and the number of proposed constitutional amendments on the ballot. By the time the legislature returned for the 2012 session, the cry for election reform was a top priority; it was also supported by the Governor. The Florida House passed an election reform bill on the first day of the session with just one dissenting vote. The Senate labored for most of the session, but finally, in the last week of session, a bill went to the Governor.

## Instant runoff voting (IRV)

Florida uses the plurality voting system, in which each voter chooses a single candidate and the candidate with the most votes wins. This system allows a candidate to win with fewer than 50 percent of the votes if there are more than two candidates. At the League 2005 convention, delegates decided to study the issue of alternative voting systems to determine if any alternatives to Florida's present system of plurality voting should be recommended. On behalf of the state League, the LWV of the St. Petersburg Area undertook a study of the many methods for tabulating votes and shared this accumulated background information with other local Leagues. Following statewide local League consensus meetings, the League of Women Voters of Florida announced a new Election Law, Voting Process position making the method of instant runoff voting a recommended alternative to plurality voting.

IRV works as follows. Voters rank the candidates on the ballot, marking their first, second and third choices, depending on how many candidates are in the race. If any of the candidates receives more than 50 percent of the first-choice votes, the race is over — the winner is the candidate with more than 50 percent of the votes. If none of the candidates receives more than 50 percent of the first-choice votes, the candidate with the least first-choice votes is eliminated, and the second choice of the votes that were cast for that candidate are now counted and added to the

number of first-choice votes cast for each of the remaining candidates. If one of the remaining candidates receives more than 50 percent of the votes after adding in the second-choice votes of the candidate that was eliminated, the race is over – the winner is the candidate with more than 50 percent of combined first-choice and second-choice votes. If there are more than three candidates initially, this process may be repeated until one of the candidates receives 50 percent of the votes.

Election Law positions follow.

## LWV of Florida Election Law Positions

### Voter registration

1. Provide well identified and well publicized registration locations.
2. Establish permanent and/or movable registration locations that are easily accessible.
3. Display registration qualifications prominently.
4. Set registration hours to meet community needs.
5. Use deputy registrars liberally.
6. Register voters as close to election day as administratively feasible.
7. Measure any new techniques for registration against the following criteria: expense, absence of partisan influence, availability to poorly motivated citizens, susceptibility to fraud.

### Voting process

1. Provide clear and easy-to-use write-in procedures for all voting systems.
2. Provide a writing implement.
3. Allow for presidential write-ins by candidate name instead of elector names.
4. Maintain a simple absentee voting procedure.
5. Issue an absentee ballot in response to a single request.
6. Disqualify an absentee vote only if the identity of the voter or intent of vote is in doubt.

7. Reduce the number of elections and provide for uniform scheduling including municipal elections. (1984)
8. Recommend instant runoff voting as an alternative to Florida's present system of plurality voting. (2007)

### Voter education

1. Require county supervisors to report to the people regularly on the percentage of registration and voting by precincts.
2. Provide for wording of ballot issues in lay language.
3. Provide bilingual assistance where appropriate. (1984)

### Administration of elections

1. Elect supervisors of elections on a non-partisan basis.
2. Retain all county administrative election procedures in the office of the supervisor of elections.
3. Assign the chief elections officer the responsibility for training and setting standards for all election personnel.
4. Provide well-trained, impartial elections personnel.
5. Maintain mandatory state rules with provision for enforcement.
6. Maintain standardized election procedures.

7. Add to the duties of the Florida Elections Commission the responsibility to investigate elections procedures, hear complaints, and make recommendations for change.
8. Shorten the campaign period. (1984)

### Equal access

1. Allow physically confined citizens to register and vote, including citizens in prisons awaiting adjudication, non-felons in prison, confined mental patients not judged incompetent and citizens in nursing homes, hospitals, etc.
2. Restore a felon's civil rights automatically when his debt to society is paid.
3. Provide for keeping voter lists current without penalizing the citizen who does not choose to vote regularly.
4. Include on registration identification cards instructions on how to change name, address, and party affiliation. (1984)

### Presidential primary

The presidential preference primary ballot should include the names of the presidential candidates, not the names of the delegates to convention. (1985)

## Mail balloting

If balloting is by mail, there should be mandatory matching of signatures and adequate penalties for fraud. (1985)

## Electronic voting systems

To ensure the integrity of the voting process, to promote public confidence in voting and to provide uniformly reliable vote tallying throughout Florida, the League supports establishment by law of performance standards of all hardware, software and management elements of voting systems considered for public use within the state. Voting systems should be certified for use by the secretary of state. Determination of compliance should be an ongoing process covering new systems, changes in systems, and systems in use. (1985)

Campaign finance.

- Public funding

Given a system of public funding for political campaigns, the League of Women Voters of Florida supports the use of such funds for races for statewide candidates, with these funds to be channeled directly to the candidates. (1986)

- Contribution/expenditure limits

1. The League of Women Voters of Florida supports limitations on the amount and types of campaign contributions, specifically continuing the dollar limits as provided in Florida Statutes. (1985)

2. Independent expenditures should be regulated. (1986)

- Disclosure

1. Reporting forms should include the source of funds by category and expenditure by category. All reports should be cumulative. If post-election contributions are received, they should be reported with the same detail as pre-election contributions.

2. Random audits of campaign records should be required, the selection to be made from all races, with emphasis on those for statewide offices and the Legislature. (1986)

- Florida Elections Commission

The proceedings of the Florida Elections Commission should be confidential until probable cause is established and thereafter all matters should be open to the public. Willfulness should not be a criterion for establishing guilt or innocence with regard to campaign law violations. (1986)

- Regulatory agency responsibilities

The state should establish a single repository for copies of all campaign records. Reports should also be filed at the appropriate levels. A government agency should be designated to analyze, summarize, and publish reports based on the data collected. (1986)

## Second primary

The second, or runoff, primary should be eliminated and plurality nomination should determine the winner of the primary election. If the second primary election is retained, superplurality (a designated minimum percent that is less than a majority) should determine the winner without a runoff election. However, a runoff election would be necessary if no candidate attained a superplurality vote. (1996)

S&A

# Education in Florida

**E**ducation in Florida has been of continuing interest to the League of Women Voters for almost seven decades. The League conducted four major education studies and one emergency study during the first 50 years of its history. (1939-1989). Since then the League has carried out a major survey/monitoring project, adopted and reached consensus on three additional education studies, including a look at Florida's Constitution. At its biennial Convention in May 1999, the League adopted a project to monitor Florida charter schools. Then at convention in 2003 delegates decided to evaluate standardized testing of students; although concurrence was not reached, the state study committee accumulated a mass of material to jump-start a 2005 study of looking at the accountability of Florida's school measurement system that is ongoing. It is clear that the League remains strongly committed to supporting excellence in education in Florida.

## Early years: 1939-1958

When the League of Women Voters of Florida was organized in 1939, one-third of its very ambitious program was "School System in Florida, State and County: Its Laws, Finances, and Administration."

In 1945 Governor Millard F. Caldwell appointed the Florida Citizens Committee on Education to study the numerous educational needs facing Florida at the end of World War II. This committee recommended sweeping changes that were embodied in what was called the Minimum Foundation Program (MFP) proposed to the Legislature in 1947. The program called for the abolishment of all small school districts and the establishment of new countywide school districts. Each district (county) was required to provide tax support based upon its ability to pay, and the state itself would augment this with the funds necessary to build a sound minimum school program for all children wherever domiciled.

The League's first action in behalf of education in Florida was support for the MFP, based on the League's first study and a careful review of the committee recommendations. This was clearly the beginning of the League's concern for equal funding and recognition that the state should play a role in funding. From 1948 through 1958 the League continued to work for sufficient funding appropriations to support local school districts' efforts to improve education.

## Second study: 1958-1962

In 1958 the League of Women Voters of Florida adopted a new study called "Education in Florida," which dealt with the quality of education in Florida and with district (county) school structure and organization. It was out of this study, completed in 1962, that the League arrived at its position in support of an appointed superintendent of schools. Members agreed that a School Board should be able to appoint the very best qualified person to run its schools and that person should be accountable directly to the School Board. The School Board would,

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- Support a free public school system for Florida with high standards for student achievement and with equality of educational opportunity for all, that is financed adequately by the state through an equitable funding formula.
  - Support education governance policies that increase professionalism and remove politics from the selection and election processes at both state and district levels and allow for more local control at the individual school site, with improved student performance as the highest priority.
  - Support high standards for teacher certification and compensation; increased professionalism for teachers and administrators.
  - Support expanded public school parental choice under controlled conditions determined by each school district.
- 

### *Issues for Action:*

- Promote adequate funding of public education with no use of public funding for the expansion of funding of private education through a voucher program.
  - Promote the extension of public school testing of student achievement to private schools, charter schools, virtual schools, and any institutions that receive state funding directly or indirectly.
  - Support the increased oversight of the development and implementation of charter school contracts with regard to administrative fees, facilities, teacher salaries and benefits, and instructional innovation.
-

in turn, be accountable to the citizens who elected it. The League believes that the superintendent should not serve on the School Board, but serve as the executive officer and carry out the decisions of the board.

This is one of the Florida League's most active positions, with many local Leagues using LWVF position and background information to support local referendums on appointed superintendents. Success is modest but it continues as an issue of great local interest.

Recognizing that this position on an appointed superintendent would be difficult to change into law, the League also adopted a position supporting statutory requirements for qualifications for the district superintendent of schools, whether appointed or elected.

The same study led to positions supporting a non-salaried School Board, elected countywide, and dropping the office of school trustee.

Perhaps the most important position reached in the 1958-60 study was League's support of a free public school system for Florida with equality of educational opportunity for all. During this period there were many efforts to establish private schools to circumvent the Supreme Court ruling on segregation, and the League's decision to speak out was very bold.

### Third study: 1968-1971

In 1968 the League adopted another very complex study of Education in Florida, concentrating on financing issues and the structure and organization of education at the state level. At the completion of the study in 1971, the League's positions on education financing had expanded dramatically. League members agreed that the state should be the major source of financial support for education, including capital outlay. The League also expanded its position on an equalization formula, and said that all state required programs (categoricals) should be fully funded by the state.

The League study also led to new positions on increased appropriations for teachers' salaries, accompanied by support of measures to encourage excellence in teaching. The League agreed to support the weighted pupil concept as the unit for the distribution of funds, and also agreed that ad valorem taxes should be the primary local revenue source for education. They believed that each local school district should have the authority to tax itself to supplement the state program, and opposed setting a cap on the amount of millage district taxpayers can vote to levy.

This massive study enabled the League to support the Florida Education Finance Program (FEFP) in 1973. It was established to replace the original Minimum Foundation Program (MFP) as the basis for education funding. Many of the components of the new FEFP, such as the equalization formula, the weighted pupil concept and categorical funding of state-required programs, were supported by the League. Uniform assessment of property throughout the state was seen as a basic requirement if the formula was to achieve its goal. This was an excellent example of how

the League recognized the problems inherent in the state's education programs, studied the issue, and was prepared to take action at a most opportune time.

The 1968-71 study of Education in Florida also followed up on the 1958-62 study on the structure and organization of education and addressed this issue at the state level. During the study much attention was given to the need to remove politics from the function of both state and district education.

Members agreed that the state Board of Education should be appointed by the governor and confirmed by the Senate or Legislature, rather than being composed of the elected members of the state Cabinet. The League drew up recommendations regarding membership composition and responsibilities for policy, rules and regulations, etc. League members maintained that the state needed a Board of Education whose sole responsibility is education.

The League also concluded that the chief state school officer (commissioner of education) should be appointed rather than elected, and should be the administrative officer of the state Board of Education. This position follows the traditional separation of policymaking (state Board of Education) and administrative functions (commissioner of education) in government.

In a related action the League adopted a position in support of districtwide non-partisan election of School Board members. League members believed that School Board members elected on a non-partisan basis were not as obligated to party loyalties and platform, and that party philosophies and issues should have no bearing on educational matters. A 1998-99 restudy of the League's position on electing School Board members districtwide resulted in this change: Each school district should decide locally whether School Board members should be elected districtwide or on another basis. (See p. 40: Districtwide election of School Board members.)

The 1968-71 study led to support for the consolidation of small school districts. This was during a time when it was believed that many small counties were unable to provide quality education for their children, and that consolidation would lead to more efficient education services.

### Fourth Study: 1979

During the '70s, there was increased interest in raising education in Florida to the top quartile nationally in terms of teacher salaries and pupil achievement. The League supported a proposed statewide five-year plan for reaching that goal, based on our adopted positions on improving academic standards.

The Legislature adopted an Education Accountability Act in 1976, which included standards for pupil progression and graduation. League members became concerned about how achievement of such standards would be measured, and in response to requests from several local Leagues, an emergency study was adopted in 1979 to address the

concept of state-mandated requirements for pupil progression and graduation.

As a result of that study, the League supported statewide pupil progression standards, developed by the Department of Education, to be met by each local school district. Adequate financing of such programs received strong League support. In the same vein, the League believed that local School Boards should be required to implement the state requirements and set additional standards to meet the needs of their district.

In regard to graduation requirements, the League members agreed to support statewide minimum competency standards and successful performance on a state-mandated competency test.

In 1983 the court upheld the validity of such a test. In 1986 the League successfully lobbied for the Dropout Prevention Act, which allows districts to generate FEFP funds for creative and positive programs for students who are disruptive, disinterested or unsuccessful in traditional programs, in order to make it more likely they will graduate from high school.

While the League supported alternative tests for exceptional students, members agree that written tests are the least expensive and most effective means of evaluating most students.

### **Fifth study: 1987-1989**

In 1987 the League adopted yet another education study, which refocused attention on financing education in Florida, and included a study of teacher compensation and competency.

The first part of the study led to positions in 1988 that reaffirmed and expanded the action taken in 1973 when the League supported the FEFP as the mechanism for funding public education, and reiterated the call for more funding for education. The League also reaffirmed support for previous positions on state funding, but added several more specific positions on funding state-mandated programs, cost-of-living adjustments to the equalization formula, statutory criteria for categoricals and funding for alternative education programs.

In the 1980s, education financing was a common theme of the Legislature, and a Legislative Priority for the League during most of the annual sessions of the Legislature. In 1982, the Legislature raised the sales tax to five cents with a portion of the increase dedicated to education. League members supported the increase on the basis of a newly completed restudy of taxes. In 1984 League members worked successfully for passage of a constitutional amendment that would allow expanded use of gross receipts utility taxes for construction of education facilities. This was a technical amendment that was needed to ensure that funds for school construction would not be reduced when the phone companies were deregulated. In an expansive mood, the 1989 Legislature increased education funding, provided enough dollars for inflationary increases in utilities

and other expenses, and allowed for an increase in teacher salaries. However, a major bill to revise various elements of the FEFP to provide for a greater measure of equity failed to pass. The League had strongly supported the bill.

In 1985 and 1986 the League supported legislation calling for higher teacher certification standards; the bill that passed contained more stringent requirements for new teachers. Because League positions in this area were not strong, the experience led to the adoption of the 1987-89 education study that, as mentioned previously, not only readdressed the subject of financing education (1987), but dealt with teacher professionalism, certification and compensation (1988).

Regarding the enhanced role of teachers in their schools, the League reached positions in support of giving teachers a voice in determining the goals and policies of their school and a greater degree of accountability, state-required teacher certification standards plus alternative licensing programs, state guidelines for teacher contracts and positive recognition and increased salaries for teachers. Members also agreed with the concept of national certification for teachers through some kind of national board of teaching standards.

During the early '90s, the League continued to work on education financing, and lobbied the Legislature to make a major commitment to adequate financial support for education in Florida. This has been a continuing struggle due to severe budgetary problems and the Legislature's priorities, which always seem to overshadow the education needs of Florida's children.

### **Education reform and accountability: 1991-1995**

In 1991 major education activity centered on the passage of the Department of Education's proposal for education reform and accountability called Blueprint 2000. This innovative program shifts much of the decisionmaking and priority setting from the Legislature to the local school level. Many of the broad goals of the program were supported by the League, although it had no positions on which to judge the shift in control to local schools. In 1993 the League agreed to monitor the education accountability program at the local level to evaluate how effectively it was being implemented, and to determine future direction for League action. A report of this two-year project was presented to League members at the LWVF Convention in 1995, and widely distributed to government and school district officials.

During this period the role of the Florida Commission on Education Reform and Accountability was also being monitored by the League. This Commission was established to oversee the changes and ensure implementation of Blueprint 2000 in a timely manner.

- Vouchers

In February 1994 the LWVF Board of Directors decided to oppose certain measures being introduced in the Florida Legislature regarding school vouchers, based on LWVUS opposition to tuition tax credits, a position that had been approved at the 1978 LWVUS Convention. The national League's concern was about the negative impact that tuition tax credits would have on the public schools by encouraging flight, particularly from desegregated schools. Many state Leagues were using this LWVUS position to oppose vouchers.

In November 1994, the LWVF Board took stronger action in the form of a motion to oppose the use of public funds in the form of vouchers or direct payments to non-public schools based on LWVF positions in support of a free public school system for Florida with equality of educational opportunity for all.

In Florida most bills on this subject have proposed some kind of voucher or certificate that parents could use in any "accredited" school, as opposed to tuition tax credits. While the approach is different, the effect is the same: to drain money from already strapped public school budgets and increase potential for re-segregation. Other concerns include inadequate monitoring of public dollars and lack of accountability for student achievement. LWVF's decision to oppose vouchers has led to frequent action since 1994, as various versions of voucher bills continue to be introduced in the Florida Legislature.

One of the hot issues for the League during the 1999 Legislative session was the battle against vouchers. Using the LWVF Board of Directors' statement of 1994, the League adamantly opposed the use of state funds for private and religious schools. Joining forces with the Coalition for Public Education, the League fought an uphill battle but the voucher bill, one of the first of its kind in the nation, passed.

The governor's A+ plan linked FCAT results with a number of consequences. Schools were rated based on results of the FCAT testing along with other factors, and students in schools rated F for two consecutive years were allowed to request vouchers of \$3,000 to be used as full tuition to attend any school, including private or parochial, that would accept the voucher.

In 1999 the League joined the constitutional challenge that had been filed by the Coalition for Public Education with an amicus brief. The bases for this litigation included the first Amendment of the U.S. Constitution (Freedom of Religion), and Article I, Section 3 (no revenue of the state may be taken from the public treasury to aid any church or any sectarian institution) and Article IX, Sections 1 and 6 of the Florida Constitution (The state is required to provide high quality education in free public schools, and the income and principal from the school fund may only support free public schools). While the League has no position on the separation of church and state issue, we have strong positions supporting the three sections of the

Florida Constitution. The schools accepting the vouchers are under no obligation to hire certified teachers, to provide accountability or to follow any of the guidelines public schools must follow.

Finally in January 2006, the Florida Supreme Court struck down the Opportunity Scholarship Program ruling that the State Constitution bars Florida from using tax payer money to finance a private alternative to the public system.

While this complaint worked its way through the judicial system, the 2001 Legislature did pass a bill allowing corporations tax credits for donations to non-profit vouchers/scholarship funds to send poor children to private schools. It also clarified procedures for a vouchers/scholarship program for students with disabilities to allow those students to qualify for state vouchers for private schooling.

The 2006 Legislature attempted to rescind the January Supreme Court decision through a joint resolution asking the voters to decide whether or not vouchers could be used at private schools. The League worked in coalition to defeat this proposed ballot question.

The League will monitor the use of vouchers in Florida's public schools and continue to oppose vouchers.

## School-based management study: 1995-1996

In May 1995 the League of Women Voters of Florida adopted a new study of school-based management (local control) as it is embodied in Blueprint 2000, to determine if it is an effective public policy tool for achieving improved student performance in Florida's public schools. It was hoped that this study would enable LWVF to reach positions with which to measure Blueprint 2000 and other related state education reform initiatives and policies.

Because local Leagues were able to use the knowledge and experience gained during the previous biennium when they monitored and surveyed the education accountability program (Blueprint 2000) at the local level, a one-year study was possible. In February 1996, LWVF adopted a lengthy position statement covering education governance, improved student performance, the role of the state in public education, the role of the School Board/administration in public education, and achieving improved student performance. (See pages 44-45.)

In brief, the LWVF supports local control of schools, with transfer of appropriate decisionmaking responsibilities from state and district levels to representative school-site councils (School Advisory Councils or SACs) at local schools, including an advisory role regarding the school's budget, personnel and instructional program, with the principal having final decisionmaking authority. Improved student performance should be the highest priority of the school-site council (SAC).

The state must continue to fulfill its constitutional responsibility for the education of Florida's children by providing adequate and equitable funding, setting high performance goals and standards, and demanding accountability from



all school districts while at the same time increasing the freedom and flexibility of local schools. State government should establish measures that maintain uniformity and fairness and protect health, safety and civil rights in all public schools. Above all, the Legislature must set public education policy that is in the best interest of all the children of Florida.

The primary role of the School Board/administration must be the delivery of high quality education throughout the district, with equitable funding and services to all schools and continuing responsibility for issues with districtwide fiscal and instructional impact. The School Board and administration should provide leadership and support to school-site councils in all aspects of school reform, giving them as much flexibility and decisionmaking responsibility as possible.

LWVF's position is that if school-based management in Florida's schools is going to lead to improved student performance, adequate funding for education is necessary to meet needs for smaller class sizes; more support staff; increased salaries for teachers; improved physical plant facilities and more training for teachers, principals and SAC members. LWVF members believe that increased communication with the public about the goals of school reform will lead to increased parental participation and involvement.

## Crossroads Conference: 1996

In August 1996, the Crossroads Conference on Education Funding in Florida was cosponsored by the League of Women Voters of Florida and the Florida PTA. The theme of the conference was "Florida's Education Crossroads: Funding for Excellence or Mediocrity?" A representative group of delegates from across the state was brought together to examine the issues surrounding the education funding crisis facing Florida. They were asked to listen to facts, analyze and evaluate myths and misconceptions about education, and search for solutions to the state's funding problems.

The result of this effort was a Crossroads Conference Statement, produced as the consensus of the delegate body. The statement, which follows, was significant because it reflected the conclusions of a very diverse group of Florida citizens who represented all strata of political thought and opinion:

"Funding for education in Florida is inadequate — and misinformation about it is rampant — but it should be increased only if it is tied to a system of higher expectations, strict accountability and programs that directly affect children, such as quality teachers, instructional materials, reduced class size, technology, preschool programs and facilities."

A final report of the Crossroads Conference was prepared and distributed widely to all legislators, policymakers, and others who provide leadership roles in education in Florida.

## Public school choice study: 1996-1997

In addition to the study of school-based management, two additional studies were adopted at Convention in May, 1995: 1) Study the impact of public school choice as it affects student achievement and the welfare of the child; 2) Study whether the Florida Constitution should be amended to allow for counties to form more than one school district. Because of time constraints, only the School Choice Study could be initiated in the fall of 1996, and consensus was announced at Convention in May, 1997. (See page 46.)

LWVF supports the concept of public school parental choice, and believes that parents should have, under controlled conditions, opportunities to choose schools that will more nearly meet the special needs of their children.

LWVF members believe that magnet schools and other narrowly focused choice programs will serve that purpose for many but not all children. Therefore all school districts should be required to develop a controlled open enrollment plan that increases parental choice beyond magnet schools, etc. and takes into consideration unique local conditions. Implementation of such a plan should be determined at the local level, based on community interest and support, and should not be required by the Legislature.

LWVF continues to support increased funding for education as the ultimate answer to parents' desires for excellent schools for their children.

## Studies: 1997-1999

### • School district size

The study of school district size (whether the Florida Constitution should be amended to allow counties to form more than one school district) was readopted at Convention in 1997. It was a timely study as the Constitution Revision Commission was meeting at the same time over this issue. However, no consensus was reached by the Leagues in Florida.

### • Districtwide election of School Board members

A restudy of the election of school board members on a districtwide basis was adopted in 1997. This LWVF position was originally adopted in 1962 as part of a study of district school structure and organization that also produced our position in support of an appointed superintendent of schools. It was reaffirmed in 1970 with the adoption of a position in support of non-partisan election of School Board members — districtwide. Delegates at Convention 1997 argued that times and circumstances had changed since the "districtwide election" position was adopted, and it should be re-examined. The result of the restudy was no consensus as to the geographic basis or method by which School Board members should be elected: districtwide, single-member district or some other basis. However consensus was reached that the method of election of School Board members should be determined at the local level rather than being uniform statewide.

- Constitutional change

A 1998 Florida Constitution amendment made it “a paramount duty of the state” to make adequate provision for the education of children. The revision expands the current constitutional mandate requiring adequate provision for a uniform system of free public schools to require a system that is also “efficient, safe, secure, and high quality.” Another revision provides for non-partisan School Board elections. A third amendment restructured the state Cabinet, eliminating the commissioner of education as a Cabinet member, effective 2002, and setting procedures for the governor to appoint a seven-member State Board of Education, with Senate confirmation. This State Board of Education would in turn appoint an education commissioner.

## 1999-2001

- Charter schools

The 1999 LWVF Convention approved a not-recommended program item to monitor the charter schools of the state of Florida. The scope of work included review of enabling legislation, examination of the financial and organizational structure, the effect on the finances of public schools, evaluation of charter school programs and the determination and assessment of accountability.

Charter schools, like vocational schools and magnet programs, are schools of choice available within Florida’s public school districts. They offer an additional opportunity for parents to choose a school that meets the needs of their children. However, unlike other public schools, charter schools have fiscal and legal autonomy from the school district.

On May 17, 1996, Florida became one of 26 states across the nation to enact charter school legislation. Florida’s charter school population quickly grew from six charter schools in the first year, to 120 charter schools across 33 districts during the 1999-2000 school year. By 2001, two counties had become charter school districts.

League members interviewed school boards and charter schools to determine the impact these schools had on their local school districts and the students they serve. School districts have the responsibility to set policy on the accountability of the charter schools in that district. Those policies vary widely across the state. The finances of charter schools have a direct impact on school district finances since the districts are responsible for funneling money to the charter schools, keeping 5 percent for administration. Most districts surveyed reported costs exceeding that 5 percent. Generally, loss of FTE dollars because of students moving to charter schools did not result in adverse effects at the local school. Both school districts and charter schools indicated a number of legislative changes that are needed to improve accountability, and clarify funding, teacher certification and transportation issues.

## Recent Constitutional Changes — 2002

- Class size

In 2002 Florida voters approved a constitutional amendment to limit class sizes by setting strict limits on how many students can be assigned to every teacher. The amendment mandates that schools must limit the number of students in a classroom to 18 in kindergarten through third grade, 22 in grades four through eight and 25 in high school. Reductions in class size are to begin in fiscal year 2003-2004 with changes to be complete by 2010.

- Universal pre-k

Another constitutional amendment approved in 2002 guarantees that every 4-year-old child in Florida be offered the opportunity for pre-kindergarten learning no later than the 2005 school year. The amendment mandates that this voluntary early childhood development and education program be established by the state according to high quality standards and be free for all Florida 4-year-olds without taking away funds used for existing education, health and development programs.

- State university system

In 2002 voters also approved a constitutional amendment reestablishing a statewide governing board for Florida’s university system. Similar to the former Board of Regents, which was dismantled in 2001 as part of Gov. Jeb Bush’s educational reorganization plan, the new board will consist of 17 members and be responsible for the strategic placement of academic programs among the state’s public universities, coordinating the operation of the university system and ensuring accountability. A local board of trustees will continue to administer each state university. Each local board will have 13 members and focus on excellence in teaching, research, and service to community.

## 2003-2007

The League undertook an evaluation of single vs. multiple pupil progression tests. No concurrences were reached, but a new study was adopted at Convention 2005 and re-adopted at Convention 2007, designed to use the research accumulated during the 2003-2005 evaluation, looking at the accountability systems measuring student achievement.

During the 2005 legislative session LWVF withdrew its support for the Social Studies Student Progression legislation when the bill was amended by “strike all” and substituting language totally different from the bill’s original intent. The League also withdrew active support for the Senate companion bill when we were informed that the chair refused to schedule the bill for a hearing in the Senate Education Committee

The president of the League of Women Voters of Florida served as a member of the Constitutional Accountability Commission from January 2004 to June 2005. The commission was charged with providing the state with a sense of the standards with which to define a high quality educa-

tion system as required under the education clause (1998) in the Florida Constitution.

Their report, issued in September 2005, recommends that the Legislature adopt ten performance and four funding criteria by which it can compare Florida's education system on a national basis. Companion legislation is recommended that would define fulfillment of the constitutional mandate by having no criteria ranking in the bottom quartile of all states and at least half in the top two quartiles. Currently no such measuring process exists.

The 2006 Legislature attempted to weaken the voter-approved class size 2002 amendment. The League worked in coalition to defeat this proposed ballot question.

#### • Civic Education

League advocacy for the inclusion of civic education in Florida's curriculum derives from the League of Women Voters Principles "... democratic government depends upon the informed and active participation of its citizens..." inasmuch as voting is a learned behavior.

A League-supported bill passed the 2004 Legislature restoring the full compliment of "core" social studies to the Accelerated Graduation Program but during the 2005 legislative session LWVF withdrew its support for the Social Studies Student Progression legislation when the bill was amended by "strike all" and substituting language totally different from the bill's original intent.

As the League garnered visibility for its renewed civic education work, the chair of Florida delegation to the Congressional Conference on Civic Education invited the LWVF president and vice president to participate in the third and fourth annual conferences in Washington, D.C., in September 2005 and November 2006, respectively. Delegates from the 50 states included state legislators, Supreme Court judges, education administrators and civic-minded groups. All are committed to improving the depth and breadth of civic educations in secondary schools nationwide by legislative or administrative means.

During the 2006 legislative session, the League and Common Cause successfully inserted a requirement for a semester of civic education into the middle school curriculum. Efforts to mandate student performance standards in civic education failed in the 2007 legislative session as, unfortunately, the bill also included the establishment of a civics education institute that demanded funds in tight budget years.

The 2007 LWVF convention voted to undertake an education study that would examine Florida's accountability system with regard to achievement of students and determine whether the system reliably measures the achievement of all students whose education is provided by public expenditure. Unfortunately, a lack of resources and the fact that significant changes in the administration of high stakes testing have occurred in Florida, the study was discontinued by the 2009 convention.

Several bills related to civics education were introduced in the 2008 session; one bill encouraged each district school

board and county supervisor of elections to cooperate in providing voter education to high school students in grade 12. It was to be a voluntary program for public and non-public high schools and would include information concerning how to register to vote and preregister, how to operate voting machines, how, when, and where to vote, and the importance of voting. Then students were to be given the opportunity to hand in to the supervisors their applications for voter registration. The League supported the bill and testified during committee hearings; however the bill never made it out of committee in either house.

Another bill specified student performance standards mandated for civics education and required the Commissioner of Education to include social studies as part of FCAT. The bill was never taken up in the House or Senate. In January, 2008, Governor Crist proposed to allocate \$3.4 million in his education budget to strengthen civics education and supported the efforts of former U.S. representative Lou Frey and former U.S. Senator Bob Graham in their efforts to stress civics education. While it was thought that this move would help to pass bills dealing with civics education during the session, the focus of the session was on other issues.

Legislators attempted to reduce the influence of the FCAT scores on the grading of schools during the 2008 session. While there was a large education bill passed during the session, bills that would modify use of the FCAT died in committee. Very little was done in the field of education other than addressing budget issues.

In 2009, the Governor favored applying for federal stimulus funds to maintain state programs. However, federal stimulus funds for education were not to be allotted to states that had not maintained school funding at 2006 levels; that meant that Florida was not eligible for these funds unless a waiver was obtained. On April 24th, the Governor applied for a waiver. On May 11, Florida received the waiver. This was a fortunate occurrence since the legislature relied heavily on these federal funds to avoid further cuts to education.

The budget passed by both houses raised the amount spent per student in K-12 by \$28; this was possible because the state received \$900 million in federal economic stimulus money. While the \$6,872 proposed for each student represented an increase, it did so only because lawmakers had cut school funding in the middle of the academic year. On average, school districts received \$256 less per student for 2009-2010 than they received in 2007. The budget actually spent less on education than in any school year since 2002-2003. In fact, state funding for Florida schools has steadily declined.

A bill that would include social studies as a subject tested on the FCAT was introduced in the House, passed out one committee with a unanimous vote, was placed on the house calendar, but was never heard. Another bill would require successfully completing a civics course in the middle school a requirement for promotion; it did not

pass. However a bill requiring service learning in grades K-12 did pass.

While there were other education bills in the legislature during the 2010 session, the most controversial one would:

- Decrease the ability of local school boards and school districts to make a wide array of decisions having an impact on local schools..
- Require that all teachers be retained, certified and compensated based on student test scores on standardized tests -- not years of experience or degrees held.
- Penalize school districts that even consider length of service or degrees held when determining compensation or reductions in force.
- Order that teachers be issued probationary contracts for up to five years; then an annual contract every year after that.
- Mandate more standardized testing for students (end of course exams for all subjects) and for teachers (additional certification requirements).
- Exclude the salary schedule as a subject of collective bargaining. The state will decide what categories of differentiated pay will be provided for.
- The state will have a much greater hand in appraisals.
- Abolish the National Board Certified Teachers program.

The bill passed both Houses and was sent to the Governor for his signature. Thousands of citizens wrote to the Governor, asking him to veto the legislation. In fact, the Governor did veto the controversial bill, stating that the legislation did not accommodate the needs of special education students and their teachers, encroached on local decision making, placed teachers in jeopardy of losing their jobs and teaching certificates without a clear understanding of how student gains would be measured, and the inability of the legislature to remedy the imperfections of the bill citing their dependence on writing a glitch bill in 2011.

Also, the legislature passed a joint resolution that would raise the number of students in a class, overriding the Class Size Amendment passed earlier. It would retain the application of the class size amendment to core-curriculum classes, repeal the requirement to reduce the number of students per classroom by an average of two per year until the provisions of the class size amendment were met, and provide that the class size amendment did not apply to virtual school.

The amendment was defeated by the voters in the 2010 election.

During the 2011 legislative session, legislators overrode seven of the nine vetoes made by the previous Governor. However, the education bill was not one of them; instead, they produced a new bill that was passed by both Houses and signed by the Governor during the third week of the session. The bill was a revised version of the previous legislation. Tenure for public school teachers was eliminated; instead, 50% of a teacher's evaluation will be based on student progress on tests including the FCAT. A system of merit pay for teachers who do well on their evaluations was also put into place. However, no funding was provided

for these merit pay raises, leaving counties wondering how they would pay these raises.

Per pupil spending was cut by an average of \$541 per student, a cut of nearly 8%. Also, capital outlay for traditional public schools was eliminated during the session; however, \$55 million was budgeted for construction and maintenance of charter schools.

Other education bills passed include lifting the barriers on expansion of charter schools if they are designated as "high performing," reducing the number of courses that must meet class-size caps, removing the limitation on tax credits for companies that fund vouchers for low-income students, allowing more children to qualify under the McKay Scholarship program for students with disabilities, allowing more students to qualify to move to other public schools by expanding the definition of a "failing" school, and expanding online school offerings (Virtual School) and requiring incoming high school students to take at least one online course before graduating.

Also, a bill requiring successfully passing an end of course test in civics for promotion was passed in the 2010 legislative session.

A constitutional amendment that would essentially eliminate the "Blaine Amendment" from the Florida Constitution will also appear on the ballot. The joint resolution provides that no individual may be prohibited from participating in a public program because of the person's free choice in using program benefits at a religious provider. The amendment strikes constitutional language that prohibits public revenue from directly or indirectly supporting sectarian institutions. Currently, the Florida Constitution states that "No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." Many states enacted this provision into their constitution, disallowing the use of state funds at "sectarian" schools after James G. Blaine proposed such an amendment to the U.S. Constitution while he was Speaker of the U.S. House of Representatives in 1875.

During the 2012 legislative session, a controversial education bill called the "Parent Trigger Bill" made its way through the House and Senate. Many groups, including the PTA, opposed the legislation. California was the first state to approve the law, and some states have also supported the law.

The bill would allow a majority of parents at chronically failing schools to vote on a method to restructure their neighborhood school. The trigger kicks in after a school has earned a failing federal rating for two consecutive years. Parents would then have four options from which to choose:

- Replace the principal and add professional training
- Replace staff and administration
- Convert to a charter school
- Close the school

Once parents choose an option, if the school board disagrees with the plan, an alternative plan can be submitted by the board. The state board of education would then choose the plan to be used. If a teacher has an unsatisfactory evaluation or “needs improvement” evaluation, a student may not be placed in that teacher’s class for two consecutive years.

The bill passed in the House and was on the floor of the Senate during the last days of the session. The vote in the Senate was quite dramatic; a tie vote of 20 to 20. That was the end of the bill for the session. However, supporters indicated that they would try again during the 2013 session.

Well, the bill did appear again during the 2013 session, and supporters were sure it would pass; some of the legislators who opposed it in 2012 were no longer in the Senate. One senator had tried to make it more palatable by allowing the local school board the final word on whether to give parents the choice of closing the school or making it a charter school. Some opponents feared that public

school facilities could be turned over to charter schools or for-profit operators.

Again, the bill passed in the House and made its way to the Senate. When the final vote was taken, four of the Senators who had supported the bill in 2012 joined those who opposed it, and the vote was 20-20 once again. So, the bill died.

Other legislation signed into law by the Governor would require that teachers be evaluated only on the subjects that they teach; previously, a teacher’s evaluation could be based on the school’s evaluation if the subject matter he/she taught was not being evaluated.

End of course exams were instituted for the first time and led to students waiting until mid-summer to find out if they were actually getting credit for those classes.

The constitutional amendment that would have allowed public monies to be used at religious institutions was defeated in the 2012 election.

Education positions follow.

## LWV of Florida Education Positions

Comments and explanations are noted in normal type; positions are in **bold type**.

### Education financing and equity

1. **Support of a free public school system for Florida with equality of educational opportunity for all. Emphasis should be on policies and appropriations that give priority to the improvement of academic standards. (1960)**
2. **Support of the weighted-pupil concept, based on average daily membership, as the unit for distribution of funds. (1971)**
3. **Support of the Florida Education Finance Program (FEFP). (1971)**

This program replaced the original MFP as basis for education financing. It required uniform assessment of property throughout the state.

4. **Support reaffirmed for the FEFP as the mechanism for funding public education in Florida, and increased appropriations for education. (1988)**

Support reaffirmed for previous positions on state funding, but added the following more specific positions:

5. **All state-mandated programs should be fully financed by state funding.**

6. **An adjustment should be made in the equalization formula to compensate for the differing costs of living among districts.**
7. **Strict statutory criteria should be required for categorical programs, due to concerns about the potential inequity of education funded through categoricals.**
8. **Vocational-technical programs and other alternative education programs should be sufficiently funded in every school district. (1988)**
4. **The district school superintendent should be appointed by the district School Board. (1962)**
5. **There should be statutory requirements that set qualifications for training and experience in administration of public schools for the district superintendent of schools, whether appointed or elected. (1962)**

### District education structure/organization

1. **District School Boards should be non-partisan and non-salaried. (1970)**
2. **Each school district should decide locally whether School Board members should be elected districtwide or on another basis. (1999)**
3. **The office of school trustee should be abolished. (1960)**

### State education structure/organization

1. **A state Board of Education should be appointed by the governor and confirmed by the Senate or Legislature. The board should have a membership of no less than seven nor more than fifteen, appointed for staggered terms. Responsibilities should be to establish policy, to make rules and regulations, to set minimum standards, to propose legislation for educational programs, and to approve the state budget for kindergarten, elementary, and secondary education. (1971)**

2. A chief state school officer (commissioner of education) should be appointed by the state Board of Education. The chief school officer should have professional training and experience and should be the administrative officer of the state Board of Education, rather than a voting member of the Board. This officer should head the Department of Education and carry out board decisions and implement policy. (1971)

## Statewide standards of pupil progression and graduation

1. Statewide pupil progression standards should be mandated by the Legislature. These standards should be developed by the Department of Education and met by each local school district. The Legislature should provide adequate financing of programs to ensure that each child has the opportunity to meet those standards.
2. Local School Boards should be required to adopt programs to implement state minimum requirements for pupil progression and set additional standards to provide for the needs of the local community. Teachers and administrators should be responsible for implementing instructional programs to meet pupil progression standards, and parents should have the opportunity to aid in the development of pupil progression standards at all levels.
3. There should be statewide minimum competency standards for receipt of a high school diploma. There should be a policy that successful performance on a state-mandated competency test is a requirement for receipt of a high school diploma. There should be alternatives to written tests for certain exceptional students. (1979)

## Teacher professionalism, certification and compensation

1. LWFV supports measures that encourage excellence in teaching. (1970)
2. LWFV supports policies that will enhance the role teachers play in their schools. Teachers should, working within the guidelines set by the state Legislature and the school district, have a voice in determining the goals and policies of their school and the most effective way to meet them. To achieve these goals, teachers should have the freedom to exercise their professional judgment as to the best methods to use in their classrooms. In return for increased autonomy, teachers should accept a greater degree of accountability. (1989)
3. Teacher certification standards set by the state should be required of all teachers before they are permitted to teach. In times of teacher shortages, there should be an alternative licensing program that requires candidates to complete an intensive course in teacher training, that provides appropriate support services, and that guarantees that candidates will be monitored. These same services should be provided to beginning teachers and to those teaching out of field. (1989)
4. There should be state guidelines and time frames for teacher contracts, with local responsibility to determine the criteria and to make final contractual decisions. All teaching contracts should be renewed on a regular basis. (1989)

5. LWFV supports the concept of a national board for professional teaching standards and Florida teachers should be encouraged to voluntarily seek national certification. Such certification should not replace state licensing/certification but rather provide additional incentive for upgrading professional status.
6. National certification should be available at a teacher level and master (career) level, should be based on scientifically developed assessment procedures, and should be a factor when determining salary. (1989)
7. The contributions of teachers should be recognized through more positive media coverage, more award programs for excellence in teaching, paid sabbatical programs and other monetary bonus programs. Teachers' salaries should be based on a scale that is equivalent to other careers that require a comparable education, on the teacher's level of responsibility, and on the number of years of teaching experience. (1989)

## School-based management

- Education governance
  1. Increased authority at the individual school site, with the transfer of appropriate responsibilities from state and district levels to local schools (school-based management), is an effective form of education governance and should be the public policy of the state of Florida.

When an individual school is given more authority and decisionmaking responsibility for the education of its children, it leads to increased parental and community involvement and commitment, and school personnel feel that they have a greater voice in decisions. Individual schools are more aware of their own problems and resources, and this policy allows them to be more flexible and creative in finding solutions that lead to educational improvement.

2. **Each school should have a school-site council composed of representatives of all segments of the school community. There should be balanced representation of all stakeholder groups, with no single group holding the balance of power. The principal should be a member of the council but should not appoint members independently nor serve as chair of the council. Nevertheless, the principal, through leadership and commitment, should be the key to the success of any school-site council.**
3. **School-site councils should have an advisory role in the decision-making process regarding the school's budget, personnel and instructional program, as well as school improvement planning and implementation, but no responsibility for day-to-day operations. The principal must have final decisionmaking authority. (1996)**

The original education reform and accountability legislation (Blueprint 2000) did not mandate that school-site councils (school advisory councils) be given a decisionmaking role regarding budget, personnel and instructional program. The primary responsibility of these councils is developing and implementing a school improvement plan. The school district and principal have the discretion to give the council additional responsibilities. Giving school-site councils increased responsibility for budget, personnel and instructional program, even though advisory, can significantly improve the level of commitment and ownership that participants desire.

- Improved student performance
  1. **The highest priority of the school-site council should be improved quality of education for the school's students and improved student performance. The school-site council should carry out this responsibility by:**
    - a. **Developing a statement of the school's vision and goals for improving the quality of education for the school.**
    - b. **Including goals for improved student performance in the school's improvement plan.**
    - c. **Participating in evaluation and modification of the instructional program and supporting new approaches to teaching/learning in order to improve student performance.**
    - d. **Leaving the major responsibility for improving student performance to principal and teaching staff, but holding them accountable for reaching student performance goals.**
  2. **Individual schools should adopt their own assessment instruments for achieving student performance goals, and they should be held accountable for achieving state goals, meeting state standards, following curriculum frameworks and using statewide assessment measures. (1996)**
- Role of the state in public education
  1. **The Legislature and the Department of Education (DOE) must ensure that all children in Florida receive an education that meets the highest standards and that adequate and equitable funding is provided to achieve that goal.**

2. **The state must be responsible for those measures that establish and maintain uniformity and fairness, protect health and safety, and set high standards for education for all children in Florida, including the establishment of statewide goals, performance standards, curriculum frameworks, assessment systems and standards for graduation that all schools are expected to follow. State government must demand accountability from all school districts.**
  3. **However, if the policy of increased authority at the local level is to be successful, state government (Legislature and DOE) should transfer to school districts and individual schools those areas of responsibility that enable them to take a more active decisionmaking role in the education of their children and provide more freedom and flexibility in local school operations. (1996)**
- Role of the School Board/ administration in public education
    1. **The primary role of the School Board/ administration must be the delivery of high quality education throughout the district, and the provision of adequate and equitable funding and services to all schools.**
    2. **School Boards/administrations should take the lead in school reform and improving student performance, as currently embodied in Blueprint 2000.**
      - a. **School Boards should actively demonstrate their commitment to the concept of school-based management through school-site councils (sometimes called school advisory councils) and should stress the importance of parental, business and community involvement in the process.**

b. School Boards should monitor the membership on councils and insist on fair and balanced representation.

c. Through participation in the approval of school improvement plans, School Boards should provide leadership, encouragement, and support to empower school-site councils to become active decision-making bodies that are deeply involved in their own school's improvement.

3. School Boards/administrations should be responsible for those tasks that have districtwide fiscal and instructional impact, such as employee salaries and union negotiations, food service and transportation, budget, tax and other fiscal and legal matters, and construction of schools and other facilities. (1996)

• School-site councils

In order to increase the role and authority of the local school-site council, increased flexibility must be allowed. Each school-site council should be given as much responsibility as possible for decisions related to its school improvement plan and goals for increased student performance, as well as an advisory role in budget, personnel and instructional issues. (1996)

• Achieving improved student performance

If improved student performance is to be achieved through school-based management (school-site councils), the following needs must be met:

1. Adequate funding that provides for small class size, more support staff, increased teacher salaries and improved physical plant facilities.
2. Increased parental participation and involvement through better communication with the public about the goals of school improvement (now known as Blueprint 2000), and a commitment to more decisionmaking responsibility for school-site councils.

3. More and better training for school-site council members, teachers and principals. (1996)

## Public school parental choice

1. Parents of students attending public schools in Florida should have the opportunity to choose schools within their district that they believe will meet the diverse learning needs of their children, under a plan that has controlled conditions.

This is the basic conceptual question to which Leagues agreed. Controlled conditions are local school district conditions that might be impacted by parental choice, such as court desegregation orders, school capacity, neighborhood schools, under-selected schools, geographic problems requiring zones, costs of transportation and other factors, and existing choice programs. The local plan must take these issues into consideration and include a method of student assignment.

2. Choice programs such as magnet schools, alternative schools, vocational schools, fundamental schools, public charter schools, advanced placement and dual enrollment programs provide many parents with an opportunity to choose a school that meets the needs of their children.

The examples of choice programs listed here are not meant to be exhaustive. Special choice programs such as these also operate under controlled conditions such as eligibility.

3. School districts should be required by the Legislature to develop a controlled open enrollment plan that increases parental school choice beyond magnet schools and other narrowly focused choice programs and takes into consideration the concerns and unique circumstances of each district.

This requirement forces a school district to recognize and address the needs of students who do not qualify for magnet schools and other special choice programs. Size of county, population and demographic distribution of students are examples of unique circumstances.

Emphasis is added to indicate that the state requirement is for development of a plan, not implementation, which should be a local decision. (See next item.)

4. School districts should not be required by the Legislature to implement a controlled open enrollment plan. This decision should be made at the local level, based on community interest and support.

LWVF supports local control of many education decisions because those closest to the scene are best able to judge the merits of a particular program.

5. Parents' desires to have their children enrolled in excellent public schools can best be met when sufficient state and district resources, facilities and personnel are provided to ensure that every school is generally able to meet the needs of students attending a regularly assigned school. (1997)

This statement reflects LWVF's long-standing position in support of increased funding for education.

**S&A**



# Justice in Florida

Since its beginning in 1939, the League of Women Voters of Florida has been concerned with justice in Florida. Over the years justice has been studied as part of Constitution Revision, Administration of Justice, and Juvenile Justice.

See also section on Constitution Revision under Florida Constitution for further information on Justice in Florida.

## The courts

A comprehensive study of Florida government by the League soon after its organization showed that the courts at that time had proliferated, were not centrally administered, financed or coordinated, and that many had serious backlogs of cases to be tried.

In 1960-61, the recommendations of the Florida Judicial Council were studied under the LWVF Constitution Revision item. The League endorsed the Council's proposals, which included the establishment of a family division of the Circuit Court (with jurisdiction to include divorce, support and juvenile matters), standardized witness fees and the elimination of the fee system in municipal courts whereby court fees funded judges' salaries and court expenditures.

The League began a study of the administration of justice in Florida courts in 1971, building on earlier work as part of Constitution revision.

In a special legislative session in November 1971, a revision of Article V of the Florida Constitution was developed for the March 1972 ballot. The League supported the amendment and began a major statewide action campaign using information from League study. The League's slogan "Order in the Courts" was adopted by the governor. The amendment carried by a solid majority.

The new Article V contained many revisions in accord with League positions of simplification, consolidation and a uniform system of courts. These changes included centralized administration of the courts by the state Supreme Court, a state court administrator, use of circuit court administrators, state financing of the courts and major personnel, and reorganization of the state's two-tiered court system.

All trial courts (not including appeals courts) were consolidated into a circuit level (including family and juvenile divisions) and a county level. The appeals courts (the Supreme Court and the District Courts of Appeal) remained as they were. Justice of the Peace courts were abolished under this system; municipal courts were phased out by 1977.

The Legislature, in a special session in 1979, proposed a constitutional amendment modifying the jurisdiction of the Supreme Court. The League supported the amendment, which passed in the March 1980 election.

A constitutional amendment passed in 1998 shifts the major personnel costs of Florida's judicial system from the counties to the state, effective July 2004. Other portions of that amendment are described on page 20.

## The judiciary

League study of the judicial system in 1967 resulted in support of a merit selection and retention plan for judges. Judges should not be chosen on the basis of political identification, ability to get votes or in return for campaign contributions.

The 1976 Legislature proposed a constitutional amendment providing merit selection and retention of judges at the appellate level. The League conducted a major action campaign for the amendment, which passed in the November election. The League's slogan was "Amendment 2 — You Be the Judge." Circuit court judges and county court judges were not affected by this amendment.

The Constitution Revision Commission of 1978 proposed extension of merit selection and retention to both circuit and county court judges. The League supported this revision and conducted a statewide action campaign. The revision was defeated by the voters.

In 1992, LWVF chose extending merit selection and retention to circuit and county judges as a legislative priority. The measure passed the Senate successfully but failure in the House killed the bill.

Since members believed that the League position on the merit selection and retention of judges would be strengthened with the

- 
- Support a judicial system that provides a unified court structure, improved provisions for judicial selection and merit retention and equal access to legal services.
  - Support a criminal justice system that emphasizes rehabilitation and alternatives to incarceration.
- 

*Issue for Action:*  
Support juvenile justice actions that emphasize civil citations, rehabilitation, and other alternatives to incarceration.

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addition of a method of evaluating justices and judges in the merit retention election, the 1993 LWVF Convention adopted a study on this topic. A position was reached that Florida should have a formal method for evaluating judges for retention election.

(Please see page 11 under Florida Constitution, merit selection and retention of judges, for a further discussion of the issue.)

Currently, judicial vacancies are filled by appointment of the Governor, as directed by the Florida Constitution. The Governor makes these appointments from a list of not fewer than three and not more than six persons nominated by a judicial nominating commission. Each judicial nominating commission is composed of nine members. Five of those members are appointed to the commission at the sole discretion of the Governor. The remaining four commission positions are also appointed by the Governor; however, the Governor must make his or her appointment for each of those four positions from a list of nominees recommended by the Board of Governors of The Florida Bar. The Board of Governors of The Florida Bar recommends three people for each of those positions on the commission, and the Governor must make his or her selection from that list or reject all three recommendations and request that a new list of three be provided. A bill was filed during the 2011 legislative session that would retain the current membership-selection process but would provide that the governor dismiss all current members of the twenty-six judicial nominating commissions. The bill did not pass in either house.

Early in the 2011 session, the House Speaker proposed legislation to split the state Supreme Court in two and expand the number of justices. Each court would have five members for a total of ten as opposed to the current seven member court. One branch would handle civil cases and the other would handle criminal cases. There were many critics of the bill who stated that the legislation would undermine the independence of the judiciary and that it was retribution for the Supreme Court striking down three amendments proposed by the 2010 legislature. The bill was altered as it passed through the House; the Supreme Court would remain as a single court but three justices would be added to the panel and there would be a civil and criminal division, each with five justices. The bill was now a joint resolution and would appear on the 2012 ballot. As it moved to the Senate, the bill was not as well received. While it passed through two committees, it was defeated on the floor of the Senate. However, \$400,000 was provided in the budget for a study of the Supreme Court; the governor later vetoed the expenditure.

## Equal access to the legal system

In late 1980 the League moved into a new area of the justice portfolio: equal access to the legal system. At that time, LWVF actively supported reauthorization and appropri-

tions for the Legal Services Corporation (LSC). The LSC is the principal source of funds for legal aid programs in the country. Created by the U.S. Congress in 1974, it is a private-membership non-profit corporation that provides assistance for representation in civil (as opposed to criminal) cases.

League action was based on national and state positions that supportive services to low-income persons should include legal services and, further, on the principle of individual liberties established in the United States Constitution.

In 198, the Florida Supreme Court approved an interest-on-trust-accounts (IOTA) program that generates additional revenue for legal aid programs in the state. Fund distributions are recommended by Florida Legal Services and approved by the Florida Bar Foundation.

During the 1982 legislative session, the League joined other groups in support of a bill that would have established a Legal Assistance Corporation of Florida; this corporation would have supplemented or supplanted the federal LSC. The bill died in committee.

## Criminal justice system

In 1972, League attention was directed to the studies of many of the issues in the criminal justice process. As part of the study, LWVF sponsored a two-day conference that included tours through Florida State Prison at Raiford, Florida Correctional Institution at Lowell, and the Reception and Medical Center at Lake Butler.

## Sentencing

The League's positions grew out of the awareness that programs designed merely to lock offenders away from the public eye were ineffective. Recidivism rates remain high, violent crimes continue to be committed. Meanwhile, unreformed offenders who are in prison are completing their terms and returning to society. The League emphasizes programs stressing rehabilitation rather than retribution, if for no other reason than the protection of the public. The League strongly supported reform measures in the 1983 legislative session.

The suggested sentencing aids (See pages 50-51, Sentencing, Nos. 6-9.) would seek to establish a broader base from which to determine the proper sentence, helping to fit the sentence to the individual offender. Extra care should be taken to separate first-time or juvenile offenders from offenders who are repeaters.

Factors entering into sentencing decisions are complex and not normally available to the jury. However, in capital cases a recommendation regarding clemency could be helpful to the judge.

The sentencing laws in 1988 led to greater disparity in sentencing. The League continued lobbying efforts in 1993 to reach goals of more uniformity.

The 1993 special session passed a criminal justice bill that took effect in 1994 and made the following changes: repealed awarding basic (unearned) gain time, revised early

release mechanisms and restructured sentencing guidelines by providing that sentences will be determined, in part, by using a schedule that ranks the severity of primary offense, additional offenses before the court for sentencing and prior offenses committed by the offender. It repealed most of the minimum mandatory sentences and placed them in the guidelines. The bill also revised the criteria for sentencing habitual felony offenders and provided eligibility for controlled release and required each state attorney to adopt uniform criteria when determining eligibility for habitual-offender sentencing.

The 1995 Legislature completely revamped criminal justice in Florida for both adults and juveniles. The thrust for the adult criminal was more prison beds and longer sentences. No provision was made for more education or rehabilitation. Many references were made to sentencing by the 1995 Legislature, but guidelines were tied to the type and degree of violence of the crime. In the 1996 and 1997 legislative sessions many of the bills that were proposed and those that passed continued to reflect the perspective of the major revisions that were made by the 1995 Legislature.

## Corrections, probation and parole

Suggestions for alternatives other than prison include half-way houses, probation, suspended sentences, pre-trial intervention, drug rehabilitation programs and detoxification centers.

Small institutions with adequate staff can ensure a more personalized and responsive program. Location near urban centers could assure that medical, educational and vocational facilities, as well as more job opportunities and public transportation, would be available to the offender. Further, competent correctional personnel may be more likely to be available near an urban setting.

Adequate parole and probation supervision is essential to assuring success of alternatives to incarceration. A supervised transition period will make it more likely that the ex-offender will become self-supporting and socially integrated. It is in the interest of the general public to see that the chances of success for the ex-offender are enhanced.

In the 1983 legislative session the League was instrumental in securing passage of an omnibus reform bill (the Correctional Reform Act of 1983), which provides alternatives to incarceration for some non-violent offenders through a program of community control.

## Bail and bonds

The bail system has been employed to assure the appearance of the accused at trial. There is strong evidence, however, that the money bail system is discriminatory and works against the poor. Further, there is some doubt that it actually does assure the accused person's appearance at trial. In arriving at their position, League members stressed that alternatives to detention should be used wherever possible, while assuring public safety and continuity in the court process.

Release on recognizance (ROR) is being used more frequently and has been most effective when the screening of those being considered for ROR has been thorough and in depth. Factors such as whether or not the accused is employed, has a family and has roots in the community weigh heavily in deciding who should be released on recognizance. Certainly those who are a danger to society or who have no community or job ties are poor risks for this approach.

Options, such as the 10 percent cash bond, should be available. In this system, a deposit of cash or securities equal to 10 percent of the bond is made to the court instead of to a bonding agency. The deposit, minus a service charge, would be returned if the accused person appears in court.

## Victimless crime

League members agree that moral laws that do not reflect contemporary mores or that cannot be enforced should be carefully reviewed for possible removal from the penal code through legislative action.

## Judicial Independence projects — 2001-2007

Because of a growing concern about political perceptions of sitting judges' views, the League of Women Voters of the United States, with financial assistance from the Open Society Institute, announced that grants were available during 2001 for Leagues to survey judges in their states regarding their concerns about their own sense of independence.

The League of Women Voters of Tallahassee received one of the grants and surveyed 826 sitting judges in Florida about judicial independence. The results were clear that many areas of concern existed and there was a great need to educate the public about the crucial role of the judicial system in a free country. With an additional generous grant from Florida Lawyers Association for the Maintenance of Excellence (FLAME), the Tallahassee League hired the Florida Law Related Education Association Inc. to design a series of programs with exercises about the Constitution, the judiciary and the courts, suitable for use by the public and in our schools.

As the Tallahassee League announced its findings, legislation was passed allowing the governor to control the selection of all panel members of Judicial Nominating Commissions, the group of individuals that selects the names of attorneys submitted to the governor to fill vacancies on the bench.

LWVUS announced another round of grants for 2002, this time to survey judicial candidates before and after the 2002 elections about the conduct of and any problems with the judicial election process. The League of Women Voters of Florida applied for and received one of the 2002 grants and found serious concerns about the amount of campaign contributions being raised and the extent of negative campaign advertising and the impossibility of rebutting it.

LWVF also received a year 2003 grant to support at least five local Florida Leagues in staging public events around the state focused on the judiciary and the court system, with special attention on issues of controversy, such as judicial campaigns vs. appointments to the bench and the reactions to unpopular decisions.

LWVF received a third grant from LWVUS in 2004 that enabled the League to enhance its Web site to include voter information about the 2004 state judicial retention elections.

In 2006, the League of Women Voters (US) Education Fund awarded LWVF a three-year grant to produce a DVD on the independence of the judiciary as a voter education tool for the media and the LWVF Website. LWVF continued to publish voter information for the 2006 judicial retention elections.

Justice positions follow.

See also Constitution positions, Article V, page 16.

## LWV of Florida Justice Positions

Comments and explanations are noted in normal type; positions are in **bold** type.

### The courts

1. **There should be uniformity in courts throughout the state. (1942) included in Constitution Yardstick. (1952)**
2. **There should be simplification and consolidation in courts to eliminate duplication. (1952)**

### The judiciary

1. **Judges should be appointed on the basis of merit. (1967)**
2. **There should be provisions in the constitution for the governor to appoint judges from a group of nominees selected by a panel or a commission composed of members of the Bar and lay people. (1967)**
3. **If judges continue to be elected, their election should be non-partisan. (1972)**
4. **A law degree is a necessary legal requirement for holding judicial office. (1972)**
5. **Judges should be retained in office by means of periodic review through an election in which a judge would run unopposed and solely on his or her record. (1976)**
6. **Florida should have a formal method of evaluating judges for retention election. (1994)**

### Juries

1. **A 12-member jury should be required for all capital cases; no less than a six-member jury should sit on all other cases.**

2. **Eighteen- to 20-year-olds should be eligible for jury duty.**
3. **Fewer professional people should be excused from jury duty.**
4. **Those who cannot serve as jurors because of temporary inconvenience should be re-assigned at a later date.**
5. **Persons who have served on a jury in the previous few years should be excused upon request.**
6. **Electronic computerized selection of jurors from voter registration lists, on a random basis, without regard to race or sex, should be used by all courts.**
7. **Standardized questionnaires for screening prospective jurors should be developed and used.**
8. **Jury pay should be increased.**
9. **Public education on jury service should be provided.**
10. **Specific instructions should be provided to people assigned to jury service. (1973)**

### Grand juries

1. **The authority of the grand jury should be curtailed.**  
Its power as a secret, autonomous body is too great.
2. **The investigative powers of the grand jury should be retained.**  
The grand jury should not have the power to indict.
3. **Indictments should be issued by the committing magistrate.**  
They should not be issued by the grand jury.

4. **The recorded testimony before grand juries should be available to the affected parties. (1973)**

### Sentencing

1. **There should be greater uniformity in sentencing.**
2. **A uniform penal code and guidelines for statewide implementation should be established.**
3. **The range of prison sentences for a crime should be narrowed.**
4. **The League endorses a wider range of sentencing alternatives, including shorter prison terms and greater opportunities for use of rehabilitative aspects of the penal code.**
5. **There should be more half-way houses, separate facilities for first-time offenders, juvenile diversion programs and no limit to the percentage of prisoners who may be involved in work-release programs.**
6. **A school for judges who sentence criminals would be an effective aid.**
7. **Judges should receive continuous feedback on the effectiveness of sentences imposed.**
8. **In deciding sentences, judges should use all possible aids available to make their decisions including probation officers' reports, recommendations of defense and prosecuting attorneys and any judicial precedents.**

9. A pre-sentence investigation should be mandatory in all cases in which incarceration for one year or more is possible, or when the defendant is under the age of majority. All information from the pre-sentence investigation should be substantiated and verified.
10. Juries should not make recommendations for sentencing except regarding clemency in capital cases.
11. Authority for reviewing sentences should be delegated to a state sentencing board in order to guarantee equal application of the law throughout the state of Florida. (1973)

## Corrections, probation and parole

1. Judges should be able to sentence offenders to alternatives other than prison.
2. Correctional institutions should be small facilities near urban areas.
3. Security designation and institutional transfer of offenders should be based on criteria including rehabilitative needs, type of crime, proximity to families, educational potential, and emotional make-up.
4. Testing should be administered by trained personnel who are competent to interpret findings.
5. Qualifications of correctional personnel should be of a high level, and salaries should be sufficient to attract highly qualified people. Correctional personnel should have psychological and attitudinal screening. Pre-service and in-service training should be provided.
6. Educational and vocational programs should be available to every prisoner. These programs should not be mandatory, but incentives such as gain time and wages should be offered. Each prisoner should be able to help design his/her program. Rel-

- evance of program to job opportunities should be considered.
7. There should be appeals procedures for prisoners and an ombudsman outside the system.
8. The corrections department should be under the same agency as the Department of Parole and Probation.
9. Qualifications of parole and probation staff should be of a high level and caseloads of parole and probation officers should conform to national standards.
10. Prisoners should have a transition period, including work release furloughs, prior to release.
11. Criteria for parole release should be flexible and particular to the individual.
12. All offenders denied parole should be informed in writing of the reason for the denial.
13. The treatment of offenders should be directed toward rehabilitation rather than retribution.
14. Consideration should be given to the appointment of women and members of minority groups to decision-making and administrative positions in the criminal justice system.
15. Alternative solutions to incarceration, both local and statewide, should be developed.
16. The building of additional jail or prison facilities should be discouraged in favor of alternatives to incarceration.
17. Existing jails should conform to national standards.
18. The use of paraprofessionals should be encouraged in correctional facilities and in probation and parole positions. (1974)

## Bail and bonds

1. Alternative methods to the traditional money bail system should be available.
2. Release on recognizance (ROR) should be considered in all bondable cases.

3. When ROR without security is not deemed enough to insure appearance, non-monetary approaches such as release into the custody of another person or an organization, restriction on activities, or detention during certain hours should be considered.
4. When money bail is used, it should be individualized and set according to the ability to pay. When used, there should be some financial incentive given to the accused, such as a return of the cash deposit when the individual appears for trial. (1975)

## Women in prison

1. There should be equal treatment for women and men in prison. Services and programs should be tailored to individual needs.
2. Support services dealing with child care and custody should be provided to women in prison.
3. There should be increased use of women correctional officers in all correctional facilities. (1975)

## Victimless crime

1. Certain laws should be repealed altogether. Among them are, for example, blue laws and laws against private sexual acts between consenting adults.
2. Laws against the sale of pornography should be limited to those that prohibit such sales to minors.
3. Other victimless crimes should make the individual perpetrator eligible for remedial help.  
An example is the Myers Act pertaining to drunkenness.
4. Such a program should be instituted for drug users. To ensure the success of such actions, programs should be adequately financed. (1975)

**S&A**

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**Support a juvenile justice system that encourages prevention and diversion and recognizes the special concerns of children and their families.**

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# Juvenile Justice

**D**elegates to the 1975 League of Women Voters of Florida Convention adopted a new state item on Juvenile Justice in Florida separate from the Justice item, recognizing that elements of both the criminal justice and the social welfare systems are involved in the juvenile justice system, and that it should not be considered only from the criminal justice perspective or the social welfare viewpoint.

Preliminary study of the juvenile justice issue revealed many existing League positions and concerns that are related to the overall problem of delinquency. Juvenile crime is by no means limited to the poor and minorities. However, correlations exist between these problems and school failures, single-parent families, family-related violence (other than the battered child), youth unemployment, gang activity, inadequate medical care — both preventive and remedial — and other health and social problems. This correlation with youth crime led to a focus on some of the same problems that have been identified as factors in the perpetuation of the poverty cycle and discrimination.

The juvenile justice system was completely changed in the 1995 Legislature. Juvenile justice was taken out of the jurisdiction of the Department of Health and Rehabilitative Services and made a separate Department of Juvenile Justice. Laws were passed to deal with what DJJ characterized as the state's most serious offenders.

The laws included provisions to:

- Expand the number of beds in residential programs and detention centers.
- Create more intensive residential treatment programs in which juveniles can be kept under 24-hour watch for up to three years.
- Lower from 16 years to 14 years the age at which prosecutors can transfer teens into the adult court system.
- Treat juvenile offenders, regardless of age, as adults if their records include three felonies and three stays in residential programs.
- Hold serious offenders in detention centers if no programs are available for them.

The new laws also gave juvenile court judges the authority to sanction parents of juveniles, to raise the cap on the amount of restitution parents can be ordered to pay for their children's crimes and to sentence teens who exhibit unruly courtroom behavior.

However, state funding for intervention, treatment and rehabilitation programs for at-risk juveniles and their families has been steadily eroding. This erosion has been precipitated by legislative budget constraints occurring since the creation of DJJ.

In 2001, the Florida Supreme Court ordered the formation of a family court to handle cases of domestic violence, divorces, paternity, adoption and other cases involving family matters, after a panel of lawyers, children's activists and judges (The Family Court Steering Committee) recommended the new system.

Juvenile Justice positions are on the next page.

# LWV of Florida Juvenile Justice Positions

Comments and explanations are noted in normal type; positions are in **bold** type.

- 1. The juvenile justice system of Florida should be administered by health and social service agencies and personnel. (1976)**
- 2. In order to promote equal opportunity for education and employment, the League will work to achieve:**
  - a. Programs that will prepare every child for either a job or acceptance to an advanced program of studies by the time he or she legally leaves the formal school setting.**
  - b. Varied educational experiences.**
  - c. School counseling and other supportive services.**
- 3. The disposition hearing that determines a rehabilitative program for the juvenile should be separate and distinct from the adjudicatory or fact-finding hearing, as a safeguard protecting the rights of the juvenile.**
- 4. There should be alternatives to training schools for juveniles who are committed to juvenile justice agencies. (1976)**

(See also page 51, Sentencing, No. 9.)

## Waiver

- 1. The LWVF believes that in determining the waiver of a juvenile to adult court the following factors must be considered: age of the juvenile, waiver in previous case, prior record, nature of the charge, request of the juvenile.**
- 2. The LWVF opposes any automatic waiver of juveniles to adult court. (1977)**

## Confidentiality

The LWVF supports confidentiality of juvenile records for all juveniles, both delinquent and dependent, who are brought into the juvenile system. (1977)

## Right to counsel

The LWVF supports the position that juveniles suspected of delinquency have the same right to counsel as adults have in the criminal justice system. (1977)

## Runaway, truant and ungovernable juveniles

- 1. Runaway, truant, and ungovernable juveniles should be classified as “dependent” and treated apart from those adjudicated delinquent. The acts of running away, truancy or being ungovernable are not criminal actions. Treatment should include professional counseling and programs specifically designed for those juveniles and their parents.**
- 2. The legal rights of runaway, truant and ungovernable juveniles should be protected.**

There is no League agreement on the method of providing such protection.

- 3. LWVF supports:**
  - a. Juvenile diversion programs.**
  - b. Mandatory presentence investigations (information from investigations should be substantial and verified).**
  - c. Family division of the circuit court (with jurisdiction to include divorce, support, and juvenile matters. (1979)**

**S&A**

# Children and Families

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SECURE EQUAL RIGHTS AND EQUAL OPPORTUNITY FOR ALL. PROMOTE SOCIAL AND ECONOMIC JUSTICE, AND THE HEALTH AND SAFETY OF ALL AMERICANS.

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**Support measures to meet special concerns of children and families, including countering intrafamily abuse and providing for safe foster care and shelter care.**

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**Issue for Action: Support the safe rescue and rehabilitation of victims of human trafficking and the education of the public about this issue.**

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Since 1920 Leagues have been deeply concerned about the treatment of children nationwide. Impact on Issues (LWVUS) covers the development of social policy positions on a national level. LWVF has periodically joined coalitions of like-minded Florida organizations working to improve health care, child care and all other services benefiting children.

## Foster care and shelter care

Concerned about the incidence of child abuse and neglect and the resulting need for quality shelter and foster care of dependent children in Florida, LWVF conducted a one-year study of the dependency system as provided by the Department of Health and Rehabilitative Services (HRS) in 1985-86.

The study included a review of the history of foster and shelter care of dependent children, federal and state legislation, agency rules, financing, personnel, reunification of families and disposition of cases.

HRS separated into two departments in 1997: The Department of Health and the Department of Children and Families (DCF). References to HRS are replaced with DCF in the position statements adopted in June 1986.

In 2013, the Florida legislature passed legislation that extends foster care to age 21; previously, children left foster care at age 18. The law also provides for independent living training and provides training and support for foster parents.

## Intrafamily abuse

Delegates to the '85 LWVF Convention adopted by concurrence a position in support of governmental efforts to counter intrafamily abuse. The Guardian Ad Litem program was established by the Legislature in 1980 and required that a volunteer guardian be appointed for the child in every child abuse and neglect case. LWVF supported 1982 legislation to provide funds for the program in all 20 judicial circuits. In 1990 the Legislature extended the program to dissolution of marriage cases but did not provide funding.

In 1996 and 1997, efforts were made to pass legislation slowing the ability of child protection caseworkers to step in in cases of suspected child abuse; LWVF and other child advocates opposed the bills. Instead, Child Protection staff will receive added instruction, field assessments and career ladder salary enhancements to improve the quality of direct contact casework and ensure higher retention rates for staff with the establishment of a new Competency-based Training and Supervision System funded by the 1997 Legislature. Medical aspects of the Child Protection program are to be under the jurisdiction of the Department of Health.

Welfare reform has increased the potential for domestic violence, but the Florida WAGES program (Work and Gain Economic Self-Sufficiency) has developed several plans, such as transitional services, relocation and confidentiality, to counter that increase.

LWVUS positions are used frequently when lobbying the Florida Legislature on children's issues, welfare reform and quality of life.

## Welfare reform

Sweeping changes to federal welfare programs arrived with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act, signed into law by President Clinton in August 1996. Opposed by LWVUS, the act replaced the Aid to Families with Dependent Children (AFDC) program with block grants to states for time-limited family benefits. The block grant, called Temporary Assistance for Needy Families, or TANF, requires work or community service for anyone receiving benefits and a transition to paying jobs as quickly as possible.

The 1996 Florida Legislature worked to design a welfare reform package in anticipation of the federal changes, building upon the experimental Family Transition Programs underway in nine counties. LWVF urged inclusion of adequate support services and safety net elements in the reforms during that legislative session.

Following the implementation of WAGES (Work and Gain Economic Self-Sufficiency)



on October 1, 1996, the League advocated adjustments that would strengthen protection of children. Like previous welfare reform bills, WAGES emphasizes measures that will move individuals from welfare to work, but now adds time limits and sanctions. League agrees with the concept of welfare reform as it relates to elimination of waste, fraud and abuse but believes that reforms should be instituted in such a way that children and vulnerable citizens will not be harmed.

At the May 1997 Convention of the League of Women Voters of Florida, delegates voted to monitor and evaluate the implementation of the WAGES program in order to determine the effectiveness of strategies to promote self-sufficiency and the adequacy of measures to protect children. Through their observations and comments, local Leagues help to ensure that benefits are provided where they are needed and that recipients' civil rights are protected. They also assist in promoting community awareness and involvement, an essential component of the reforms.

Leagues have continued to monitor the WAGES program as legislation and regulations change. The Workforce Investment Act of 1998 added new federal regulations to the mix. From the beginning, it was recognized that transportation, child care and education would be major obstacles to moving people from welfare to work. While the welfare rolls have been reduced, a sustainable living wage has not yet been attained by most of those leaving the welfare rolls. Loss of medical coverage for many new workers in part-time or low paying jobs is a further hardship. League and others have argued that the savings from reduced rolls must be re-invested in the program to improve the educational opportunities, to provide adequate transportation and to continue quality, accessible child care.

By 2001, the WAGES program, per se, was overhauled and the WAGES Board eliminated. The program was transferred to Workforce Florida Inc., the public-private partnership created by the Workforce Innovation Act of 2000. Problems remain in areas of job retention and career advancement, continuing education, childcare, health care and transportation. The Department of Children and Families continues to handle the cash assistance and other economic supports such as food stamps and Medicaid.

## Child care

The League has worked consistently for high standards for child care including recruitment and screening of child care providers, training, in-service education, adequate staff-to-child ratios and staff supervision. Other concerns have been adequate space, licensing and registration requirements and frequency of surveillance visits. The cost of child care is high, but in order for mothers to go to the workplace, they must be assured of safe, quality care for their children. The League joins other child advocates in repeating this message to the Legislature on an annual basis in the face of cost-cutting efforts to weaken standards.

The 1996 Legislature created the Gold Seal Quality Care Award as a way to promote quality child care programs. Child care facilities or family child care homes that provide subsidized child care and that have met national accrediting standards are eligible for special recognition in a three-tiered quality rating system with Gold Seal being the highest rating.

A waiting list for subsidized child care for working poor families has existed since 1985. Concerns remain that funds for subsidized child care for the working poor are insufficient and that the supply of quality child care will not be sufficient to meet the growing need.

A 1997 law requires the Department of Children and Families to establish standards for evening and weekend child care. An even greater need for infant child care has arisen with the WAGES requirement that mothers return to work when the child is 3 months old. The need for after school care has grown as well. Safe, accessible child care, with the option of evening and weekend hours, is essential to the success of Florida welfare-to-work programs.

## Early intervention for children at risk

The League of Women Voters has long held that early intervention programs make an important difference in the future productivity of the individual and in the ultimate costs to society. Local Leagues identified early intervention as a priority during the 1996 and 1997 legislative sessions and lobbied actively for funding for programs that address prevention of abuse and neglect and that promote early childhood education, teen pregnancy prevention, quality health care, developmental services and family support services.

A provision in 1997 legislation related to school system management leaves participation in the Prekindergarten Early Intervention program to the discretion of each school district. LWVF had lobbied for a statewide policy, believing that it would better serve the needs of children. The bill further states that at least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children of working parents, including migrant children or children whose parents participate in the WAGES program.

The 2001 Legislature reorganized the governance of Florida's education system, resulting in many changes. Workforce Florida Inc. will now administer school readiness funds and the following programs: Partnership for School Readiness, child care executive partnership, child care resources and referrals, subsidized child care, prekindergarten, migrant prekindergarten and Florida First Start. In 2002 other changes became effective, reorganizing and consolidating services for preschool children at risk.

Children's Services Councils were established by 1986 legislation, actively supported by LWVF. Delegates to the 1986 LWVF Council approved an action motion urging the Legislature to pass enabling legislation to create a juvenile welfare board in any county that decides by referendum to create a special taxing district for this purpose. These tax

funds would be used to establish and/or expand services that would prevent disabilities in children and dysfunction in families. The name of juvenile welfare boards was changed to Children's Services Councils in 1989. Authority was given counties to levy ad valorem taxes for children's services as part of the county tax bill.

## Health care/KidCare

One major issue for League continues to be access to quality health care for children. The 1998 legislative session saw strong emphasis on children's health from the governor's office. Passage of Florida KidCare and Children's Medical Services Acts provided access for additional children under the age of 19 living in families with incomes below 200 percent of the federal poverty level, with Medicaid outreach, and the Healthy Kids Program as components.

Soon after Florida passed the Healthy Kids program, Congress passed the State Child Health Program to provide funding for coverage for uninsured children. The discrepancy between the regulations for the two programs has resulted in Florida losing matching funds, many children left uninsured, and counties bearing costs that counties in no other state are required to bear. MediKids is a Medicaid lookalike program for children under age 5, not eligible for Medicaid. The Healthy Kids Program is for children ages 5-19 who are not Medicaid eligible. Obviously there are many gaps in the programs, particularly because parents cycle on and off employment, on and off Medicaid. Major efforts were made in the next legislative sessions, with little success.

The 1999 Legislature enacted the Lawton Chiles Endowment Fund with \$1.7-billion from the state's settlement with tobacco companies set aside to pay for future health care programs for children, the elderly and for cancer research. The children's health insurance program saw a modest increase. However, the KidCare Bill providing presumptive eligibility procedures, year-round enrollment, 12-month continuous eligibility, and eliminating the local match requirements, failed.

In 2000 the local match was essentially frozen. The 2001 Legislature eliminated the local match requirement for the program for one year in order to develop a trust fund to facilitate ongoing community involvement. All other improvements needed to increase enrollment in the KidCare program failed to pass.

## Quality of life

To improve the quality of life for children and their families and thereby to combat problems of poverty, discrimination, youth crime and related problems, LWVF reaffirms its support of equal access to education, employment and housing and support of ratification of the Equal Rights Amendment and efforts to bring laws into compliance with the goals of the ERA.

In 1997 the League testified before the Constitution Revision Commission urging retention of Florida's Right of Privacy section in the Constitution; it was retained unchanged. The League also strongly supported the strengthening of the Basic Rights section, which received voter approval in 1998.

LWVF, under the LWVUS position, has strongly supported affirmative action policies. A petition initiative drive to amend the Florida Constitution to forbid affirmative action programs died for lack of signatures.

A renewed campaign to ratify the Equal Rights Amendment in Florida was activated in 2002. This is a joint effort of local, state and national Leagues as well as other organizations — some organized for this purpose only. Ratification is needed by only three more states for it to become part of the U.S. Constitution.

During the 2003 thru 2007 legislative sessions, the call for ratification of the Equal Rights Amendment died for lack of hearings in both the House and Senate. However, in each of these five sessions, the ERA did gain ground in that there were more legislators from both political parties who signed on to each chamber bill. Local Leagues were instrumental in getting their local legislators to co-sponsor the bills introduced each session.

Once again, in 2008, there was resolution in the house and one in the Senate to ratify the proposed amendment to the United States Constitution relating to equal rights for men and women. Surprisingly, the bill was given a hearing in the Senate Judiciary Committee; many spoke in favor of the amendment but time ran out before all could be heard. On an interesting note, the daughter of the Committee Chair was sitting next to him when the vote was taken. The resolution was passed favorably by the committee but did not move further during the session. The companion bill in the House was not heard at all.

The 2009 legislative session brought a new resolution in the House and a companion bill in the Senate. Neither of these bills received a hearing in committee.

Children and Families positions are on the next page.

# LWV of Florida Children and Families Positions

## Foster care and shelter care

The Department of Children and Families, as the agency primarily responsible for foster care and shelter care of dependent children in Florida should:

1. Require minimum standards for professional personnel.
2. Provide short-term care.
3. Recruit, screen, train and monitor individuals providing short-term care.
4. License, inspect and monitor facilities for short-term care.
5. Provide for visitation with natural parents or families.
6. Provide family counseling
7. Provide auxiliary services for children, including:
  - a. Individual counseling/mental health therapy.
  - b. Appropriate educational services.
  - c. Medical and dental treatment.
  - d. Day care/Head Start.
  - e. Transportation to services.
8. Provide follow-up services to families. (1986)

### • Foster care

1. In addition, for foster care services the DCF should:
  - a. Maintain the child in his or her home with the natural parent(s) through support/prevention services when it is in the best interest of the child.
  - b. Provide long-term care.
  - c. Recruit, screen, train and monitor individuals providing long-term care.
  - d. License, inspect and monitor facilities for long-term care.

e. Provide for the best placement of children (e.g., permanent commitment, reuniting families, adoption or adoption assistance for children with special needs).

2. Delinquent children should not be placed in foster care facilities with dependent children except under extraordinary circumstances. (1986)

### • Performance agreements\*

1. Meeting the terms of a performance agreement\* is an appropriate requirement for reunification of families.
2. DCF caseworkers, parents and the guardian ad litem, if appointed, should be involved in developing the performance agreement\*. Its terms and participants should be monitored closely by DCF and evaluations should occur at least every six months.
3. Parents/guardians and children should be represented throughout the process, parents by an attorney or responsible adult of their choice and children preferably by a guardian ad litem. (1986)

\* Also referred to as "case plans."

## Intrafamily abuse

LWV supports governmental efforts to counter intrafamily abuse. (1985)

## Welfare reform

Meeting basic human needs: Support programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families. (LWVUS 1990)

## Child care

Support programs, services and policies at all levels of government to expand the supply of affordable quality child care for all who need it. (LWVUS, 1988)

## Early intervention for children at risk

Support policies and programs that promote the well-being, development and safety of all children. (LWVUS 1994)

## Quality of life

1. Support equal access to education, employment and housing.
2. Support ratification of the Equal Rights Amendment and efforts to bring laws into compliance with the goals of the ERA. (LWVUS, 1989)

**S&A**

Please refer to the latest edition of Impact on Issues for further information on LWVUS Social Policy program. (Please see page 81 S&A.)

# Financing and Delivery of Health Care

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SECURE EQUAL RIGHTS AND EQUAL OPPORTUNITY FOR ALL. PROMOTE SOCIAL AND ECONOMIC JUSTICE, AND THE HEALTH AND SAFETY OF ALL AMERICANS.

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**Support measures to implement Florida health care in a manner consistent with the LWVUS position on Health Care reform.**

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*Issues for Action:*

- **Support implementation of the Patient Protection and Affordable Care Act in Florida, emphasizing access for all and control of costs including Medicaid expansion and mental health coverage.**
  - **Support the education of Floridians regarding supplication for coverage.**
- 

**A**t the 1991 LWVF Convention, members adopted a not-recommended study of the public and private mechanisms for delivery and financing of health care in Florida. The scope of the program was to examine the current status of and evaluate public and private alternatives for the delivery and financing of health care in Florida, including coverage, cost, funding, “rationing,” strengths and weaknesses.

The LWVUS Health Care study, adopted at the 1990 LWVUS Convention, reached consensus in April 1993 and announced the position, in brief:

**Promote a health care system for the United States that provides access to a basic level of quality care for all U.S. residents and controls health care costs.**

At its May 1993 LWVF Convention, delegates changed the previously recommended health care program, which was to continue the state health care study of delivery and finance, and adopted the following program:

**Support of measures to implement Florida health care reform in a manner consistent with LWVUS positions on Health Care Reform.**

In 1993 a LWVF representative was appointed to serve on two committees of the Florida Agency for Health Care Administration (AHCA): the Basic Benefits Standards Committee and the CHPA Data Advisory Committee. These committees made recommendations for implementing elements of the Florida Health Care and Insurance Reform Act of 1993. The recommendations would be considered by the AHCA for legis-

lative proposals to the 1994 Florida Legislature.

Also in 1993, the Florida Department of Insurance revised its basic and standard benefit plans and the LWVF communicated the LWVUS position to the Department. Although the final plan designs by the Department were better than previous ones, they were not as good as the ones proposed by the AHCA. Consequently, when Governor Chiles proposed health care reform to the 1994 Legislature, the LWVF supported the AHCA’s basic benefit standard for participants in the Florida Health Security Program. Even though the Agency’s proposal did not include all the benefits the League considered essential, it did represent a major step forward.

Also at issue was who would be eligible to participate in the Florida Health Security Program, a program intended to make affordable health insurance available to poorer Floridians. The League supported an income level of 250 percent of the poverty level for individuals and families to be eligible on a sliding scale premium. The 1994 Legislature did not pass the program.

On Jan. 1, 1997, the former Department of Health and Rehabilitative Services separated into the Department of Children and Families and the Department of Health. The Department of Health provides stronger focus and raises public awareness on a variety of health issues as well as overseeing county health departments, children’s medical services, environmental health and health planning.

A Florida Patients' Bill of Rights, patterned after the nationally proposed legislation supported by LWVUS, was filed in the 1998 and 1999 legislative sessions. Various controversial sections kept it from being discussed by the full Legislature from 1998 through 2001. A Florida Patients' Bill of Rights and Responsibilities was passed in 2002 but it did not include a patient's right to sue an HMO.

In 1998 Leagues in Florida were actively involved in the Future of Medicare community roundtable discussions co-sponsored by the Kaiser Family Foundation and the LWVEF. Results of those forums were reported to the National Bipartisan Commission on the Future of Medicare, and to Congress.

That commission failed to agree on recommendations to Congress and little action was accomplished on the national level. In 2000 Leagues again joined with the Kaiser Family Foundation and LWV(US)EF to conduct community dialogues, "Join the Debate: A Citizen's Initiative for Understanding Health Care Policy Issues." The Patients' Bill of Rights Bill debate in Congress strengthened in 2001.

For information on children's health, see page 56.

When the Affordable Care Act was passed by the Congress, the immediate reaction to it by Florida's legislature was to put an amendment on the 2010 ballot to nullify the Act in the state. The state of Florida along with several other states sued to have the Act declared unconstitutional.

Leagues continue to monitor the provision of health care in Florida using the LWVUS position. See page 82.

In 2008, the League joined the HealthCHECK coalition (Consumers for Health Care Effectiveness and Cost Knowledge) to support the "Health Care Consumer's Right to Information Act." It revised requirements for health care providers and facilities in notifying patients of charges for health care services. The bill would make it easier for Floridians to get advance estimates and compare prices when they are deciding where to go for their non-emergency health care needs. The League supported this legislation because the consumer should have as much information as needed to make decisions regarding health care and surgical procedures. Some highlights of the bill are as follows:

- Requiring disclosure of undiscounted prices for the 150 most common procedures.
- Directing the Florida Agency for Health Care Administration (AHCA) to post those prices on the Floridahealthfinder.gov website
- Requiring advance, written good-faith estimates for non-emergency hospital care
- Requiring estimates to be written in language comprehensible to the layperson
- Requiring facilities to provide uninsured patients with information regarding any discount or charity policies
- Requiring providers to inform patients covered under Medicare and Medicaid whether their coverage will be accepted as payment in full
- Directing AHCA to include the range of procedure charges from the highest to the lowest charge rather than

only the average charge when determining the information to disclose on the Floridahealthfinder.gov website

The bill had bipartisan support and was passed unanimously out of committees; it was signed into law by the Governor.

During the 2009 session, LWVF continued to work with the HealthCHECK coalition on health issues and providing health care to all citizens of Florida.

Two bills passed during the session. One of the bills revamped the Medicaid Low-Income Pool Council and forbade the appointment of lobbyists to the council. The second bill allows for additional types of health facilities to receive assistance from a health facilities authority. Among the additional types are those that provide independent and assisted living, dementia care, hospice services, and related facilities for the elderly.

Many local Leagues in Florida and around the country joined the LWVUS efforts to promote a "public option" in the massive health care legislation working its way through the 2009 Congress.

When the Affordable Care Act was passed by the Congress, the immediate reaction to it by Florida's legislature was to put an amendment on the 2010 ballot to nullify the Act in the state. The state of Florida along with several other states sued to have the Act declared unconstitutional.

While the Affordable Care Act would mandate that people have health insurance, the proposed amendment would allow Florida citizens to go uninsured. The ballot summary was deemed misleading by the Florida Supreme Court and it was stricken from the ballot.

In 2011, the legislature revised the language and again passed the joint resolution; it will appear on the 2012 ballot.

Legislation was passed that will place the 3 million Floridians who are on Medicaid into managed care. HMOs and other managed-care networks will bid with the state on managing any number of eleven regions in the state. People would not be shifted into the managed-care plans until 2013. The proposal was sent to federal Medicaid officials for approval.

The legislation sparked some controversy; opponents were concerned about the ability of managed-care plans to serve low-income people who have severe medical needs, including seniors who need long-term care. In order to put this program into effect in Florida, the federal government would have to grant waivers to federal Medicaid laws. This new program is based on an already existing pilot program in five counties; some patient advocates have argued that there are many problems in this program. Two other controversial aspects of the legislation require Medicaid beneficiaries to pay \$10 monthly premiums and to pay \$100 if they go to hospital emergency rooms for non-emergency conditions. The Agency for Health Care Administration said that the latter two ideas were aimed at increasing personal responsibility and stemming unnecessary use of emergency rooms.

More controversy arose when eighteen anti-abortion bills were introduced during the 2011 legislative session. Several of the bills did pass, including a proposed constitutional amendment that prohibits public funding of abortions or for health benefits coverage that includes coverage of abortion; the prohibition does not apply to federally mandated expenditures where a woman suffers from a physical disorder, physical injury or physical illness that would place her life in jeopardy unless an abortion is performed, or a case of rape or incest. The amendment also provides that the Florida Constitution may not be interpreted to create broader rights to abortion than those contained in the U.S. Constitution. Another law bars private health insurance plans from covering abortion under any circumstances; a third law requires minors seeking a judicial waiver for parental notification of an abortion to get the waiver in the district court rather than a wider-reaching appeals court, and this will probably reduce any chance of anonymity on the part of the minor. The ultrasound bill that had been defeated in previous sessions returned and was passed; the law mandates that any woman seeking an abortion must pay for an ultrasound prior to having the abortion. The doctor must review the ultrasound with the patient before she consents to the procedure; if the woman declines to review the ultrasound, she must certify in writing that she did so of her own free will and without undue influence. However, the ultrasound need not be performed and the contemporaneous explanation need not be given if the woman presents, at the time the woman schedules or arrives for her appointment to obtain the abortion, a copy of a restraining order, police report, medical record, or other court order or documentation evidencing that the woman has a serious medical condition.

Prior to the 2013 legislative session, the Governor endorsed the Medicaid expansion contained in the Affordable Care Act. This was a complete turnaround from his stated opposition to the law. The ACA gives states the option to expand their existing Medicaid programs while the federal government pays the full cost of the expansion for the first three years and 90% thereafter. This expansion would bring \$50 million into Florida over the next ten years with the state paying \$3.5 billion over that time period.

The Speaker of the House opposed the expansion stating that it might be something the state could not afford while the Senate produced a bill to utilize the funds. The Senate bill would allow citizens to use the federal funds to purchase private plans. Nearly four million Floridians are uninsured; expanding the Medicaid program would cover a million of the uninsured, and according to the Florida Hospital Association, accepting the federal money would reduce the costs of treating the rest of the uninsured.

The legislature never did come to any agreement and the health care issue was dead for this year.

For states that have taken action, the Medicaid expansion goes into effect in January. If Florida waits until next year to expand the program, it would lose some of the federal money it would otherwise have received. There is no deadline for states to accept or reject the expansion. It took four years for Florida to adopt the original Medicaid program.

Please refer to the latest edition of Impact on Issues and update bulletins from LWVUS for further information on LWVUS Health Care program. (Please see page 82 S&A.)

**S&A**

## Farmworkers

In December 1974, the League of Women Voters of Florida Education Fund sponsored a conference in Clewiston on farmworkers. The keynote speaker, Philip Lewis of the Florida Senate, said "This meeting represents society's growing concern for a group of people who historically have been neglected and even excluded... The world is confronted by an unprecedented and long-term food crisis. . . aggravated by rocketing prices for fertilizer, petroleum and food itself. A gap between the well fed and the underfed is widening and there are more hungry people. Producers face major problems, including higher production costs, competition from foreign countries, shortages, environmental restrictions, the high costs of farm land, a burdensome tax structure and an unpredictable market. And we must keep in mind the difference between the big agribusiness and the small farmer." This statement remains valid today.

### Yardstick

A good law affecting agricultural employers and employees must:

1. Be enforceable with adequate appropriations and personnel.
2. Take into consideration the seasonality of the work and mobility of the farmworkers.
3. Recognize the diversity and scope of agriculture in Florida.
4. Make the best possible use of existing local, state and federal agencies to direct agricultural labor toward opportunities for skill enhancement and year-round employment.
5. Assure a healthful working and living environment and a decent standard of living for employees.
6. Allow the employers a reasonable return on their investments. (1980)

Agriculture is big business in this state and is of major economic importance to all Floridians. The problems of both the farmworkers, including legal immigrants and undocumented aliens, and the farmer have an impact on the total economic health of our state.

The 1977 LWVF Convention directed the state board to gather information and increase action in support of farmworkers under the League's national position of promoting social justice by securing equal rights for all, combating discrimination and poverty and working to provide equal access to education, employment and housing. Delegates to the 1979 convention adopted a separate study of the status of farmworkers.

The study began by focusing on existing legislation and enforcement at all levels in the areas of housing, education, child labor, health, field sanitation and working conditions as they affect farmworkers and growers. Positions announced in November 1980 stated that, except for the area of education, existing laws are inadequate and inadequately enforced. A second phase of the study focused on an evaluation of the need for additional legislation. Positions adopted in May 1981 called for equitable procedures for collective bargaining, fair landlord-tenant laws and bonded crew leaders.

In the 1982 legislative session, pesticide regulation was re-enacted with improvements. In the 1983 session of the Legislature, regulations concerning migrant labor camps were improved and extended to cover more farmworkers. In 1984, unemployment laws were modified to provide better coverage for farmworkers.

Farmworker wages, health care and housing and education for farmworker children continue to be major concerns with no easy solution.

LWVF Farmworkers positions are on the next page.

See also LWVUS positions on agriculture, page 82.

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SECURE EQUAL RIGHTS AND EQUAL OPPORTUNITY FOR ALL. PROMOTE SOCIAL AND ECONOMIC JUSTICE, AND THE HEALTH AND SAFETY OF ALL AMERICANS.

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**Support measures to provide adequate living and working conditions for farmworkers.**

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SECURE EQUAL RIGHTS AND EQUAL OPPORTUNITY FOR ALL. PROMOTE SOCIAL AND ECONOMIC JUSTICE, AND THE HEALTH AND SAFETY OF ALL AMERICANS.

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## Libraries

**A**t the 1983 LWVF Convention local Leagues voted concurrence with the following position previously adopted by Leagues in Alachua and Broward counties: LWVF supports the full funding of eligible public library systems provided in Section 257.17 Florida Statutes.

No significant legislative action has occurred on this item to date. However, in 1990 a former state League president was asked to present a paper and to serve on the Florida Governor's Conference on Libraries and Information Services. She subsequently was selected as a delegate to the 1991 White House Conference on Libraries and Information Services.

Local Leagues have used this position to support their local libraries.

Late in the 2009 legislative session libraries around the state were informed that all state funding would be cut. This action would also endanger federal funding. This was a stunning blow to libraries, and citizens reacted by emailing and calling their legislators. On the second to the last day of budget negotiations, the funding of up to \$23 million was restored by taking money from the Transportation Trust Fund and the Fund for Cultural and Historical Grants. Unfortunately, in a time of extreme revenue needs, the legislature is not averse to raiding trust funds in order to meet annually recurring expenses.

During the 2010 legislative session, it was not unusual to see a gentleman holding a sign that told us to "Save our Libraries." He is a librarian who gave up most of his vacation time so that he could be at the legislature, speaking to Senators, Representatives, and citizens about the need for library funding. The budget for libraries had been slashed to under \$20 million, a number so low that Florida would no longer be eligible for matching federal funds.

The Florida House wanted to zero out all funding for the State Aid to Public Libraries program but finally accepted a Senate offer to restore the funding to FY2009 levels. The restored funding level made the state eligible for \$8.4 million in matching federal funds. The agreement was made on April 26, just four days before the end of the session.

Again, in 2011, there was much talk of cuts to library funding; some bill proposed zero funding. Finally, at the end of the session the Senate and House budget chairs approved funding libraries at the \$21.3 million they received in 2010.

**S&A**

### LWVF Libraries Position

**LWVF supports the full funding of eligible public library systems provided in Section 257.17 Florida Statutes. (1983)**

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Farmworkers, from previous page

## LWVF Positions on Farmworkers

1. Existing legislation affecting farmworkers is not adequate in the areas of housing; child labor/child care; health safety, and sanitation; crew leaders; and wages and benefits. (11/80)
2. Laws affecting farmworkers in the area of education are adequate. (11/80)
3. Legislation in all these areas is inadequately enforced due to insufficient funds and lack of personnel. (11/80)

4. The Florida Legislature should provide a mechanism to establish equitable procedures for collective bargaining in the agricultural industry. (5/81)
5. The Florida Landlord-Tenant Act should be extended to cover all farmworkers. (5/81)
6. Crew leaders should be bonded to ensure their legal responsibilities. (5/81)

**S&A**



# Immigration

An immigration item was adopted at the 1995 LWVF Convention to study the impact of large numbers of immigrants on Florida's resources and services and to determine the state's proper role in meeting the needs of all its residents. In May 1997 LWVF announced positions indicating that several currently held positions of LWVF and LWVUS do indeed also apply to legal immigrants. LWVF also believes that the federal and state governments should bear the brunt of providing extra funds to the cities and counties in Florida that have heavy expenses due to large numbers of immigrants.

## Background

Through policies promulgated by the U. S. government, Florida has been the destination of a disproportionate number of immigrants from Cuba and Haiti. The federal government recognized this and instituted programs to assist the affected areas. The programs were directed towards aiding refugees and asylees (individuals offered sanctuary). A good deal of the expense was borne by state and local governments. In the past few years these numbers have been augmented by the arrival of large numbers of immigrants from Central and South America.

Certain areas of Florida were disproportionately impacted. Miami-Dade County bore the brunt, while Broward, Hillsborough, Palm Beach and Osceola counties also absorbed large numbers. Many immigrants scattered into the more rural areas, leaving small communities to try to cope with the accompanying problems. Verifiable statistics on undocumented aliens were non-existent.

In the summer of 1996 new national welfare reform legislation was passed, as well as the Illegal Immigration Re-

form and Immigrant Responsibility Act of 1996.

Among many other provisions, the legislation increased border controls, provided for the development of identification and status documents that could not be forged, made sponsors enforcibly responsible, strictly limited federal benefits of food stamps, Supplementary Security Income (SSI), Medicaid and the like for legal immigrants.

The Balanced Budget Act of 1997, and the Agricultural Research Act of 1998 corrected many of the inequities of the original 1996 Act. Food stamp eligibility was restored for legal immigrant children, senior citizens and people with disabilities who came to the United States before Aug. 22, 1996. States are given the option of providing health coverage to legal immigrant children entering the country after Aug. 22, 1996. Rules are constantly evolving; those that involve funding are often most controversial.

Although the federal government tried to pass immigration laws in 2007, their efforts collapsed, and since then, states have been passing legislation regarding illegal immigration.

In April, 2010, Arizona passed the most stringent bill; immigrants would have to carry documents with them at all times; failure to do so would be a criminal offense. Also, police had broad powers to detain anyone suspected of being in the country illegally. Just days before the law was enacted, a federal judge issued a preliminary injunction that blocked the law's most controversial provisions.

Many states, including Florida rushed to get similar legislation enacted. During the 2011 legislative session, the Florida House proposed a bill called the Florida Immigration Enforcement Act. While the House bill authorized law enforcement officers

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**Support immigration policies that promote reunification of immediate families, meet the economic, business and employment needs of the United States, and be responsive to those facing political persecution or humanitarian crises. Provision should also be made for qualified persons to enter the United States on student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status.**

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*Issue for Action:*  
**Support Florida resident status for children of undocumented immigrants.**

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to determine the immigration status of any person under criminal investigation if there is a suspicion that the person is an alien, the Senate bill did not. The most controversial aspect of the bill was the House requirement that every private employer use the federal E-Verify system to verify the employment eligibility of each employee; it also would authorize the filing of complaints with the licensing agency, state attorney or attorney general, and provides for suspension of license for businesses knowingly employing an unauthorized alien. E-Verify allows employers to ensure that they are hiring authorized workers by electronically comparing the identification and authorization information that employees provide with information contained in federal Social Security Administration (SSA) and Department of Homeland Security (DHS) databases. To participate in E-Verify, the employer must sign a memorandum of understanding that governs the system's operation. After enrolling in E-Verify, employers must still complete the I-9 verification process.

The legislation drew opposition from many groups including Florida businesses, the agricultural industry, and law enforcement officials. The bill was passed in the House but languished in the Senate; it was not brought up until the last week of the session. During the last two weeks of the session, some 2,000 immigrants were present in the Capitol, quietly protesting the legislation.

They were in the halls and in the galleries every day.

During the Senate debate, the sponsor of the legislation declared that he could not support the E-verify section of the bill; the bill that passed did not contain this section. Since there was not time for the House to take up the bill again before the session ended, the immigration bill was dead for 2011. However, it will probably be back in 2012.

Prior to the 2013 session, the U.S. president adopted a policy aimed at allowing young, undocumented immigrants the ability to stay in the United States. The program did not give citizenship or permanent-resident status to anyone

living illegally in the U.S., but it did grant two-year non-deportation promises to undocumented immigrants who are under 30 years of age and meet certain conditions. This was called a "deferred action" program.

The Florida legislature passed legislation that would have allowed the Department of Highway Safety and Motor Vehicles to accept, as 'proof of identity,' an approved application for 'deferred action for childhood arrivals' who are under 30 years of age. This would allow DHSMV to issue a temporary driver license to a person who has been granted the deferred action status and is otherwise qualified. However, the Governor objected to the deferred action policy and vetoed the bill.

A federal court ruling stated that Florida cannot charge out-of-state tuition to the U.S. born (citizens) who are children of undocumented immigrants. Out-of-state tuition usually runs about three times more than in-state tuition. Several bills were filed during the session that would alleviate this situation; however, all died in committee.

While no E-Verify bills were passed into law during the session, the Governor signed an executive order that requires all state agencies to use E-Verify to verify employment eligibility of state employees and contractors. Said contractors must also use E-Verify to verify the employment eligibility of all persons working during the duration of the contract.

## Outlook

Immigration policies are polarizing reformists nationwide. Bills aimed at undocumented immigrants have been introduced in the legislature as well as bills favorable to documented immigrants. At the 2006 LWVUS convention, delegates adopted a broad immigration study. Many Florida leagues actively joined this study with speakers' panels, local research, and consensus meetings.

LWVF Immigration positions follow.

LWVUS immigration positions are on page 82.

# LWVF Immigration Positions

**1. The League of Women Voters of Florida believes that the following positions (LWVUS or LWVF, as indicated) also apply to legal immigrants:**

- a. Support of programs and policies to prevent or reduce poverty and promote self-sufficiency for individuals and families. (LWVUS)**
- b. Promote a health care system for the United States that provides access to a basic level of quality care for all U.S. residents and controls health care costs. (LWVUS, as applied in Florida)**

**c. Support policies and programs that promote the well-being, development and safety of all children and support violence prevention programs in all communities.**

**d. Support of a free public school system for Florida with equality of educational opportunity for all, financed primarily by state funds. (LWVF)**

**2. The League of Women Voters of Florida believes that the federal government primarily, and the state government secondarily, should be responsible for funding the financial shortfall experienced by communities disproportionately impacted by immigration. (1997)**

**S&A**

# Handgun Control

At the LWVF 1989 Convention, handgun management was a hotly debated topic. During 1988-89, the Broward County and Clearwater/Upper Pinellas County Leagues had asked other local Leagues to concur with the Broward position on handgun management. By Convention, however, the State Board had not received notification of concurrence with the position from enough Leagues to declare that statewide concurrence had indeed been reached. Therefore handgun control concurrence was placed on the convention agenda as a not-recommended program item. After much discussion delegates voted to concur.

League supported and worked for the passage of the 1990 constitutional amendment to require a three-day waiting period for a handgun purchase. It was overwhelmingly approved. During the 1991 legislative session, enabling legislation was passed and became law in October 1991.

A state constitutional amendment in 1998 authorized counties to require a criminal background check and a 3- to 5-day waiting period for all firearms sales occurring on property open for public access. This gives counties some control over gun shows. The provision does not apply to holders of concealed weapons permits when purchasing a firearm.

By 2001 10 counties (Broward, Charlotte, Citrus, Hernando, Hillsborough, Miami-Dade, Palm Beach, Pinellas, Orange and Volusia) had adopted the waiting period, thus closing the so-called "gun show loophole" in those counties. Attempts to make it statewide have failed.

In 2008, the Governor signed legislation that allows gun owners in Florida to possess a firearm in any private motor vehicle in a parking lot, and prevents businesses from searching private vehicles of customer or employees.

The 2011 legislative session passed two bills regarding firearms; both were controversial. Both bills were supported by the NRA. The first bill amends the concealed weapons license law to provide that a person who is in compliance with the concealed carry license requirements and limitations may openly carry his or her firearm on public property and, when permissible, on private property. The law does not

extend to college campuses and the ban on firearms in K-12 schools is still in effect. It also provides that a person who is licensed to carry a weapon or firearm shall not be prohibited from carrying it in or storing it in a vehicle for lawful purposes. Law enforcement officials testified in opposition to the bill, saying that it would make their jobs more dangerous.

The Governor signed the bill.

A second bill titled "Medical privacy concerning firearms" prohibits a licensed health care practitioner or licensed health care facility from entering any information concerning firearm ownership into a patient's health record if said information is not relevant to the patient's medical care or safety, or the safety of others. Under the law, doctors will face sanctions including fines and loss of license if they ask patients about guns in the home unless the patient's safety or health is affected. While the Florida Medical Association did not oppose the bill, lawyers representing members of the Florida chapters of the American Academy of Pediatrics, the American Academy of Family Physicians, and the American College of Physicians asked the Governor to veto the bill.

The Governor signed the bill into law, and the three organizations filed a lawsuit and asked for an injunction to block enforcement of the law. Their position is that the First Amendment rights of physicians in Florida have been curtailed. Pediatricians say that they ask parents about guns in the home and how they are stored in order to protect the safety of children; doctors have also discussed gun safety with families where someone is suffering from mental health problems. The organizations that supported the legislation state that it is an infringement of a citizen's rights to have to tell a physician that he/she owns a gun.

Gun control positions are on the next page.

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SECURE EQUAL RIGHTS AND EQUAL OPPORTUNITY FOR ALL. PROMOTE SOCIAL AND ECONOMIC JUSTICE, AND THE HEALTH AND SAFETY OF ALL AMERICANS.

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**Support regulations concerning the purchase, ownership and use of handguns that balance as, nearly as possible, individual constitutional rights with the general interest and welfare of the community.**

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**Issue for Action: Support the repeal of the "Stand Your Ground Law."**

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# Gun Control Positions

## LWV FLORIDA

The League of Women Voters of Florida supports regulations concerning the purchase, ownership and use of handguns that balance as nearly as possible individual constitutional rights with the general interest and welfare of the community. (1989)

## LWV UNITED STATES

The LWVUS believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to

limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background check, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification.

The League supports a ban on “Saturday night specials,” enforcement of strict penalties for the im-

proper possession of and crimes committed with handguns and assault weapons and allocation of resources to better regulate and monitor gun dealers.

The League acknowledges that the U.S. Supreme Court and the lower federal courts have ruled consistently that the Second Amendment to the U.S. Constitution confers a right to keep and bear arms only in connection with service in a well regulated militia — known today as the National Guard. (1990, amended 1994, 1998)

S&A

# Sustainability

Delegates to the 1999 LWVF Convention adopted Sustainability as a Program item. The Convention directed the State Board to appoint a committee to establish sustainability guidelines and evaluate current LWVF principles and positions to determine, on or before Council 2000, their relevance to the concept of sustainability. Following the initial report of the Sustainability Committee, if there was a priority issue regarding sustainability that required further study, the following year would be spent reaching consensus or concurrence on that issue.

The Sustainability Committee established as sustainability guidelines the key principles of sustainability adopted in 1987 by the United Nations World Commission on Environment and Development:

- The needs of the future must not be sacrificed to the demands of the present.
- Humanity's economic future is linked to the integrity of natural systems.
- Protecting the environment is impossible unless we improve the economic prospects of the Earth's poorest peoples.

The committee evaluated the Principles of the LWVUS and the Positions of the LWVUS and the LWVF to determine their relevance to sustainability. Relevant positions were found in the following program items:

LWVUS: Government, International Relations, Natural Resources, Social Policy, Urban Policy

LWVF: Government, Education, Justice, Social Policy, Resource Management

Delegates to Council 2000 voted to submit to local Leagues a statement for concurrence. As a result, the State Board announced in January 2001 the following position:

## LWVF Sustainability Position

**The League of Women Voters of Florida supports governmental action that results in sustainability: meeting the needs of the present without endangering the ability of future generations to meet their own needs. Environment, society and the economy must be integrated and balanced to achieve a sustainable Florida.**

**S&A**

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**Support governmental action that results in sustainability:**

**Meeting the needs of the present without endangering the ability of future generations to meet their own needs. Environment, society and the economy must be integrated and balanced to achieve a sustainable Florida.**

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### *Issues for Action:*

- Support public transportation projects which yield multi-modal investments in local and state enhanced infrastructure.
  - Support governmental actions that result in sustainability by meeting the needs of the present without endangering the future.
  - Support the adoption of a renewable portfolio standard.
-

# Agriculture Policy

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Promote resource conservation, stewardship and long-range planning, with the responsibility for managing natural resources shared by all levels of government.  
(LWVUS)

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In the summer of 1995, already a member of the Everglades Coalition, LWVF took action to participate in the coalition's campaign to eliminate or reduce the sugar price support system under the federal Farm Bill that was due for its five-year review. Utilizing LWVUS agriculture positions, many letters and phone calls were made in this regard. There were some positive outcomes resulting from this campaign that somewhat reduced this support system.

See also LWVF Farmworkers positions on page 62.

## LWVUS Agriculture Position

Promote adequate supplies of food and fiber at reasonable prices to consumers and support economically viable farms, environmentally sound farm practices and increased reliance on the free market.

**S&A**

# Resource Management

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PROMOTE AN ENVIRONMENT BENEFICIAL TO LIFE THROUGH THE PROTECTION AND WISE MANAGEMENT OF NATURAL RESOURCES IN THE PUBLIC INTEREST BY RECOGNIZING THE INTERRELATIONSHIP OF AIR QUALITY, ENERGY, LAND USE, WASTE MANAGEMENT AND WASTE RESOURCES.

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Promote resource conservation, stewardship and long-range planning, with the responsibility for managing natural resources shared by all levels of government.

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### *Issues for Action:*

- Support the preparation and implementation of a new state growth management plan that addresses current needs.
  - Support Water and Land Legacy ballot initiative.
  - Support implementation of a financial mechanism such as but not limited to PACE (Property Assesses Clean Energy) that facilitates energy and other sustainability improvements to homes and businesses in Florida as authorized by Florida Statute Chapter 163.01.
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## Land use

Landmark legislation was passed in Florida in 1972, the Environmental Land and Water Management Act, which established procedures for designating areas of critical state concern (ACSC) and developments of regional impact (DRI); also passed were a water resources act, a land conservation act, and a state comprehensive planning act. A \$200-million bond issue for the purchase of environmentally endangered and recreational lands was ratified by the voters by a 3 to 1 margin. In 2000 LWVF wrote in support of the adoption of the Tortugas Ecological Reserve, a marine sanctuary 70 miles off the coast of Key West.

The 2006 Legislature funded the purchase of the state's share of the enormous, environmentally sensitive Babcock Ranch property in southwest Florida as supported by the League. The state retains the water rights, too.

In November 2006, the League successfully rallied environmental groups and area local Leagues in south and southwest Florida to withdraw the issue of de-designating the Big Cypress Swamp as an area of critical state concern from consideration at a December Cabinet meeting. The DCA had scheduled this item without having given the necessary stakeholders an opportunity for public comment.

## • Preservation 2000

In 1990 the League supported another landmark act: Preservation 2000. This act bonds \$300-million per year for ten years to buy lands for Florida's future. Because of this program, more than one million acres of land are now protected and managed for conservation purposes.

## • Florida Forever

A 1998 constitutional amendment, supported by LWVF, permitted continuation of programs like P-2000 by extending for another decade the constitutional authorization for the sale of bonds to purchase conservation lands. The successor to P-2000, called Florida Forever, authorized the issuance of \$300-million in bonds in 2000-01 and thereafter, with debt service paid from documentary stamp tax revenues. Limits were placed on the amount of bonds that could be issued in any fiscal year, and new uses were allowed on these purchased lands, such as public roads, recreational facilities, and utility lines and towers. Another provision affected the disposition of conservation lands by requiring a minimum two-thirds vote of the state Cabinet before any lands may be sold. A Florida Forever Trust Fund was created to carry out the provisions of the Florida Forever Program.

The 1998 constitutional amendment also expands the state environmental policy to require adequate provision "for the abatement of air and water pollution" and "for the conservation and protection of natural resources."

The League supports the Florida Forever program but realizes that care must be taken to insure that money raised is used primarily to acquire and protect conservation lands and is not diverted to build recreational and other facilities that should be funded from other sources.

Both the 2006 and the 2007 legislatures fully funded the annual \$300-million to Florida Forever to add to the more than two-million acres statewide placed in public ownership under this and its predecessor program, Preservation 2000. This 2007 allocation came in a strained budgeting year.

The League and other supporters of Florida Forever were hopeful that the program would once again receive funding in the 2008 session. A bill was introduced in the Senate that the League supported but we objected to amendments to the bill that would move the program away from its original intent – preserving land and natural resources in Florida. The amendments would widen the uses of Florida Forever funds in ways not necessarily in agreement with the original intent. Other League allies joined in opposing the amendments. Some of the monies would be used for alternative water supply projects and habitat for imperiled species. While the projects sound admirable, it was the Florida Homebuilders Association attempt to get the state to pay for the mitigation costs developers incur when trying to develop in the habitat of imperiled species. Florida Forever already provides for the purchase of land for both water resources and species habitat protection. The water supply amendments and working waterfronts amendments would further broaden the uses of Florida Forever Funds. Our

League lobbyist addressed each of the Senate committees in which the bill was heard, explaining that the bill should not be held hostage by other groups that have other agendas not compatible with the intent of Florida Forever. There was also a good deal of concern about the actual funding. The Speaker of the House was not willing to fund either the Florida Forever program or the Everglades Restoration program; he felt that the programs would still be able to run on money accumulated over past years. However, the Senate budget called for \$800 million more than the House budget. The budget was approved by both houses, and the Florida Forever program received \$300 million and \$100 million was allocated for Everglades restoration.

The final budget produced by the 2011 legislature provided zero funding for Florida Forever. Spending on conservation lands will only take place if funding is provided by selling off existing protected lands and much of this "surplus land" may be sold with no appraisals. The five Water Management Districts, which protect sensitive lands for water quality and quantity, had their budgets cut by 30%. This is especially troubling for the South Florida Water Management District that oversees the rehabilitation of the Everglades.

Since funding for Florida Forever has become almost non-existent, environmental groups joined and formed the Florida Conservation Coalition; its membership includes former Governor, Bob Graham, and former Assistant Secretary of the Interior Nathaniel Reed. The group, including the League of Women Voters of Florida, began a campaign called "The Florida Water and Land Legacy" campaign. A petition drive was started to place a constitutional amendment on the Florida ballot that will dedicate funding for land conservation. If passed, the amendment would guarantee a stable, dedicated funding source for acquiring, restoring and managing critical conservation and recreation lands. It would provide more than \$5 billion over the next decade with no tax increase. One-third of the revenues from the existing documentary stamp tax, paid when real estate is sold, would be dedicated to restore the Everglades, protect drinking water sources, and protecting natural lands and wildlife habitat.

At this time, the group has exceeded the required 10% number of signatures, and they have been sent to the Secretary of State; the next step is a review by the Supreme Court to confirm that the measure satisfies all legal requirements for constitutional amendments.

## • Coastal management

(See also LWVF positions, page 78.)

The League supported the establishment of the Florida Coastal Management Program and urged the Florida Congressional delegation to reauthorize the Coastal Zone Management Act and continue federal funds for the coastal management program. The League supported the Coastal Barrier Resources Act, which limits federal expenditures on undeveloped barrier islands, and supported similar

legislation limiting state expenditures on undeveloped barrier islands.

In 1986 the League supported the establishment of the coastal building zone and the next year opposed elimination of the 30-mile buffer around Florida's coast for offshore oil drilling lease sales.

In 1989 LWVF testified before the President's Task Force on Offshore Oil Drilling requesting a three-year moratorium on oil drilling in the areas south of Latitude 26, where the Everglades and the Florida Keys would be in great danger from an oil spill. In 1993 LWVF wrote the secretary of the interior and other federal officials in opposition to a proposal to drill for oil on American Indian land in the Everglades. The oil company withdrew its application the following year.

Since 1993 LWVF has worked with Florida Public Interest Research Group (PIRG) and other organizations in urging the federal and state governments to oppose oil and gas drilling off Florida's coast.

However, pressure to permit offshore natural gas drilling in the eastern Gulf of Mexico intensified in Congress with the accelerating rise in energy prices in summer 2005. The League encouraged Floridians to submit online petitions and engaged LWVUS in issuing nationwide action alerts to help Florida protect its coasts. The bill was withdrawn.

For many years, Florida's elected leaders were united in their opposition to oil and gas drilling off Florida's world-famous coast but in 2006 this was no longer the case. In December 2006 a bipartisan compromise was reached that opened much of the eastern Gulf of Mexico to oil and gas exploration, while providing significant protections for Florida's west coast over the next two decades. The compromise created a 125-mile no-drilling zone off the Florida Panhandle, while the waters off Tampa Bay would be off-limits to drilling for 234 miles. The protections are to last through 2022.

During the 2008 session, two bills were written to protect the Florida coastline from oil and gas drilling; both died in committee.

The rise in gas prices prompted surveys in Florida in which it seemed that the majority of Floridians wanted to drill for oil off the coasts; this was a sharp reversal of opinion in earlier surveys. Prior to his leaving office in 2006, the previous governor had paid \$12 million to buy back oil leases granted to an oil company that had been trying, unsuccessfully, to find oil in the Gulf. In 2009, near the end of the session, a bill was introduced that would, again, sell oil leases to companies that wanted to drill in the Gulf. The bill did not gain traction, but a hearing on oil drilling was held in the fall of 2009, and it seems that the issue will be brought up in the session. The LWVF is opposed to such legislation, and the president of LWVF issued a lengthy press release stating our opposition.

## • Growth management

The League supported the State and Regional Planning Act of 1984, which mandated that the governor propose a state plan to the Legislature. The League also worked for strong growth management legislation and in 1985 the Florida Legislature passed a growth management bill that strengthened the role of local government comprehensive plans and restricted coastal development.

In 1993 the Environmental Land Management Study Committee III produced a report that resulted in changes to two dozen growth management statutes. The League opposed any weakening of the 1985 law, which had not had time to complete a full cycle.

The League opposed placing development of DRI (development of regional impact) review under local government but supported retaining Regional Planning Councils as well as adequate, timely funding of transportation concurrency.

Growth management has been and continues to be a priority issue for the League. In 2001 the governor and the Department of Community Affairs (DCA) proposed sweeping changes to the growth management laws. They claimed that the current legislation has been ineffective in balancing the demands placed on infrastructure, social services, the environment and educational facilities while encouraging the needed economic development vital to the rapidly growing economy. They proposed a lesser role for DCA at the state level and giving more authority to local officials to amend their comprehensive plans without the oversight and approval of the DCA.

The League joined other groups in a Growth Management Coalition to carefully review any proposed legislation that would weaken current laws and to insure public participation in the decisionmaking process at the local level. The 2000 Legislature established a Growth Management Study Commission, which held hearings throughout the state and brought recommendations to the 2001 legislative session for growth management reform. The Commission's final report contained roughly 80 recommendations, many of which heavily favored development interests, were hastily prepared, or were included without adequate review by public interest groups. Heavy lobbying by Coalition members opposed to these recommendations resulted in little onerous growth management legislation being passed in 2001, 2002, 2003 and 2004.

A closely watched omnibus growth management bill passed as the last order of business for the 2005 legislative session. This bill sets in motion requirements that local governments make major revisions to their comprehensive plans. The major focus of the bill is concurrency of public services and infrastructure with the needs generated by growth — not the protection of natural areas. There is no assurance that the funding of concurrency or even that those concurrency requirements will cover anything but roads in the area of transportation. The League was successful in seeing the removal of a provision prohibiting citizen challenges to a proposed permit.



There were some other unwanted provisions introduced during the final deliberations between the House and Senate that need monitoring. Overall, this may be a positive step toward responsible growth management.

The League sent a letter from Convention 2005 requesting that the governor veto HB 759. He signed it into law. This legislation eases requirements that phosphate miners show financial ability to restore mined land. It allows, for at least another five years, the filling of many wetlands without a permit or mitigation of damage throughout the Panhandle. There are about 800,000 acres of these important wetlands in the region, all vulnerable to the bulldozers. The bill also would prevent the state from requiring any control of stormwater quantity created by new development.

During the 2007 Legislature, the League opposed a bill that allows several local governments (Pinellas and Broward counties and Jacksonville, Miami, Tampa, and Hialeah) to participate in a pilot program that allows expedited, limited state review of land use changes. It passed but at least affordable housing measures were included. Another bill opposed by the League that became law privatizes toll roads. Among other poorly thought out provisions it clears the way for the Heartland Turnpike.

One aspect of growth management concerns impact fees. Impact fees are fees imposed on a development to alleviate strain the development will place on the surround area, such as burdens the development will create on infrastructure issues. The League supports development that supports its own impact. In trying to stave off an attempt by a proposed citizen initiative, not yet on the ballot, that would require voters to approve any change in a county's comprehensive growth plan, the DCA Secretary presented a "Citizen's Planning Bill of Rights." The bill restricted and added limitations to a local government's ability to make changes to its comprehensive plan as well as requiring community hearings on proposed changes. The League supported many of the Secretary's positions. As things went, the bill finally died before the session ended, with legislators not addressing the concerns of citizens with regard to development. The initiative mentioned earlier has since made the 2010 ballot, and Floridians will be voting on it.

The League supported and spoke in favor of a bill in the House called the "Vox Populi" or "Voice of the People Act." This bill would have mandated citizen participation in all local government meetings; that is, the governing body of a local government authority would have to provide opportunities for citizens to address issues at official meetings.

This would pertain to all issues, not just growth management. This bill also died in committee.

The 2009 session brought a bill that effectively gutted concurrency requirements for developments in dense urban areas. The state of Florida was hard hit by the downturn in the economy. There were over 300,000 units of housing standing empty around the state. The legislature deemed that the way to remedy the crisis was to make it easier for developers to build. The bill passed by the legislature

and signed by the Governor allows development in dense urban areas without regard to the capability of current roadways to support the additional traffic. The League, along with many other groups, opposed this legislation. A letter was sent to the Governor by the LWVF, asking him veto the legislation, and action alerts were sent to all LWVF members asking them to contact the Governor's office. The Governor did sign the legislation.

At an October, 2009 committee meeting, the DCA Secretary explained to the senators that the bill they passed during the session did not supersede the comprehensive plan already in place in a community, and the relaxing of concurrency rules would not necessarily apply. Unless a community amends its current comprehensive plan, transportation concurrency rules still apply. The first reaction of the committee was to write a new bill that would effectively do away with concurrency in the areas affected by the legislation. That would have to come in the 2010 session.

The onerous 2009 legislation was rejected by the Court as an unfunded mandate on communities. In the 2010 election, Florida citizens voted against the "Hometown Democracy Amendment" that would have required a taxpayer-funded referendum for all changes to local government comprehensive land-use plans.

During the 2011 session, a new bill called the "Community Renewal Act" was passed, and the Growth Management Act passed in 1986 is essentially dead. The plan takes growth management out of the hands of the state and moves it to the local level. State growth management requirements for cities and counties were gutted, developers deregulated, and the bill also made it more difficult for citizens to go to court to block local growth decisions. Homeowners who do not want unacceptable development such as rock mines or landfills next door will have to prove their case. Requirements that developers pay for needed roads and schools no longer exist. Large-scale developments can go ahead with no guarantee that conservation lands will be preserved. The new law essentially eliminates any oversight over the need for new construction. At present, there are over 400,000 unoccupied residential structures in Florida, an overabundance of empty commercial space, and millions of acres of already approved land for development.

The Department of Community Affairs, which has overseen development in the state, will be disbanded in the fall of 2011, and its planners will be absorbed into a new Department of Economic Opportunity. The DCA had been in a "legislative limbo" since the 2010 legislature had not re-authorized it.

At least one community in Florida (Yankeetown) filed a lawsuit asking a circuit court judge to declare the new law unconstitutional; their town charter requires referendums on local comprehensive plan land use changes but the new law prohibits such activity.

Tied very closely to growth management is the need for public transportation. Funding for transit is a long-term strategic, environmentally sound investment, because

Florida cannot build its way out of congestion with roads alone. In the 2008 session a bill that would have established a Florida Transportation Revenue Study Commission to study state, regional and local transportation needs within the state of Florida and develop recommendations for the legislature to meet those needs was heard in just one committee. Several bills that would have created a commuter rail in the central Florida area were floated but did not pass.

During the 2009 session, these commuter rail bill were once again debated on the floor of the Senate during the last days of the session, but were defeated.

A bill passed in the 2013 session will restrict mobility plans and fees that many local governments have adopted; developers supported the legislation. According to environmentalists, the bill will restrict local government flexibility regarding mobility plans and mobility fees.

Legislation was also passed that is meant to protect the perimeter of military bases; it allows for the acquisition of buffer lands, including non-conservation type lands in order to prevent the encroachment of inappropriate development adjacent to military bases.

## • Rodman Dam (Kirkpatrick Dam)

The Rodman Dam was built in the 1970s for the Cross Florida Barge Canal project. That project was never completed, was opposed by the League and others and was finally deauthorized by Congress in 1990. LWVF supports the dismantling of the Rodman Dam, the draining of the Rodman Reservoir and the restoration of the Oklawaha River to its natural state. The League testified before the governor and Cabinet in December 1992 on this issue. The governor and Cabinet's recommendation supported League positions; but the 1993 Legislature chose to study the issue further rather than begin restoration.

In 1995, the Legislature's study report came out in support of dismantling the Rodman Dam and restoring the Oklawaha River. Nevertheless, forces that opposed restoration and supported the latest study then rejected the study results and submitted bills to prevent restoration. LWVF has written letters, testified before the House Natural Resources Committee, and worked with the Alliance to Restore the Oklawaha River, which is composed of 32 state, national and local organizations, in support of river restoration.

Much opposition to the plan for restoring the river was evidenced in the 1998 Legislature. The dam was renamed the George Kirkpatrick Dam for the state senator who was its champion.

In 2002 management of this restoration project was transferred to the U.S. Forest Service and funding became the issue. The League continues to support efforts to breach the dam and restore this valuable state resource.

During both the 2006 and 2007 legislative sessions, the League mounted line item veto campaigns to eliminate funding in the budget for Putnam County to establish recreational facilities as a means to circumvent restoration.

It was announced during the 2008 session that DEP's application to remove the Rodman Dam is complete. However, there is one issue remaining, according to the St Johns River Water Management District. Evidently the Silver River dumps into the Rodman and its waters contain significant amounts of nitrate and phosphorous. The Rodman acts as kidneys, cleaning the effluent coming from the Silver River before it enters the St Johns River. The problem presented was how to clean up the Silver River to avoid this situation occurring. DEP stated that the river will be restored but the time frame for doing so is unknown. At the time, many studies were going on and the data from those is needed to sustain the decision to remove the dam.

## • Property rights

A strategically timed press conference on the issue of property rights during LWVF Legislative Seminar in 1994 was important in insuring that no joint resolution or legislation on the issue become law. The LWVF received two awards, one from the Nature Conservancy and another from 1000 Friends of Florida, for activism on the property rights issues as well as on growth management policies and environmental issues.

During the 1995 legislative session, the League worked with a diverse group to produce a balanced property rights bill in an attempt to head off an onerous constitutional amendment. The agreed upon bill provided for compensation for vested property interests only. At the last minute, and with no committee hearings, the bill was amended to include non-vested (speculative) property interests, an idea that the League does not support. This law, known as the Bert J. Harris Law, affects laws and regulations passed after May 11, 1995. Efforts to make the effective date May 12, 1990, failed in the 1998 Session. Since the passage of property rights legislation in 1996, one case has appeared in the courts and, after hearing the case on appeal, the law was upheld.

## • Wetlands

The League has long recognized the importance of wetlands to wildlife habitat, fisheries, water quality and flood control. In 1981 the League endorsed the Friends of the Everglades petition to restore the Everglades. The League worked for strong legislation to protect our dwindling wetlands and supported passage of the Wetlands Protection Act of 1984. In 1991 the League objected to attempts by the executive branch of the federal government to revise the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The proposed revisions would have greatly narrowed the definition of a wetland, stripping nearly one-half of the remaining Everglades from federal protection. Public outcry resulted in withdrawal of the proposed revision.

In 1992, the LWVF joined the Everglades Coalition. The League supports the restoration of the Kissimmee River and the entire Everglades system as much as possible to its original state.

# LWV of Florida Land Use Positions

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Support public policies that provide for cooperative, coordinated planning for and decisions about land use in Florida including methods for resolution of conflicts.

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1. State government should have an overall planning function with limited control. (1975)
2. All land use decisions should be made by the lowest level of government capable of such a decision. State criteria and review as well as coordination between local governments are essential. The appropriate level of government should require environmental, social and economic impact statements on major public and private developments. (1975)
3. The state should provide financial aid for research and technical assistance. If necessary, the state should authorize innovative land use planning and regulatory techniques. The state should not compensate localities for revenue loss from state override of local land use decisions. (1975)
4. Provision should be made for an appeals board to arbitrate conflicts between governmental bodies and between citizens and governmental bodies. (1975)
5. Existing sub-state regional planning councils should be strengthened; however they should not have veto, regulatory or taxation powers. (1975)
6. When local governments do not fulfill their responsibilities, a regional or state mechanism should come into operation to make the necessary decisions. (1975)
7. Court determination is the fairest method of settling grievances on property-rights matters between owners and governments, as opposed to the use of an administrative agency. (1976)
8. When government action causes a loss of value to developed or homestead property, the degree of that loss should be determined judicially. (1976)
9. Government should not compensate a landowner for loss of value due to regulations on land held for anticipated capital gains. (1976)
10. Tax assessment valuation should be one of the standards for judging loss of value. (1976)

S&A

LWVF endorsed the buffer zone and water preserve concept put forth by the science sub-group of the federal interagency task force studying the issue of Everglades restoration. This general proposal, also endorsed by the Everglades Coalition, would help restore a more natural sheet flow of water from Lake Okeechobee through the east Everglades to Florida Bay. The buffer zone area would also include a number of water preserve areas in old rock mining formations. In support of this proposal, in 1994-1995 LWVF worked against two proposed major developments in Broward County that would interfere with Everglades restoration: Sunset Lakes/Miramar Rock (a housing development) and Blockbuster Park (a sports and entertainment complex). Sunset Lakes was approved and the Blockbuster Park proposal was withdrawn.

The majority leadership of Congress in 1994 brought attacks on the Clean Water Act and wetlands. LWVF sent letters and faxes to federal officials in opposition to the Wetlands Reforms Act of 1995 and associated funding rollbacks that would have gutted protection of hundreds of wetlands across the country. The League also opposed Congress' attempt to cut appropriations for the Environmental Protection Agency. Because of the strong public outcry against lessening environmental controls for protection of water and wetlands, Congress backed away from legislation that would have such a negative impact.

In 1997, in support of our previous endorsement of an Everglades buffer zone, LWVF wrote letters to federal officials requesting that moneys that had been appropri-

ated in the federal Farm Bill for Everglades Restoration be released to Florida for the purposes of purchasing buffer strip lands. The funds were released.

During the 1998 legislative session, the League, as part of the Everglades Coalition, opposed bad legislation that would have precluded state and federal partner agencies from using federal eminent domain procedures for restoration projects and would have given the Legislature the ability to extensively oversee Everglades restoration. These measures would have raised the cost to taxpayers and seriously jeopardized federal funding. Ultimately, the governor vetoed the bills.

The LWVF approved the concept of the Central and South Florida Restudy, which included restoration of the Everglades and a sustainable future for South Florida. After 16 years of study and concerted effort by the environmental community, the 2000 Legislature approved the most extensive restoration project ever attempted, the Comprehensive Everglades Restoration Project (CERP). This is to be an \$8-billion, 20-year effort to restore the entire Everglades water system from the Kissimmee River, Lake Okeechobee, through south Florida to Florida Bay. This project is to be funded half by the federal government and half by the state with Florida's half divided between state funding and the South Florida Water Management District.

Despite strong opposition from LWVF, environmentalists, and the general public, the 2003 Legislature passed and Gov. Jeb Bush signed a bill that eliminated the 2006 time certain date for reduction of phosphorous discharge

in the Everglades Agricultural Area. It remains to be seen whether or not this act will jeopardize federal support for Everglades restoration.

The League continues to be an active participant in the Everglades Coalition, which consists of public interest environmental groups committed to the success of this effort.

Much of the success of this project depends on the development of Aquifer Storage and Recovery (ASR) systems that hold water injected into wells during the rainy season and pump it back out during periods of drought or high usage. At the LWVF convention in 2001, League delegates voted to monitor the permitting and development of ASR wells. This is consistent with our national position on protection of ground water and aquifers.

The League and its allies in the environment community savored a big victory in the 2006 legislative session with an Environmental Resource Permitting bill, albeit with imperfections, that makes the Florida Panhandle subject to essentially the same storm water and wetlands permitting that the rest of the state has had for 10 years. The Northwest Florida Water Management District (16 counties) finally has the authority to issue permits to control flooding and stormwater runoff.

In the 2007 session, major watershed restoration legislation passed, with funding, that covers the Everglades (Lake Okeechobee and its tributaries) and the Caloosahatchee, St. Johns and St. Lucie rivers. The League also helped to defeat various anti-wetlands preservation bills to forestall coastal flooding and flora and fauna devastation.

What began as a very controversial piece of legislation early in the 2013 session ended up with all sides satisfied with the final bill. Early on, environmental groups opposed a bill amending the Everglades Forever Act. However, after much discussion among all concerned groups, including sugar farmers, the South Florida Water Management District, and Florida Environmental groups, a bill was produced that amends the Act to provide a legislative finding that implementation of best management practices funded by the owners and users of land in the Everglades Agricultural Area effectively reduces nutrients in waters flowing into the Everglades Protection Area. It also updates the definition of “Long Term Plan” to include the South Florida Water Management District’s water quality plan; the district must also determine if their projects and improvements achieve the water quality based effluent limits established in permits and orders authorizing the operation of those facilities. The legislation also requires a payment of a \$25 per acre agricultural privilege tax on property classified as agricultural within the Everglades Agricultural Area between November 2014 and November 2026, \$20 per acre for tax notices mailed in November 2017 through 2029, \$15 per acre for tax notices mailed in November 2030 through 2035, and \$10 per acre for tax notices mailed in November 2036 and thereafter. Originally, the tax rate was slated to drop to \$10 in 2017. Proceeds from the tax are to be used for design, construction, and implementation of

the Long-Term Plan. Finally, beginning in the 2013-2014 fiscal year, and each year thereafter through 2024, the sum of \$12 million in recurring general revenue funds and \$10 million in recurring funds from the Water Management Trust Fund is appropriated to the Department of Environmental Protection for the Restoration Strategies Regional Water Quality Plan.

## Energy

Based on LWVUS positions, the League supports legislation in Florida for energy conservation and greater use of renewable sources such as solar energy. Members are active on the state and local level by serving on various energy advisory boards, participating in energy fairs and sponsoring meetings to promote public understanding of energy issues. The League supported the Public Service Commission in adoption of goals and plans for utilities to cut energy demands.

In 1992 LWVF joined the Coalition for an Energy Efficient Florida and supported its agenda, which includes removing utility and consumer disincentives to efficient energy use and providing incentives for energy efficiency, conservation and the use of renewable energy sources (particularly solar energy). In August 1992 the LWVF spoke against a proposed 832 megawatt coal plant to be built near Lake Okeechobee. The League testified before the Public Service Commission in December 1992 in favor of more stringent conservation goals for utilities, strong regulations for renewable energy programs, the inclusion of environmental costs and benefits in evaluating conservation programs and the decoupling of utility profits from sales.

During the 1995-97 biennium, the League took several actions on the energy front utilizing LWVUS positions. LWVF signed onto four energy principles put forth by the Legal Environmental Assistance Foundation, which enumerated protections for consumers that should be taken into consideration during deregulation of the provision of electricity.

The League continued to work with the Coalition for an Energy Efficient Florida by supporting energy conservation goals through correspondence, faxes and calls to the Public Service Commission (PSC). The League also wrote the governor listing the characteristics that LWVF wanted to see in persons nominated for the PSC.

The League was also concerned with a consultant’s report to the Florida Department of Community Affairs regarding the State Energy Program. Funding for the program was in jeopardy. LWVF expressed the need for a State Energy Policy that would include LWVUS positions.

In 1996 Florida Power and Light Corp. filed an application to retrofit a power plant in Manatee County to use orimulsion, a fossil fuel from Venezuela that is a blend of tar and water. After review and study of all project documents to compare the current plant with the proposed retrofitted orimulsion plant, and considering the local area’s carrying capacity, LWVF wrote the governor and Cabinet

to comment on various aspects of the proposal and to express the League's energy positions. It was believed this was an issue for the state League as there are other ports in Florida where this fuel could enter and use of the new fuel played a part in the state's energy policies. The application was denied; however, FPL appealed the decision to the court, which rejected it on technical grounds. It ruled the governor and Cabinet failed to specify which of the factual finds were rejected, or why, as state law requires. After a hearing officer denied FPL's permit application in 1998, the application was withdrawn.

In 2005 the League renewed its campaign against new fossil fueled power plants in several Florida counties.

Although the 2006 Legislature passed the Florida Energy Act as a means to reduce the state's reliance on fossil fuels, the League was disappointed that grants to develop alternate energy sources were limited to biodiesel, ethanol, and hydrogen and excluded solar power. This act did create an Energy Commission that is charged with recommending future energy policies to the Legislature, including a plan for reducing greenhouse emissions, but it failed to address conservation as a means to reduce energy consumption. And, the League will need to closely monitor the "streamlined" process for building coal-burning and nuclear power plants.

The 2007 Legislature then created an Energy Policy Task Force, increased sales tax exemption for ethanol fuel and biodiesel distribution, and required state buildings to meet certain energy-efficient standards. Again no plans for solar energy or conservation.

Then in the summer of 2007, the governor held a multi-national summit on climate change. Representatives from the state and local Leagues attended. In the aftermath of the summit, the League set up a Climate Change committee with statewide local League representation that formulated an action plan to educate League members, the public, and elected officials on ways to reduce greenhouse emissions.

Energy was one of the most addressed issues of the 2008 legislative session. The Florida Energy Commission addressed both the Senate and House during the interim meetings of January 7. The Commission had seven goals: restructure energy policy governance, increase energy efficiency and conservation efforts, maximize renewable energy resource development, enhance energy related education and research, strengthen energy supply and delivery infrastructure, respond to climate change, and out year issues.

The DEP presented the Governor's plan for energy conservation to a Senate committee during the first week of the 2008 session. The League supported the bill in general but wanted to stave off some very bad amendments. Our lobbyist worked closely with representatives of the environmental groups. She spoke to aspects of the bill that caused concern or were unclear. These included citizen participation opportunities in power plant decision making, governance issues by various state agencies, impacts on low income individuals, and the need to fully evaluate environmental, health and economic impacts on subsidizing alternatives so that we would move forward positively. The bill would require utilities to use more renewable energy; this added cost will likely be passed on to consumers as an increase in utility rates. However, the bill also contained perks for the utility companies that did comply with the stricter standards, and that might keep rates lower. Meanwhile, in the House, the bill continued to be a moving target with many amendments and revisions released just the day before a meeting. Finally, the energy bill was passed by both houses, and had the conditional support of most groups. There were many other energy bills filed during the session. Most died or were rolled into the primary energy bill passed by both houses.

**S&A**

# Florida Freshwater Resources

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**Support public policies that promote conservation of freshwater and its availability for environmental, public supply, agricultural, industrial and mining uses on a priority basis.**  
(LWVF 1994)

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***Issue for Action:***  
**Support the protection of freshwater resources**

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The 1993 LWVF Convention adopted a program to study freshwater resources in Florida. The background report of the study became LWVF Publication 2154, A Study of Freshwater Resources in Florida. The positions below were adopted in June 1994 as a result of the study.

The 1998 Legislature passed a so-called “local sources first” water bill establishing a state water policy that local sources of water (ground, surface, reuse, conservation, desalination, etc.) should be used first before seeking to transport water across watersheds or county borders. LWVF has supported and worked for such legislation.

In 2001-02 LWVF began monitoring aquifer storage and recovery (ASR) systems. Because of Florida’s rapid growth, water supply has become a critical issue, and political pressures are increasing to inject partially treated and untreated water into wells during the rainy season and to extract it during the dry season or when drought conditions occur. The League supports stringent controls to protect the quality of current and potential drinking water supplies (LWVUS), and this technology should be monitored for possible contamination of our aquifers.

The 2004 Legislature began work on a comprehensive approach to water planning that would continue through the next session. With strong input and opposition from the League, potentially damaging legislation on

water reservations and certain recommendations of the Council of 100, particularly interdistrict transfers of water, failed to pass.

The 2005 Legislature passed a major water resource bill that addresses water pollution, water supply and water concurrency. It includes funding for alternative water supply planning projects, local water supply planning and water quality controls. The funding, a League concern, is a beginning and comes from within this bill and from the omnibus growth management bill. Conservation measures are not included in this Water Protection and Sustainability Program.

The 2007 Legislature took action to protect surface water in the Northwest Florida and South Florida water management districts with new regulations of peat mining that the League heartily supported.

The League earlier fought the Governor and legislature on dumping untreated water into our aquifers. By 2008, Florida was in a severe drought situation, and the League was watching for bills that would allow this practice. A bill relating to water pollution control was passed during the session. The League did not take a position on the bill, but some of our environmental allies feared that the bill would be used to avoid implementation of the Clean Water Act.

Another bill that would have required DEP to identify sources of water pollution which contaminate the water and prohibit beach swimming passed through several committees but did not make it to the floor. While several other “water” bills were proposed, none made it out of committee.

In 2010, the Florida legislature passed and the Governor signed into law, a massive bill that addressed water supply policy, the general powers and duties of water management district governing boards, wastewater utilities, reuse utilities and the role of the DEP in the regional water supply planning process.

The bill included the requirement that the 2.7 million septic tanks in the state be inspected every five years in order to protect springs and groundwater from nitrogen contamination which promotes the growth of aquatic weeds and algae. Bills were filed in the 2011 legislative session to repeal the septic tank inspection requirement because many rural property owners complained about the expense. The chair of the Senate Committee on Environmental Preservation and Conservation would not consider any bill that repealed the inspection requirement without providing inspections in counties with “first-magnitude” springs. Florida has more than 700 springs; thirty-three are first-magnitude and produce an outflow of more than 64 million gallons of water per day. None of these bills was passed, and the law went into effect in July, 2011. However, language in the budget requires the Florida Department of Health to get approval from the Legislative Budget Commission before beginning inspections.

A dispute between the Florida Department of Environmental Protection and the United States Environmental Protection Agency is ongoing. It concerns the numeric nutrient water quality standards for lakes and flowing waters in Florida. According to the EPA, a 2008 Florida Department of Environmental Protection report assessing water quality for Florida revealed that approximately 1,000 miles of rivers and streams, 350,000 acres of lakes and 900 square miles of estuaries are not meeting the state’s water quality standards because of excess nutrients. These represent approximately 16 percent of Florida’s assessed river and stream miles, 36 percent of assessed lake acres and 25 percent of assessed estuary square miles. The actual number of miles and acres of waters impaired for nutrients is likely higher, as there are waters that have not yet been assessed. Five environmental groups sued the EPA

for not enforcing the Clean Water Act in Florida. In August, 2011, a federal appeals court ruled that the standards be enforced. DEP is trying to work out an agreement with EPA that will allow for lower standards for some waters like canals.

Water Policy positions follow.

## LWVF Water Policy Positions

1. **There should be a state water policy covering basic issues. There should be regional policies based on regional conditions.**
2. **Consumptive use permits should be a responsibility of the Water Management Districts.**
3. **Consumptive use permit fees should reflect the true cost of the permit application, monitoring and enforcement process.**
4. **Consumptive use permit holders should be required to reuse water whenever feasible.**
5. **Meters should be required of all consumptive use permit holders who use 100,000 gallons of water or more per day.**
6. **There should be a priority order among interests competing for water. The environment and public supply should be first in priority, followed by agriculture, industry and mining, in that order.**
7. **Factors to be considered in allocating water among competing interests are ranked as follows: first – environmental benefit; second – reasonable beneficial use; third – economic benefit. Prior use should not be a consideration.**
8. **There should be special tax incentives for wetland areas left undeveloped, with provisions for recapture of taxes if these areas are developed later.**
9. **In water use caution areas, for the purpose of preserving the water supply, the permit authority should be able to restrict and/or deny permits.**
10. **Development should be prohibited on functioning wetlands. However, mitigation should be required, preferably on site, if development on functioning wetlands is approved.**
11. **Preferred mitigation strategies are enhancement of functioning wetlands and restoration of non-functioning or poorly functioning wetlands. LWVF does not support creation of wetlands on land not functioning as wetlands.**
12. **When mitigation is used, the following measures should be taken to insure its long-term success:**
  - a. **Develop a scientifically sound mitigation plan.**
  - b. **Prepare a specific plan for long-range monitoring to assure success.**
  - c. **Require bonding or other financial vehicles to provide sufficient funds for completion and perpetual maintenance.**
  - d. **Require scientifically demonstrated success of the project before credits are issued by a mitigation bank.**
  - e. **Establish enforcement measures including meaningful fines for project non-compliance.**
  - f. **Require ratios of mitigated wetland to lost wetland that best reproduce the function and values of the damaged or destroyed wetland. (1994)**

**S&A**

# Florida Coastal Management (Beaches)

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**Support intergovernmental stewardship of and fiscal responsibility for the Florida coast, under the management of the state, while recognizing the dominance of nature and the role of the sand transport system. (LWVF 1988)**

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See also Coastal Management, p. 69.

**A**ware of the changes development has made on Florida's coast since World War II and the potential for further alterations in the natural creation and destruction of the coastal regions, the League of Women Voters of Florida focused its attention on Coastal Issues in 1987-88. The League spent a year studying the fiscal, governmental and environmental impacts of Florida's policies as they relate to: beach erosion, including prevention, renourishment and retreat; establishment of an economic base to pay for managing Florida's beaches; and private citizens' rights vs. government's right to regulate.

## Beach erosion

- 1. The League overwhelmingly prefers the expenditure of public or private funds to purchase land or restore the natural dune systems rather than expenditures for coastal armoring to prevent erosion. In the event of major storm damage, no property owner should be allowed to rebuild seaward of the coastal construction control line.**

However, because coastal regulations restrict construction on coastal property:

- 2. The public should compensate the owner for some loss of economic value. That compensation could either be through the transfer of development rights or tax incentives on the remaining property. League members do**

**not believe cash compensation is appropriate.**

The League adamantly opposes artificial methods such as seawalls, breakwaters, groins and jetties that obstruct the natural sand drift, while recognizing that the dredging of inlets for recreational, commercial and military purposes is necessary. However, when that dredging takes place, the use of sand bypasses would lessen the impact of that dredging on coastlines down current.

## Beach access

**The League believes strongly that the state should provide for public access in both developed and undeveloped shoreline areas at reasonable intervals. In the undeveloped areas, that access should be provided in a manner that protects the coastal system; therefore a variety of access methods are appropriate.**

Beach access points or parcels where intense use is anticipated should have parking and support facilities. Seashore parks would best protect an undeveloped area if most of the park is retained in its natural state. Large undeveloped tracts may not be appropriate for public use and should be left pristine.

As much as possible the state should take measures to extend the ownership of sovereign lands on behalf of its citizens. Two acceptable methods are extending sovereign lands to include dry sand areas adjacent to the beaches and extending public ownership to include privately owned areas used continuously by the public for recreational purposes over a period of years.

## Fiscal policy

Because Florida's beaches are one of its most valuable resources, government should pay to manage and protect them.

Public funds should not be used to protect private interests through beach

restoration or coastal armoring, nor for any expenditure for coastal armoring on public lands.

Beach restoration and renourishment projects on publicly owned lands and the purchase of eroded coastal lands are wise investments of public dollars. In addition, purchase of land to provide beach access points, beach access parking and passive parks, and to compensate for dry sand areas should be paid for by the public.

Because the benefits of Florida's beautiful beaches are shared by residents throughout the state:

- 1. The source of financing should be broad based. A combination of federal and state funds in conjunction with local taxes, special districts and tourist development taxes should pay for managing and protecting the coast.**
- 2. Historically, the League has supported user fees and does so for beaches as well, with some reservation. User fees must be applied discriminately. The beaches belong to the state of Florida; access should be provided and any user fees limited to the cost to deliver services enjoyed by the payer.**
- 3. The state should assume the primary fiscal responsibility for coastal management.**

## Governance

While federal laws set national coastal policy and goals and local government is closest and presumably most responsive to its citizens:

- 1. The state should have the final responsibility in directing coastal policy for Florida's beaches. All levels of government need to coordinate their actions and have consistent goals and policies in order to be effective and efficient.**
- 2. Wise coastal management policies recognize the natural shift of the coastline.**

**S&A**



## Environmental Protection and Pollution Control

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PROMOTE AN ENVIRONMENT BENEFICIAL TO LIFE THROUGH THE PROTECTION AND WISE MANAGEMENT OF NATURAL RESOURCES IN THE PUBLIC INTEREST.

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**Preserve the physical, chemical and biological integrity of the ecosystem, with maximum protection of public health and the environment. (LWVUS)**

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### Air quality

Florida has been a leader in the preservation of air quality by enacting stringent legislation to protect the health and welfare of the public. However, economic problems and energy needs have brought about some changes in those standards. The League has appeared before the state Environmental Regulation Commission opposing any further relaxation of state emission standards for power plants.

The League has helped to publicize the increasing problem of acid rain attributable to auto emissions and power plants nationally and in Florida. LWVF will continue to emphasize the LWVUS positions. In 1988 the League supported reinstatement of auto inspections in six counties that did not attain federal air quality standards. LWVUS is a member of the Clean Air Coalition.

### Waste management

During the 1980 legislative session LWVF supported passage of a comprehensive Hazardous Waste Control Act, which provides a cradle-to-grave approach to hazardous waste management. Up to that time Florida was the only state in the southeast with no laws governing hazardous waste.

League supported passage of a comprehensive state mining and reclamation act in the 1981 session of the Legislature. The League believes that current laws are not stringent enough to insure that mining wastes (particularly from phosphate) are managed to protect the ground and surface water and to ensure that mined lands are reclaimed and restored as closely as possible to their natural state. League will continue to support the passage of bills to strengthen laws on these issues.

Passage of a bill to require deposits on all throwaway soft drink and beer containers has been a League priority since 1985. The League continues to support strong container deposit requirements.

In January 1991 the LWVUS adopted positions on solid waste and recycling in response to reauthorization of the Resource Conservation and Recovery Act (RCRA) being considered by Congress. At the state level, the League supports those positions. In particular, LWVF supports requiring increased recycled content in newspaper and packaging to spur markets for recycled products and to reduce the amount of waste produced. The LWVF also supports a temporary moratorium on new or expanded solid waste incinerators until recycling and source reduction programs are well established. The League believes that if incinerators are put in an area before recycling programs, incineration becomes a disincentive to recycling.

The League supports toxics-use-reduction standards for industry and community right-to-know legislation on toxic and hazardous chemicals.

### Water quality

The LWVF and local Leagues have been actively involved in the water quality management programs mandated by Section 208 of the Federal Water Pollution Control Act since 1972. The League actively supported passage of the Water Quality Assurance Act of 1983.

The LWVF lobbied several years for strong stormwater runoff regulations. League supported the stormwater management legislation passed in 1989.

The League supported the Surface Water Improvement and Management Trust Fund (SWIM, 1987), which is intended to clean up Florida's major polluted water bodies. In 1988 LWVF supported the Bluebelt Amendment to the Florida Constitution, providing for the possibility of lower assessment for land producing high water recharge to Florida's aquifers. LWVF works on all levels to protect Florida's ground and surface waters from pollution and depletion.

Legislation passed during the 2013 session directs the Department of Agriculture & Consumer Services to develop an agriculture water supply plan with a 20 year planning horizon, and requires water management districts to consider future water supply demands projected by DACS as “best available data.” This bill sets the stage for granting new water rights to agricultural users during periods of drought and promotes irrigation over other uses during water shortages. Major environmental groups in Florida expressed concerns about the bill.

The majority leadership of Congress in 1994 made attacks on the Clean Water Act. The LWVF wrote letters to federal officials throughout 1995 expressing the need to keep the Clean Water Act intact because of various health protections it provided to the citizenry as a whole. Because of the strong public outcry against lessening environmental controls that protect water and wetlands, Congress backed away from legislation that would have such a negative impact.

In recognition of the important role that water management districts play in managing both our water resources and our land resources, local Leagues have organized regional groups based on water management districts.

The St. Johns River Water Management District Coalition and Northwest Florida Water Management District Coalition deserve special recognition in this regard.

Three constitutional amendments regarding funding for Everglades clean up appeared for approval on the ballot in 1996. The first would have assessed a penny per pound on raw sugar produced in the Everglades Agricultural Area; the second required polluters to pay for pollution clean up; the third created a trust fund for clean up money. Based on its position that, “No tax sources or revenue should be specified, limited, exempted, or prohibited in the Constitution,” the League opposed these constitutional amendments. Voters chose to reject the first amendment but passed the second and third. While the League has many strong environmental positions and supports Everglades restoration, we upheld our constitutional position that such tax issues should not be a part of a state Constitution.

Because of the media coverage given to the battle between environmentalists and the sugar industry during the campaign, LWVF wrote the governor expressing displeasure with the conduct of South Florida Water Management District Board members. Subsequently, policies to guide the districts in these situations were instituted.

**S&A**

For a full statement of LWVUS Natural Resources positions see the latest edition of Impact on Issues. (Please see pages 81-82 S&A.)

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# Public Participation

**T**he League has worked for many years to educate the public of the need to participate in decisionmaking to preserve our natural resources.

For example, the League held five workshops throughout Florida in support of a bottle bill in 1988 and published “Mandatory Deposit — A Florida Impact Analysis.”

In 1992, LWVF Education Fund, Citizens to Preserve Florida, Global Warming Education Project and Florida State University presented a symposium entitled “Global Warming Leadership Forum: Public Policy and the Greenhouse Effect” in Tallahassee.

In the late 1990s, League cooperated with other groups to oppose legislation

proposed in the Florida Legislature designed to limit severely the public’s ability to challenge rulemaking by public agencies as well as agency rules. The legislation did not pass.

In 2003 and in cooperation with Creative Pursuits Inc. of Tallahassee, the League received a grant from the Elizabeth Ordway Dunn Foundation to conduct a series of workshops utilizing a media tool kit for use by local Leagues and other public interest groups. The purposes of the project are to increase media relations effectiveness and to build greater public awareness and understanding of ASRs (aquifer storage and recovery), a key component of the Florida water supply debate.

**S&A**

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PROMOTE AN ENVIRONMENT BENEFICIAL TO LIFE THROUGH THE PROTECTION AND WISE MANAGEMENT OF NATURAL RESOURCES IN THE PUBLIC INTEREST.

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**Promote public understanding and participation in decision making as essential elements of responsible and responsive management of our natural resources.**  
(LWVUS)

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# League of Women Voters of the United States

## Public Policy Positions

All action at the federal level must be authorized by the LWVUS board. This includes any effort aimed at influencing a decision on a federal issue. Requests should be sent to [lobbying@lww.org](mailto:lobbying@lww.org). See LWVUS publication #386, Impact on Issues, for more details.

### Representative Government

Promote an open governmental system that is representative, accountable and responsive.

#### Voting Rights

Citizen's Right to Vote: Protect the right of all citizens to vote; encourage all citizens to vote.

The League of Women Voters of Florida has been vigilant in monitoring the redistricting of its congressional and legislative districts to ensure implementation of the Voting Rights Act requirements in the affected counties.

D.C. Self-government and Full Voting Representation: Secure for the citizens of the District of Columbia the rights of self-government and full voting representation in both houses of Congress.

#### Election Process

Apportionment. Support apportionment of congressional districts and elected legislative bodies at all levels of government based substantially on population.

For information about Florida's action on apportionment and single-member districts, please see chapter on Government in Florida, Florida Constitution, on page 6.

Campaign Finance. Improve methods of financing political campaigns in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and promote citizen participation in the political process.

LWVUS adopted state positions on campaign finance in 1986. They are listed under Election Law in Florida on page 33.

The LWVUS position on campaign finance is applicable to all federal campaigns for public office — presidential and congressional, primaries as well as general elections. It also may be applied to state and local campaigns.

Selection of the President. Promote the election of the president and vice president by direct popular vote and work to abolish the Electoral College. Support uniform national voting qualifications and procedures for presidential elections. Support efforts to provide voters with sufficient information about candidates.

#### Citizen Rights

Citizen Right to Know/Citizen Participation. Protect the citizen's right to know and facilitate citizen participation in government decisionmaking.

Individual Liberties. Oppose major threats to basic constitutional rights.

Public Policy on Reproductive Choices. Protect the constitutional right of privacy of the individual to make reproductive choices.

#### Congress and the Presidency

Congress. Support responsive legislative processes characterized by accountability, representativeness, decisionmaking capability and effective performance.

The Presidency. Promote a dynamic balance of power between the executive and legislative branches within the framework set by the Constitution.

### International Relations

Promote peace in an interdependent world by working cooperatively with other nations and strengthening international organizations.

#### United Nations

Support a strong, effective United Nations to promote international peace and security and to address the social, economic and humanitarian needs of all people.

#### Trade

Support U.S. trade policies that reduce trade barriers, expand international trade and advance the achievement of humanitarian, environmental and social goals.

#### U.S. Relations with Developing Countries

Promote U.S. policies that meet the long-term social and economic needs of developing countries.

#### Arms Control

Reduce the risk of war through support of arms control measures.

#### Military Policy and Defense Spending

Work to limit reliance on military force. Examine defense spending in the context of total national needs.

### Natural Resources

Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest.

#### Natural Resources

Promote the management of natural resources as interrelated parts of life-supporting ecosystems.

#### Resource Management

Promote resource conservation, stewardship and long-range planning, with the responsibility for managing natural resources shared by all levels of government.

For Florida's action on this subject, please refer to information beginning on page 68.

## Environmental Protection and Pollution Control

Preserve the physical, chemical and biological integrity of the ecosystem, with maximum protection of public health and the environment.

Air Quality. Promote measures to reduce pollution from mobile and stationary sources.

Energy. Support environmentally sound policies that reduce energy growth rates, emphasize energy conservation and encourage the use of renewable resources.

Land Use. Promote policies that manage land as a finite resource and that incorporate principles of stewardship.

Water Resources. Support measures to reduce pollution in order to protect surface water, groundwater and drinking water.

Waste Management. Promote policies to reduce the generation and promote the reuse and recycling of solid and hazardous wastes.

Nuclear Issues. Promote the maximum protection of public health and safety and the environment.

For Florida's action on natural resources, please refer to information beginning on page 68.

## Public Participation

Promote public understanding and participation in decisionmaking as essential elements of responsible and responsive management of our natural resources.

## Agriculture Policy

Promote adequate supplies of food and fiber at reasonable prices to consumers and support economically viable farms, environmentally sound farm practices and increased reliance on the free market.

For Florida's action on this subject, please see page 68.

## Social Policy

Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans.

For Florida's action on this subject, please refer to information beginning on page 54.

## Equality of Opportunity

Equal Rights. Support ratification of the Equal Rights Amendment and efforts to bring laws into compliance with the goals of the ERA.

Education, Employment, and Housing. Support equal access to education, employment and housing.

## Fiscal Policy

Tax Policy. Support adequate and flexible funding of federal government programs through an equitable tax system that is progressive overall and that relies primarily on a broad-based income tax.

Federal Deficit. Promote responsible deficit policies.

Funding of Entitlements. Support a federal role in providing mandatory, universal, old-age, survivors, disability and health insurance.

Since the state budgeting process occurs under different constitutional arrangements and laws, the conclusions of the federal deficit study do not overrule any current state League positions on state budgeting processes, nor can they be used at the state level without separate state League study and member agreement on the subjects.

## Health Care

Promote a health care system for the United States that provides access to a basic level of quality care for all U.S. residents and controls health care costs.

For Florida's action on this subject, please refer to information beginning on page 58.

## Meeting Basic Human Needs

Support programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families.

Income Assistance. Support income assistance programs, based on need, that provide decent, adequate standards for food, clothing and shelter.

Support Services. Provide for essential support services.

Housing Supply. Support policies to provide a decent home and a suitable living environment for every American family.

## Child Care

Support programs and policies to expand the supply of affordable, quality child care for all who need it.

## Early Intervention for Children at Risk

Support policies and programs that promote the well being, development and safety of all children.

## Violence Prevention

Support violence prevention programs in communities.

## Gun Control

Protect the health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semi-automatic weapons. Support regulation of firearms for consumer safety.

For Florida's action on this subject, please see page 65.

## Urban Policy

Promote the economic health of cities and improve the quality of urban life.

## Death Penalty

The LWVUS supports the abolition of the death penalty.

## Immigration

Promote reunification of immediate families; meet the economic, business and employment needs of the United States; be responsive to those facing political persecution or humanitarian crises; and provide for student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status.

**S&A**

# The Principles

◆ The League of Women Voters believes in representative government and in the individual liberties established in the Constitution of the United States.

◆ The League of Women Voters believes that democratic government depends upon the informed and active participation of its citizens and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible.

◆ The League of Women Voters believes that every citizen should be protected in the right to vote; that every person should have access to free public education that provides equal opportunity for all; and that no person or group should suffer legal, economic or administrative discrimination.

◆ The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies and levels of government.

◆ The League of Women Voters believes that responsible government should be responsive to the will of the people; that government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest, share in the solution of economic and social problems that affect the general welfare, promote a sound economy and adopt domestic policies that facilitate the solution of international problems.

◆ The League of Women Voters believes that cooperation with other nations is essential in the search for solutions to world problems and that the development of international organization and international law is imperative in the promotion of world peace.

## Where do the Principles come from?

The Principles are concepts of government to which the League subscribes. They are a descendant of The Platform, which served from 1942 to 1956 as the national repository for "principles supported and positions taken by the League as a whole in fields of government to which it has given sustained attention." Since then, the Principles have served two functions, according to the LWVUS Bylaws: 1) authorization for adoption of national, state and local program (Article XII) and 2) as a basis for taking action at the national, state and local levels (Article XII).

The appropriate board authorizes action to implement the Principles once it determines that member understanding and agreement do exist and that action is appropriate. As with other action, when there are ramifications beyond a League's own government jurisdiction, that League should consult other Leagues affected.

The national board suggests that any action on the Principles be taken in conjunction with current League positions to which they apply and on which member agreement and understanding are known to exist. The Principles are rather broad when standing alone, so it is necessary to exercise caution when considering using them as a basis for action. Furthermore, since 1974 most of the Principles have been an integral part of the national program, most notably in the criteria for evaluating government that appear in the box on page 17.

## Impact on Issues

NOTE: Please refer to the latest edition of Impact on Issues (Pub. 386) for further information on LWVUS program. This resource document includes statements of position, background and significant past action on each national program issue.

Updated after each LWVUS convention, this publication is available free to view or to download in pdf format from [lww.org](http://lww.org) or at nominal cost in paper from the same Web site. Order from [lww.org/store](http://lww.org/store)

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