



March 19, 2018

Sent via Email: Carlos.Beruff@flcrc.gov

The Honorable Carlos Beruff
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399

Dear Chairman Beruff:

I write in support of Commissioner Proposal 97 (Proposal 97) and ask the Commission to approve the amendment for inclusion on the 2018 general election ballot. Proposal 97 would fix an existing inconsistency in the Florida Constitution, which calculates the required approval rate for constitutional amendments in two different ways, and it would ensure that all constitutional amendments are approved by a majority of the voters voting in that election—not simply by a majority of those voters actually voting on that proposal.

The existing inconsistency is this. A constitutional amendment not involving a new tax or fee must be approved in accordance with article XI, section 5(e), of the Florida Constitution which states that “at least sixty percent of the electors voting on the measure” must approve the amendment. In contrast, for amendments that would impose a new state tax or fee, the proposed amendment must be approved “by not fewer than two-thirds of the voters voting in the election in which such proposed amendment is considered.” Proposal 97 would ensure that the denominator in both cases is the same, by amending article XI, section 5(e) to state that a constitutional amendment approved pursuant to that provision must be approved by “not fewer than sixty percent of the voters voting in the election in which such proposed amendment or revision is considered.” Thus, approval of all constitutional amendments would be calculated in the same way, based on total voter turnout and not just the number of voters who chose to vote on that amendment.

Florida already offers one of the more lenient systems for amending the constitution, providing five different ways to do so, including the citizen initiative process. Creating uniformity in how amendments are calculated as approved by voters will bring uniformity to that system and will not undermine the ability of the people to amend the constitution. As has been pointed out by the proposal’s sponsor, there are numerous examples in which even under Proposal 97’s formula, recent citizen initiative amendments would still have been approved,

such as 2014's Amendment 1, the Florida Water and Land Conservation Initiative.

Furthermore, including abstaining voters in the total count is not a bad thing. A constitutional amendment is a near permanent action to our state's foundational document. Any changes to that foundational documents should represent the will of a majority of the people, and not simply the will of those who chose to weigh in on the proposal. For these reasons, the Institute supports Proposal 97 and asks the Commission to approve it.

If you have any questions or comments, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read "Will Large", with a stylized flourish above the name.

William W. Large
President

cc: Jeff Woodburn
William N. Spicola
Belinda Keiser