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# Researching Initiatives and Referendums: A Guide for Florida

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# Researching Initiatives and Referendums: A Guide for Florida

Elizabeth Outler

**SUMMARY.** In Florida, direct democracy at the state level consists entirely of the initiative method of amending the State constitution. This constitutional provision was partly a response to the State's history of obstacles to affording equitable legislative representation to all its citizens, a struggle with roots dating back to the Reconstruction era. The State constitution, governing statutes and regulations, and the Division of Elections Web site serve as the primary sources of information and guidance for those interested in the process of amending the State constitution by citizen-sponsored initiative. doi:10.1300/J113v26n03\_06 [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2007 by The Haworth Press. All rights reserved.]

**KEYWORDS.** Florida, initiative, constitution, amendment, petition, election law

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## INTRODUCTION

The primary source of direct legislation in Florida is the constitutional amendment by initiative. There never has been a statutory initiative or popular referendum process in Florida. The Florida Constitution requires a referendum to approve issuance of state bonds, and of course the legislature may choose to submit laws to the voters for approval. The referendum process is so rarely used, and so unlikely to be driven by popular will, that any discussion of direct democracy in Florida must focus almost exclusively on the initiative process for amending the State constitution.

### THE INITIATIVE PROCESS FOR AMENDING THE STATE CONSTITUTION

#### *History*

Florida has had six constitutions over its history as a state. The document currently in effect is referred to as the Revised Constitution of 1968. Florida's first constitution was approved by the electors in 1839, when Florida was still a territory, and remained in effect when Florida became a state in 1845. Florida's participation in the Confederacy does not seem to have a noteworthy place in the popular memory, but it was the third state to secede from the United States in 1861. Consequently, Florida was not represented in the Congress from January 1861 to June 30, 1868. Three state constitutions were ratified during this period—the “war” or “Confederate” constitution of 1861, an early Reconstruction constitution in 1865 that was not accepted by Congress, and the Reconstruction Constitution of 1868 that finally allowed Florida to be readmitted to the Union. Another major constitutional revision was ratified in 1885, and this constitution, though heavily amended over its history, remained in effect until 1968.<sup>1</sup>

The Revised Constitution of 1968 was necessary to “modernize the administrative structure of the state, change provisions for local government,” and accomplish reapportionment.<sup>2</sup> The legislature had repeatedly failed to address the need for reapportionment, despite significant population changes in the state and the federal attention to enforcing civil rights laws. The need for constitutional change became more urgent after the United States Supreme Court decided *Reynolds v. Sims*, in which it held that state constitutional provisions for apportionment that did not accomplish a system of “one man, one vote” were invalid.<sup>3</sup> In 1965 a

Constitutional Revision Commission was established, and by the time it had a document ready to submit to the legislature in 1967, another Supreme Court decision, *Swann v. Adams*, had directly invalidated Florida's apportionment law and required new districts to be drawn and new elections held.<sup>4</sup> The new legislature that reconvened later that year was particularly receptive to the new constitution, and approved it with few changes.<sup>5</sup> The document was approved by the people of the State of Florida in 1968. With amendments, the 1968 constitution remains the underlying framework of Florida constitutional law today.

It is in the 1968 constitution that the primary source of direct democracy in Florida first appeared, namely, the initiative method of amending the constitution. The recalcitrance of the legislature about amending the constitution to accomplish reapportionment, a crisis which lasted close to twenty years, prompted the Revision Commission that drafted the 1968 constitution to add the ability to amend the constitution without the participation of the legislature. Chesterfield Smith, the chair of the 1968 Revision Commission and the person most directly responsible for the major features of the redrafted document, reportedly stated that he believed the new provisions for amending the constitution were the most important things that were added.<sup>6</sup> The first time an initiative amendment appeared on the ballot was in 1976, to require public officials to disclose their assets and other financial information, and it was approved. From the information available on the Web site of the Division of Elections, twenty-six initiatives have made it to the ballot since then, with more than eighty-four percent approved. Voters saw and approved five initiative amendments in 2002, and six in 2004, which was the largest total to date. As a result of the perceived rise in the number of initiative petitions, and the apparent high chances of success for those that reach the ballot, a constitutional amendment (originating in the Florida Legislature) to increase the votes required to pass an initiative-sponsored amendment was approved by the voters in November 2006. Now, instead of a simple majority, an initiative-sponsored constitutional amendment must receive at least sixty percent approval in order to succeed.

## ***Process***

### *Core Requirements*

The process for amending the constitution by initiative petition can be long and difficult, due to the numbers of signatures that must be acquired and the stringent review of the petition by the Florida Supreme

Court. The Web site of the Division of Elections, an office of the Florida Department of State (<http://election.dos.state.fl.us/initiatives/index.shtml>) has information about the process for filing initiative petitions, including the calculation of the number of signatures required to certify a petition for the ballot at the next general election.<sup>7</sup> The authorization and the minimum requirements for the initiative method of amending the constitution are found in Article XI, Section 3 of the Florida Constitution. Two basic requirements are stated there, namely, the so-called single subject rule, and the number of signatures required to get an initiative on the ballot. As mentioned above, a third requirement, sixty percent approval by the voters, is a legislative amendment approved in November 2006.

### *The Single Subject Rule*

The single subject rule is that any citizen-sponsored “revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith.”<sup>8</sup> The single subject rule has been the death of many initiative petitions, and strongly pro-direct democracy organizations like the Initiative and Referendum Institute at the University of Southern California School of Law have complained that the rule is “outrageously stringent.”<sup>9</sup> It is true that only the initiative method of amending the constitution is subject to this limitation; the legislature has no such restriction in proposing constitutional amendments. However, the single subject rule has a long history in Florida constitutional law in a similar standard applied to the legislature’s power to enact laws.<sup>10</sup> The legislative single subject rule existed in the 1885 constitution, and many laws have been invalidated due to its requirement.

The seminal case for the Florida Supreme Court’s application of the single subject rule to initiative petitions is *Fine v. Firestone*.<sup>11</sup> In that case, the court explained that it will stringently apply the single subject rule to its review of initiative petitions because unlike legislative proposals, there is no filtering process for the drafting of the language, and no opportunity for debate or public hearing. In addition to discerning whether the text of the proposed amendment embraces more than one subject, the court will consider how a proposed amendment would affect other articles or sections of the constitution. The court also unequivocally stated that a severability clause in a petition cannot cure a violation of the single subject requirement. The only exception to the single subject rule is stated in the constitution: initiative amendments to limit the government’s taxing power are not subject to the rule. This

exception was added by an initiative amendment in 1994, largely in response to *Fine v. Firestone*.

### *Signatures*

The second basic requirement is the total number of signatures required. This calculation is described in the constitution as follows:

[A] number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.<sup>12</sup>

The grand total currently required is 611,009, according to the Division of Elections Web site. The Web site also breaks down the totals required for each individual congressional district.<sup>13</sup>

### *Step-by-Step Process*

*Step One—Registration of Sponsor and Approval of Petition Form.* As stated above, the Division of Elections Web site is an excellent starting point for citizens needing information about the process.<sup>14</sup> The main statutory sources governing the process of filing an initiative petition are Section 100.371, which prescribes the procedure for placement on the ballot, and Section 101.161, which prescribes the required wording for initiatives and referenda on a ballot. The first step is to register a political committee with the Division of Elections.<sup>15</sup> Any political committee must file a “statement of organization” with the Division of Elections prior to collecting money or signatures.<sup>16</sup> A “political committee” is defined to include “the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.”<sup>17</sup>

The sponsor of an initiative petition must then submit the text of the proposed amendment and the form for collecting signatures to the Division of Elections for approval.<sup>18</sup> The approval of the petition and form must take place before gathering any signatures. The standards for sufficiency of a petition and signature form are laid out by Section 101.161, Florida Statutes, and Rule 1S-2.009 of the Florida Administrative Code. There must be a ballot title, not exceeding fifteen words, “by which the measure is commonly referred to or spoken of,” and a ballot summary,

“an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure.”<sup>19</sup> Rule 1S-2.009 prescribes that the size of the form must be a minimum of three by five inches, and a maximum of eight and one-half by eleven inches. The form must be clearly and conspicuously titled at the top, “Constitutional Amendment Petition Form,” and must contain the ballot title and summary, followed by the full text of the amendment being proposed, including the article and section being created or amended. The form must contain adequate space for the signee to write his or her name, legal residential street address, city, county, date of birth, signature, and date of signature. Only one signature is permitted per form, and a form that allows for multiple signatures will not be approved.<sup>20</sup>

*Step Two—Gathering and Certifying Signatures.* After approval, petitioners may begin gathering signatures, which remain valid for a period of four years from the date of signature. The required number of signatures overall and from any given congressional district may be acquired from the Division of Elections, which calculates the requirement based on the total number of registered voters who cast ballots in the preceding presidential election. Again, this information is available on the Division of Elections Web site.<sup>21</sup> When a threshold of ten percent of the required signatures have been gathered, from at least one-fourth of the congressional districts in the state, the petitioner may submit them for certification in order to begin the process of placing the petition on the ballot.<sup>22</sup> The sponsor must submit signatures to the appropriate Supervisors of Elections for each county in which signatures are collected.<sup>23</sup> There is a fee for verification of ten cents per signature, or the actual cost of verification of each signature, whichever is less; however, a sponsor may submit an affidavit that such a fee would be an undue burden on the sponsor in order to have the fee waived.<sup>24</sup> The Supervisors of Elections in each district verify the signatures and submit their reports to the Division of Elections, which provides a letter to the Secretary of State confirming that the sponsor has met the threshold to begin the review process. Then, the Secretary of State must immediately submit the petition to the Attorney General and the Financial Impact Estimating Conference.<sup>25</sup>

The Financial Impact Estimating Conference (FIEC) was made necessary by Article XI, Section 5(c) of the Florida Constitution, which was added by legislative amendment in 2002 and directed the legislature to enact laws to provide a statement to the voters of the “probable financial impact” of any initiative amendment that appears on the ballot. The FIEC consists of four members, one from the Executive Office of the Governor,

one from the Office of Economic and Demographic Research, and one each from the professional staffs of the House of Representatives and the Senate, and all members should have “appropriate fiscal expertise in the subject matter of the initiative.”<sup>26</sup> The FIEC is tasked to analyze the financial impact of the proposed amendment, including any “estimated increase or decrease in revenues or costs to state or local governments.”<sup>27</sup> The group must provide an opportunity for proponents and opponents of the initiative to submit information to them, and any meetings must be noticed and open to the public.<sup>28</sup> The FIEC has forty-five days to complete its analysis and draft a “clear and unambiguous financial impact statement, no more than 75 words in length,” and submit it to the Attorney General.<sup>29</sup> This financial impact statement will appear on the ballot, following the ballot summary.<sup>30</sup>

*Step Three—Supreme Court Review.* Within thirty days of receiving a certified amendment proposal from the Secretary of State, the Attorney General must petition the Florida Supreme Court for “an advisory opinion regarding the compliance of the text of the proposed amendment or revision with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and substance with s. 101.161.”<sup>31</sup> While there is no statutory requirement that the Attorney General forward the financial impact statement to the Supreme Court for review, the court has adopted Florida Rule of Appellate Procedure 9.510, which directs the Attorney General to indicate in his petition for review of the proposed amendment the date by which the financial impact statement will be forwarded to the court, if the statement is not included with the petition.

The Court’s review of an initiative petition is limited to two issues: (1) whether the petition complies with the single subject rule, and (2) whether the proposed ballot title and summary are clear and unambiguous.<sup>32</sup> Other than the single subject inquiry, the Court does not judge the merits of the proposed amendment. The single subject standard was laid down by the court in *Fine v. Firestone*, and is usually reiterated as “a logical and natural oneness of purpose.”<sup>33</sup> This analysis includes a determination of whether the proposed amendment will affect more than one function of government, or more than one section of the constitution.

*Step Four—Placement on the Ballot.* If the petition survives Supreme Court review, it awaits placement on the ballot for the general election.<sup>34</sup> A “general election” is held each even-numbered year in November.<sup>35</sup> The sponsoring committee continues to submit signatures for verification until the required total for ballot placement is reached. Each signature must

be submitted to the Supervisor of Elections for the county in which the signee is a registered voter. The Supervisors of Elections verify the signatures and submit their certifications to the Division of Elections. As of January 1, 2007, this process will be done electronically in a statewide voter registration system.<sup>36</sup> The Division of Elections determines whether the required number of signatures has been reached. The deadline for placement on the ballot for a general election is 5:00 p.m. on February 1 of the year in which the general election is held. Once the required number of signatures has been obtained and verified, the Secretary of State issues a certificate of ballot position.<sup>37</sup>

### **REFERENDA**

The referendum is rarely used in Florida, and when it does appear, it is usually for a special law, e.g., limited geographical scope.<sup>38</sup> There is also the bond referendum, which has a constitutional source, but this too seems to happen extremely rarely.<sup>39</sup> Article VII, Section 11(a) declares that:

State bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, upon approval by a vote of the electors.

This does not include so-called revenue bonds, which finance projects that would pay for themselves (e.g., a toll bridge);<sup>40</sup> consequently, state capital projects for which bonds are issued are styled as revenue bonds, avoiding the requirement of voter approval.

### **FINDING DOCUMENTS RELATED TO FLORIDA INITIATIVES AND REFERENDA**

The two best sources for information about initiative petitions and associated documents are the Division of Elections Web site (<http://election.dos.state.fl.us/initiatives/index.shtml>), and another Web resource, entitled *Florida's Constitutions: The Documentary History*, preserved by the Florida State University College of Law along with its Web archive of documents for the 1997-98 Constitution Revision Commission.<sup>41</sup> Other than the Division of Elections Web site, there have been no published guides or other information resources found that instruct or make recommendations about the process. There are several organizations,

mentioned below, whose mission includes attention to election issues and the initiative process, but none are focused on fostering citizens who need assistance either with the process of proposing an initiative or with researching one. However, these groups may have useful information, and their Web sites are listed below in the selected bibliography.

Included below is a selected bibliography of other resources that might be useful for researchers attempting to find information about the citizen initiative process in Florida, or to locate historical documents related to initiatives or referenda.

### ***Selected Bibliography***

#### *Florida Laws Governing Initiatives and Referenda*

##### *Florida Constitution*

Article XI, Section 3 (Amendments by Initiative)

Article XI, Section 5 (Amendment or Revision Election)

Constitution, Article VII, Section 11 (State Bonds; Revenue Bonds)

Most of the initiative amendments that have been added to the Florida Constitution are found in Article X (the “Miscellaneous” article).

##### *Florida Statutes*

Section 15.21–Initiative Petitions (Secretary of State)

Section 16.061–Initiative Petitions (Attorney General)

Section 100.371–Initiatives; Procedure for Placement on Ballot

Section 101.161–Referenda; Ballots

##### *Florida Administrative Code*

Rule 1S-2.009–Constitutional Amendment by Initiative Petition

Rule 1S-2.0091–Constitutional Amendment Initiative Petition Submission Deadline, Verifying Electors’ Signatures

##### *Court Opinions*

Note: If one is attempting to retrieve a comprehensive list of cases for historical research, a combination of keyword searching and digest searching is suggested.

*West Digest System*

In *West's Florida Digest 2d* (and on Westlaw) a great percentage of the court opinions reviewing initiative petitions can be found using Constitutional Law, key number 9(1). However, this is not a perfect solution for finding a list of such cases for two reasons; first, not all such cases were indexed with headnotes, and second, this key number is not exclusive to review of initiative petitions.

*Electronic Searching*

The statutory requirement that made the process of the advisory opinions automatic was enacted in 1986, so the petitions that were proposed before then had to be challenged if there was to be a review by the courts. Since 1986, the court's opinions are more uniformly captioned, e.g., "Advisory Opinion to Attorney General re: . . .," which makes keyword searching for them easier.

*Internet Resources*

***Division of Elections, Florida Department of State, Initiative Petition Process***, available at <http://election.dos.state.fl.us/initiatives/index.shtml>.

The section of the Division of Elections' Web site that is devoted to initiatives is very helpful. It has a database of the titles and text of all the initiative petitions that have been filed, including the names and contact information of their sponsoring organizations, their status (active, closed, defeated, passed, removed, or withdrawn), the number of signatures that have been verified (including a breakdown by district), and dates of significant activity, as well as the Supreme Court's ruling (for petitions that get that far). The Web site also has a section instructing citizens about steps in the process if they wish to file a petition themselves.

The Division of Elections is the only authoritative resource for the petitions that are active and ongoing in the pursuit of signatures. If the Web site did not exist or were inaccessible, this information would be available via a public records request. The database is also an excellent resource for historical information about nearly all the initiative petitions that have been filed. There are some gaps in the historical coverage,

however. The very first initiative amendment in 1976 does not appear in the database. Additionally, there were three initiative petitions for the 1978 election that did not receive enough signatures and never made it to a ballot, and the text of these petitions is not available from the Division of Elections Web site.<sup>42</sup> Lastly, before 1988, sponsorship information for the various initiative petitions appears to be unavailable, with all such sponsors labeled “Initiative Committee Before 1988,” for which there is no information in the database.

***Division of Elections, Florida Department of State, Election Results***, available at <http://election.dos.state.fl.us/elections/resultsarchive/index.asp>.

Election results since 1978 are available on this web page; this database is useful for identifying what items appeared on the ballot at each election (although the text does not appear, only the title), and what the vote totals were. For information about what appeared on the ballot before 1978, one would have to contact the Division of Elections or the State Archives.

***Jo Dowling, Florida’s Constitutions: The Documentary History***, available at <http://www.law.fsu.edu/crc/conhist/>.

This is a compilation or bibliography to aid in historical research (through 1998), and it seems to be the only one that exists. This bibliography lists all of the amendments to the 1968 constitution, including the text of all initiatives that received review from the Supreme Court, whether or not they made it to the ballot (with the exception of the two 1978 failed initiatives mentioned above), and whether or not they were successful. In addition, it includes citations to all of the court opinions reviewing initiative petitions, and it seems to be the only comprehensive source for this list of court opinions. There is no other straightforward, sure-fire way of finding all such opinions in general. For these reasons, the *Documentary History* is quite a gift to the researcher.

***State Library and Archives of Florida, Florida Department of State***, available at <http://dlis.dos.state.fl.us/library/>.

The State Library and Archives Web site provides access to the on-line catalog for the Florida Documents Collection, which includes documents provided to the library by state agencies. There is also

contact information for the reference librarians at the State Library, who can be very helpful resources.

***Bureau of Archives and Records Management***, available at <http://dls.dos.state.fl.us/barm/fsa.html>.

This is the separate Web site for the State Archives, which also has an online catalog allowing users to search what is available. The Reference Unit at the Archives will provide some research assistance as well, and contact information is available on the Web site.

### *Books*

Talbot D' Alemberte, *The Florida State Constitution: A Reference Guide* (Greenwood Press 1991).

Written by a former governor of Florida, this guide is part of a series of reference guides for state constitutions. It recounts the history of Florida's constitutions, and gives a section by section analysis and explanation of the constitution (as it existed in 1991, when the book was published) including citations to significant cases. The discussion of the section governing the initiative amendment process is succinct but helpful, though dated. The book also contains an extensive bibliography.

*Florida's Politics and Government* (Manning J. Dauer ed., 2d ed., University Press of Florida 1984).

The editor of this book was the pre-eminent political science scholar in Florida for many decades, and played a role in the adoption of the 1968 Revised Constitution. This book is a collection of chapters by the leading scholars of Florida politics and history, with chapters focusing specifically on the history of the state, the constitution, and the legislature, among many other topics. Chiefly useful for historical perspective because of its age, this book is significant because it was edited by Manning Dauer, who also authored the chapter on the constitution.

*Government and Politics in Florida* (Robert J. Huckshorn ed., 2d ed., University Press of Florida 1998).

This book is essentially a revised and updated version of Florida's Politics and Government, listed above. Like that book, it is primarily useful for historical research and context.

### *Pamphlets*

#### *Public Information Clearing Service, University of Florida, Civic Information Series*

This series of pamphlets was published by the University of Florida from 1950 to 1988. These were published to give voters information about proposed amendments to the state constitution, and only include information about those that actually appeared on a ballot. The pamphlets do not necessarily reproduce the language of a proposed amendment, but do explain the purpose and likely effect, and present arguments pro and con. The complete series is available at the University of Florida and Florida State University libraries. Other Florida libraries have items from this series, and they have been found in other university library collections around the country.

### *Legal Periodical Articles*

P. K. Jameson & Marsha Hosack, *Citizen Initiatives in Florida: An Analysis of Florida's Constitutional Initiative Process, Issues, and Alternatives*, 23 Fla. St. U. L. Rev. 417 (1995).

This article presents a brief history of the Florida constitution and describes the initiative amendment process including the standard of review applied by the Supreme Court. It surveys the constitutional and statutory initiative processes in other states and compares those with Florida. The article concludes, among other things, that a statutory initiative process would benefit Florida because so many proposed initiative amendments address subjects that are inappropriate for the constitution.

Joseph W. Little, *Does Direct Democracy Threaten Constitutional Governance in Florida?*, 24 Stetson L. Rev. 393 (1995).

Professor Little recounts the history of the initiative amendment and decries the abuse of the State constitution by repeated amendments with non-constitutional subject matter. He notes that the legislature and the Constitutional Revision Commission have been guilty of the same sort of transgressions. He argues for two solutions: a statutory initiative process so that citizens will have a proper avenue for their lawmaking petitions, and a rule governing constitutional content to prevent further inappropriate constitutional amendments by all parties.

Robert M. Norway, *Judicial Review of Initiative Petitions in Florida*, 5 Fla. Coastal L. J. 15 (2004).

This article is a very detailed examination of the initiative process, focusing particularly on the role of the Florida Supreme Court. This would be a good article both for researchers and for citizens involved in the process.

Jim Smith, *So You Want to Amend the Florida Constitution? A Guide to Initiative Petitions*, 18 Nova L. Rev. 1509 (1994).

This is a very short and readable guide to the process of the initiative amendment. It is now somewhat dated, but still functions well as an introduction.

### *Organizations*

As stated above, none of these organizations have compiled any historical documents, nor do they provide guidance for either proposing an initiative or researching one. However, these groups are very interested in issues surrounding the initiative process and may be sources of information for those issues.

**Florida Public Interest Research Group (PIRG)**—<http://floridapirg.org/>  
**League of Women Voters of Florida**—<http://www.lwvfla.org/>

### NOTES

1. Manning J. Dauer, *Florida's Politics and Government* (2d ed., U. Press of Fla. 1984).

2. Robert J. Huckshorn, *Government and Politics in Florida 3* (2d ed., U. Press of Fla. 1998).

3. *Reynolds v. Sims*, 377 U.S. 533 (1964).

4. *Swann v. Adams*, 385 U.S. 440 (1967).

5. Dauer, *Florida's Politics and Government* at 95.

6. Talbot D'Alemberte, *The Florida State Constitution: A Reference Guide* 13 (Greenwood Press 1991). In addition to the citizen initiative process, the Florida constitution also requires a Constitutional Revision Commission to be convened every twenty years, and allows for the people to call a Constitutional Convention to consider the redrafting of the entire constitution. The recommendations of a Revision Commission or Constitutional Convention do not require legislative review, but rather are submitted directly to the people for approval.

7. Div. of Elections, Fla. Dept. of State, *Initiative Petition Process*, <http://election.dos.state.fl.us/initiatives/index.shtml>.

8. Fla. Const. art. XI, § 3.
9. Initiative & Referendum Inst. at the U. of S. Cal., *Florida*, <http://www.iandrinstute.org/Florida.htm>.
10. Fla. Const. art. III, § 6.
11. *Fine v. Firestone*, 448 So. 2d 984 (Fla. 1984).
12. Fla. Const. art. XI, § 3.
13. Div. of Elections, Fla. Dept. of State, *Initiative Petition Process—Congressional District Requirements*, <http://election.dos.state.fl.us/initiatives/congres.shtml>.
14. Div. of Elections, *supra* n. 7.
15. Fla. Stat. § 100.371(2) (2006).
16. Fla. Stat. § 106.03(1)(a) (2006).
17. Fla. Stat. § 106.011(1)(a) (2006).
18. Fla. Stat. § 100.371(2) (2006).
19. Fla. Stat. § 101.161(1) (2006).
20. Fla. Admin. Code r. 1S-2.009 (2006).
21. Div. of Elections, Fla. Dept. of State, *Congressional District Requirements*, <http://election.dos.state.fl.us/initiatives/congres.shtml>.
22. Fla. Stat. § 15.21(3) (2006).
23. The process by which the Supervisors of Elections are to verify signatures is provided in the Florida Administrative Code. Fla. Admin. Code r. 1S-2.0091 (2006).
24. Fla. Stat. § 99.097(4) (2006).
25. Fla. Stat. § 15.21(3) (2006).
26. Fla. Stat. § 100.371(5)(b)2 (2006).
27. Fla. Stat. § 100.371(5)(a) (2006).
28. Fla. Stat. § 100.371(5)(b)1 (2006).
29. Fla. Stat. § 100.371(5)(b)3 (2006).
30. Fla. Stat. § 100.371(5)(c) (2006).
31. Fla. Stat. § 16.061(1) (2006).
32. The court's standard of review is succinctly stated in *Advisory Opinion to the Attorney General re Florida Marriage Protection Amendment*, 926 So. 2d 1229, 1233 (Fla. 2006).
33. *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984).
34. If a petition is rejected by the court, the process ends. If the sponsor wishes to continue, it must re-draft its proposal and start the process over from the beginning.
35. Fla. Stat. § 100.031 (2006).
36. Fla. Admin. Code r. 1S-2.0091 (2006).
37. *Id.*
38. For example, in 2000, a referendum on Chapter 00-480, Laws of Florida, was presented to the voters of Manatee and Sarasota Counties. Division of Elections, *Election Results*, <http://election.dos.state.fl.us/elections/resultsarchive/index.asp>. The law provides for appointment of board members of the Sarasota-Manatee Airport Authority. 2000 Fla. Laws ch. 2000-480.
39. Evidence of only one bond referendum since 1968 has been found. See Clement H. Donovan & Manning J. Dauer, *Proposed Amendments to the Florida Constitution and Bond Referendum, Nov. 7, 1972 Election* (Pub. Administration Clearing Serv., U. of Fla., Civic Info. Series No. 53, 1972).
40. Fla. Const. art VII, § 11(d).

41. Jo Dowling, *Florida's Constitutions: The Documentary History*, <http://www.law.fsu.edu/crc/conhist/>.

42. *Florida's Constitutions: The Documentary History* has the text for the "Tax Cap-Poston" initiative but states that no known copy of the text for the other two 1978 initiatives exists. See <http://www.law.fsu.edu/crc/conhist/1978amen.html>.

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