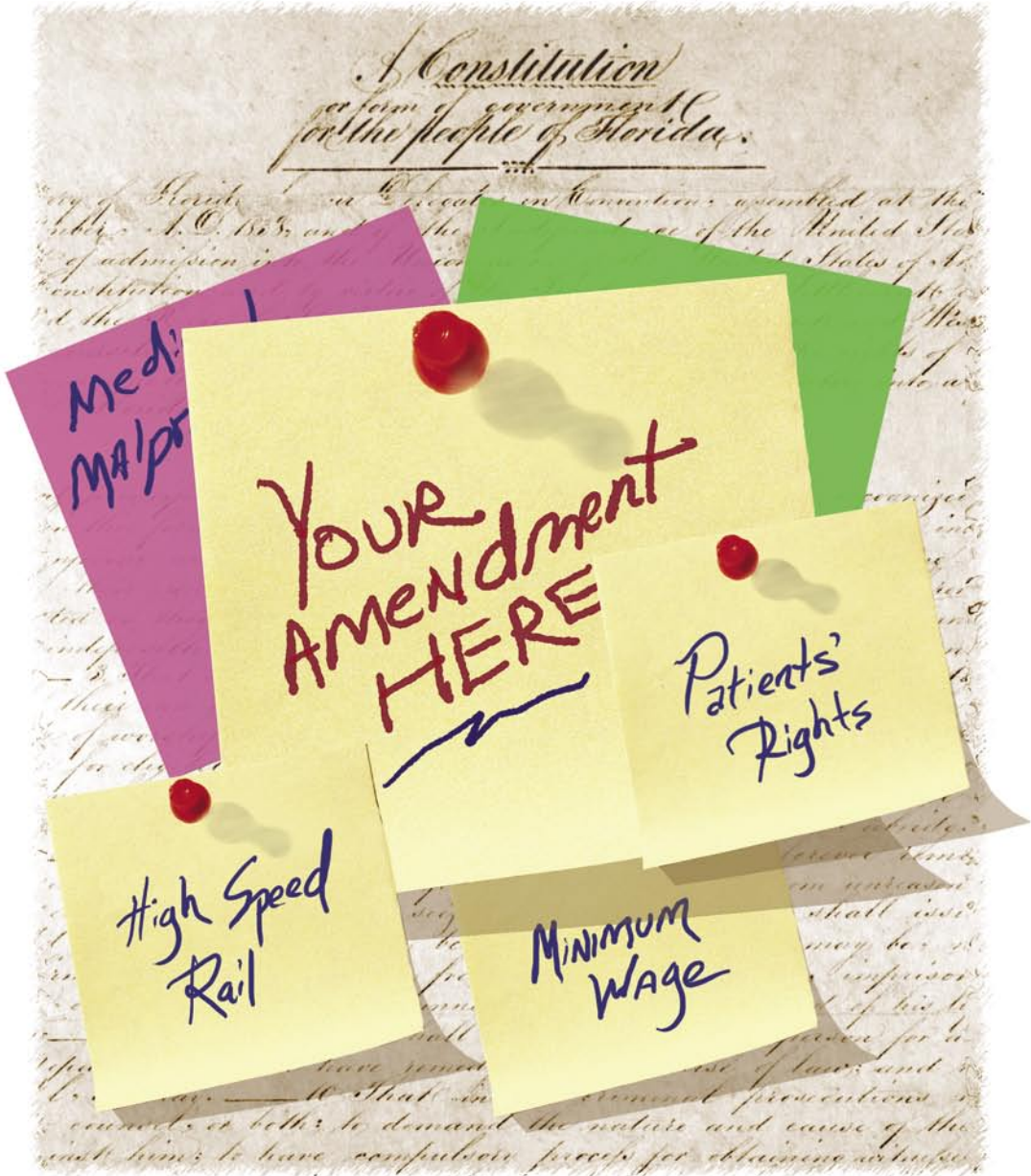


THE  
**JOURNAL**  
OF THE JAMES MADISON INSTITUTE

Fall 2004



**Florida's Politicized Constitutional Amendment Process: An Overview**



# THE JOURNAL

## OF THE JAMES MADISON INSTITUTE

FALL 2004  
NUMBER 29

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# MESSAGE FROM THE PUBLISHER

J. STANLEY MARSHALL



Florida voters face a choice this fall—and not just in the Presidential race. The assault on the Florida Constitution continues unabated, with voters asked to decide the fate of eight more amendments.

This is a risky business. The risk is reducing the Constitution to a wish list generated by single-issue special interest groups. Most of these groups don't seem to understand—or even care about—the Constitution's proper role in securing the liberty and the welfare of the people.

Arguably, the plague of dubious amendments began at least a decade ago with the adoption of the “gill-net ban” barring certain kinds of fishing gear. It reached another kind of milestone in 2000 with the passage of a mandate for the state to fund a costly system of high-speed rail. Then, in 2002, came the notorious “pregnant pig amendment” instructing hog farmers on how to house their expectant sows.

This strange assortment of amendments adopted in recent years should have been a wakeup call to all Floridians, and it surely was to some. But for those who see amending the Constitution as a way to enact pet schemes that by no reasonable measure belong in the state's basic charter, it's a chance to circumvent the legislative process on issues that rightly ought to be in the purview of our legislators.

The James Madison Institute's mission is “to inform Floridians about their government and to shape our state's future through the advancement of practical, free-market ideas on public policy issues.”

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# MESSAGE FROM THE PRESIDENT

J. ROBERT McCLURE, III



As you know, The James Madison Institute has a storied history of advancing sound public policy in Florida. We continue to live out the vision of an organization committed to limited government, economic freedom, school choice, personal responsibility, property rights, and a host of other like-minded issues. As your new president, I want to say thank you for your commitment to JMI over the years. It matters much.

The James Madison Institute is moving forward. Our goal is to continue as Florida's premier public policy organization. We are working hard to build relationships and produce meaningful research that will resonate with our membership and those who directly impact policy in the state. Given Florida's prominence on the national scene, we also hope to extend The Institute's influence beyond our state borders. Big goals indeed, but we are excited about the future and we have a plan to get there.



***Our goal is to  
continue as  
Florida's premier  
public policy  
organization.***



To that end, we hope that you will enjoy this edition of the award-winning *Journal*. We are particularly excited about our fall issue, as the Institute begins a new era. Here, each constitutional amendment is evaluated on its own merits and its possible impact on our beloved state. You will soon find in your mailboxes

a voter education guide on the amendments that will provide analysis from a free-market perspective. Our goal here at JMI is to provide the relevant information our members need to impact public policy.

Thank you again for your commitment to

The James Madison Institute. Please call us with any questions or visit our website for information on events, news releases, policy research, and other information related to JMI.

We look forward to seeing you around the state as we carry the message of liberty and freedom to Floridians everywhere. &

COVER STORY

# FLORIDA'S POLITICIZED CONSTITUTIONAL AMENDMENT PROCESS: AN OVERVIEW

BY SUSAN MACMANUS

WITH THE ASSISTANCE OF BRITTANY PENBERTHY



**Changing the amendment process is a difficult task, even when not captured by some partisan and interest-group opportunists.**

Florida's constitutional amendment process is becoming more politicized by the moment. Amendments are now utilized by candidates and other interest groups as a voter mobilization tool. They are a new addition to the toolbox of political consultants and a source of big bucks. It is a development that the public is sure not to like if it is perceived that they are being used as pawns in a bigger game.

## **Improving the Amendment Process**

Changing the amendment process has been a difficult task, even before the latest capturing of it by some interest-group opportunists.

To date, the major focus has been on the state's citizen initiative process whereby citizens may place an amendment on the ballot for voter approval by collecting signatures of Florida voters.

Specifically, a great deal of attention has been paid to: (1) signature requirements (number, timing, geographical distribution); (2) ratification requirements (% of votes needed to pass the amendment); and (3) the possibility of affording Floridians use of the statutory initiative and/or the indirect statutory initiative

process as an alternative to the present amendment process.

The Florida Legislature has been unable to come to any agreement on whether or how to reform the constitutional amendment process with one fairly minor exception. They have placed on the November 2 ballot a proposal to move up to February 1 the date by which signatures must be collected in order for a petition initiative to go on a November ballot and to require the Florida Supreme Court to render an advisory opinion addressing the validity of a petition by April 1.

There is no mystery as to why reform has been road-blocked in the Legislature. As it stands, the direct initiative (petition) amendment process is dominated by well-funded groups and individuals. Moneyed groups have the funds to get the requisite number of signatures. They also can afford to hire the best legal and political advisors to craft the language of an amendment and then defend it before the Florida Supreme Court, if necessary. Finally, well-financed groups can pay for the advertising necessary to “sell” the amendment to the public once on the ballot. (And the deep pockets may not be those of Floridians but of outsiders with a broader national agenda.)

It’s no surprise that the petition-generated amendment proposals that do make it to the ballot tend to pass. (Florida has a considerably higher passage rate of citizen-initiated amendments than other states.)<sup>1</sup> It is largely a one-sided game, especially

getting on the ballot, that is difficult to play without deep pockets.

### **Shortcomings of the System: The Public’s View**

The public has its own sources of frustration with the amendment process. My own informal analysis has shown a fairly high level of agreement among citizens as to what is wrong with the current system. Their views:

- ▶ The amendment process is confusing, partly because the procedures, terminologies and required content vary among the five ways amendments can be placed on the ballot.<sup>2</sup>
- ▶ Ballot titles and summaries of the proposed amendments are often written in language that is either confusing or written in such flowery language as to almost guarantee a yes vote.
- ▶ It is difficult to tell the degree to which these petition drives are being undertaken by grassroots groups or by powerful special interest or advocacy groups. Likewise, it is difficult to compare the proportion of funding for or against a proposed amendment that comes from Floridians versus out-of-state contributors.
- ▶ Voters find it difficult to access and understand the pros and cons of proposed amendments.

### **Improving the Amendment Process**

A starting point for improving the process might be to provide greater uniformity, clarity, transparency and voter information/education. Consider the following:

- ▶ As noted, there are five ways to place a proposal for a constitutional change before the electorate; voter confusion could be reduced by standardizing terminologies, formats, and informational requirements.
- ▶ Many voters suspect that the wording of the ballot title and summary are misleading, perhaps purposely so. This causes voters to pass it by.
- ▶ The Division of Elections Campaign Finance Data Base is not user-friendly, especially with regard to the sorting of financial data. Citizens should be better informed about the funding of “citizen-driven” initiatives.
- ▶ Florida’s supervisors of elections should produce and distribute a voter education guide. A number of states now produce such guides with favorable results.

### The Best Path to Reform is an Educated Electorate

What we do not need is a more politicized amendment process where personal political ambitions increasingly work to submerge the public good. A system that consistently

promotes a point of view, often associated with the most money and the least transparency, makes it easier for the process to be bought and sold.

The bottom line is that the success of any reform of the amendment pro-

cess is contingent upon a better-educated electorate. Our state can vastly improve the information provided to voters on all proposed amendments or revisions—regardless of their route to getting on the ballot. ∞

***To date, the major focus has been on the state’s direct initiative process.***

*Susan A. MacManus is the Distinguished University Professor of Public Administration and Political Science at the University of South Florida, Tampa. Brittany Penberthy is a political science major at USF working with Dr. MacManus.*

### Endnotes

- 1 Susan A. MacManus, “Implementing Florida’s Constitutional Amendments: Truth and Consequences,” *The Journal of The James Madison Institute*, Vol. 24, Spring 2003: 3-15, 19.
- 2 (1) By a three-fifths vote of the membership of each house of the state legislature (legislative referendum); (2) by the citizens via petition (direct initiative); (3) by the Tax and Budget Reform Commission, which meets every 20 years; (4) by the Constitutional Revision Commission, a 37-member body comprised of both public officials and private citizens that meets every 20 years; and (5) by a constitutional convention.

# PARENTAL NOTIFICATION OF A MINOR'S TERMINATION OF PREGNANCY

BY CARLOS MUÑIZ

1

**Amendment #1:  
The Legislature  
shall not limit  
privacy rights  
guaranteed to  
minors under  
the United States  
Constitution.**

## **Ballot Summary:**

*Proposing an amendment to the State Constitution to authorize the Legislature to require by general law for notification to a parent or guardian of a minor before the termination of the minor's pregnancy. The amendment provides that the Legislature shall not limit or deny the privacy rights guaranteed to minors under the United States Constitution as interpreted by the United States Supreme Court. The Legislature shall provide exceptions to such requirement for notification and shall create a process for judicial waiver of the requirement for notification.*



## **The Proposed Amendment**

Last year, in *North Florida Women's Health and Counseling Services, Inc. v. State*, the Florida Supreme Court struck down a statute that required physicians to notify a minor's parent or guardian before performing an abortion on the minor. The Court reasoned that, in the context of abortion, a minor enjoys the same right of privacy under the Florida Constitution as an adult; that the parental notification requirement infringed a minor's right of privacy; and the state did not demonstrate that the requirement was justified by a "compelling state interest," as the state must when it takes action that infringes a right guaranteed by

the text of the Florida Constitution.

In response, the Florida Legislature has proposed a constitutional amendment that would authorize—but not require—the Legislature to adopt a parental notification law like the one at issue in the *North Florida* case. The proposed amendment would require any such law to include exceptions and to permit judicial bypass of the parental notification requirement in appropriate circumstances. The proposed amendment further instructs the legislature that it may not infringe a minor’s privacy rights under the U.S. Constitution, as interpreted by the U.S. Supreme Court. That Court has held that the U.S. Constitution does not prohibit states from adopting parental notification requirements for minors.

### **Analysis and Recommendation**

Florida’s voters should support the proposed amendment. The Florida Supreme Court exceeded its authority when, purporting to interpret the state constitution, it removed the parental notification issue from the normal democratic process. The only way to reverse the court’s transgression is for the people of Florida to restore the legislative authority that the court wrongly took away. A vote in favor of the proposed amendment is a vote for the principle that the people and their elected representatives in the Legislature—rather than barely


accountable judges—should make the basic policy and value choices that govern our society.

If its actions are to be legitimate, a court must justify its decisions by reference to a source of authority other than the court’s own will. In the case of a decision that strikes down a duly-enacted law, that source of authority can only be the will of the people, as expressed in the constitutional text. The Florida Supreme Court’s *North Florida* decision lacks any plausible connection to the will of the people. For that reason, it fails the basic test of legitimacy.


The people of Florida in 1980 amended the Constitution to add a right of privacy. At that time, seven years had passed since the U.S. Supreme

Court established the abortion right in *Roe v. Wade*. Already there was widespread acknowledgement of the vulnerability of any right that lacked explicit support in the constitutional text. In this context, one purpose of the privacy amendment clearly was to give the abortion right a textual foundation in our state constitution.

But it is fanciful to suggest that, when they added a privacy right to the Constitution, the people of Florida spoke definitively on the issue of parental notification. For starters, one cannot assume that the people intended for a minor’s right to privacy to be coextensive with that of an adult. But more fundamentally,



***Last year... the Florida Supreme Court struck down a statute that required physicians to notify a minor’s parent... before performing an abortion on a minor.***



even assuming the people intended the privacy right to extend to minors, the constitutional text gives no hint as to how to balance that right against the state's compelling and longstanding interest in helping parents care for their children.

In the face of such ambiguity, the only legitimate option for a court is to defer to the judgment of the Legislature as to how to balance the competing constitutional principles at stake. Courts do not possess a monopoly on the ability—or the duty—to faithfully interpret the Constitution. And there are many sound reasons why the Constitution assigns to the legislature, rather than the courts, the power to make fundamental policy choices. Most importantly, the legislature is more directly accountable to the people. And unlike a court—which is often compelled by the adversary system to carry a principle to its logical extreme—the legislature has the discretion to reach compromises grounded in common sense and practicality, even if they cannot be justified in purely logical terms. Finally, the legislature has a greater capacity than the courts to learn from experience and to make any necessary changes to the policies it has enacted.

Unlike many recent constitutional amendments and unlike the judicial decision it would overturn, the proposed parental notification

amendment does not seek to write a particular policy outcome into the constitution. The effect of the proposed amendment is to authorize, not to command. The proposed amendment properly leaves to the legislature the discretion to adopt the


policy it finds to be appropriate, in light of both the popular will and the lessons of experience.

Courts have increasingly arrogated to themselves the power to impose social policies that are not dictated by the constitutional text. By definition, such policies are not grounded in popular sovereignty, and they are therefore illegitimate. Nonetheless, courts


have the final say in interpreting the constitution as it exists at any given time. The only available response to a court that has exceeded its authority is for the people to change the constitution itself.

The proposed parental notification amendment would reverse a bad judicial decision. Far more importantly, it would show the court that the people will not passively accept judicial usurpation of their right to self-governance. All Floridians should cherish and defend that right, regardless of whether they believe parental notification laws are good or bad policy. ❧

*Carlos Muñiz is an attorney in the Tallahassee office of GrayRobinson.*



***The proposed amendment would require... exceptions and to permit judicial bypass... in appropriate circumstances.***



# CONSTITUTIONAL AMENDMENTS PROPOSED BY INITIATIVE

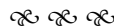
BY MARK WILSON



**Amendment #2:  
A reasonable  
“learning curve” for  
voters regarding  
upcoming  
amendments.**

## **Ballot Summary:**

*Proposing amendments to the State Constitution to require the sponsor of a constitutional amendment proposed by citizen initiative to file the initiative petition with the Secretary of State by February 1 of the year of a general election in order to have the measure submitted to the electors for approval or rejection at the following November’s general election, and to require the Florida Supreme Court to render an advisory opinion addressing the validity of an initiative petition by April 1 of the year in which the amendment is to be submitted to the electors.*



**I**n recent years Florida has experienced an explosion in the number of proposed constitutional amendments. On almost every conceivable topic, these proposals deal with issues that are more appropriately dealt with through legislation. However, while inappropriate for the constitution, these special-interest-driven issues also come with a price tag. Once amendments enter the Florida Constitution, Floridians are left with dramatic ramifications and the high cost of implementation.

Our nation’s founders purposely wrote a Constitution that would be difficult to amend. They believed that our government had to be based on a stable constitutional structure that would create respect for the rule of law. James Madison, in *The Federalist No. 47*, argued

that the U.S. Constitution should be amended only on “great and extraordinary occasions.” This nation has heeded his advice by using extreme caution in altering our founding charter. Since the ratification of the U.S. Constitution and Bill of Rights more than 200 years ago, only 27 proposed amendments have become part of our Constitution. In contrast, Florida has one of the easiest constitutions to amend in the United States and has been amended 95 times since 1970, 16 of which were begun through the citizen initiative process.

Changes in the foundation and structure of government should be based on a broad consensus of the governed as reflected in the process to amend the U.S. Constitution. However, since 1970, the Florida Constitution has regularly been amended by less than a majority of those voting on Election Day, which is a small percentage of all registered voters, sometimes fewer than 20 percent.

The Florida Legislature addressed constitutional amendment reform during the 2004 legislative session. The House and Senate appointed select committees to travel the state and listen to public testimony and debate surrounding the citizen initiative process. Both committees issued a series of recommendations for reform, including a recommendation to increase the time between the filing deadline for amendments and the election.

The Legislature took the first step

toward comprehensive constitutional amendment reform by passing SJR 2394, which requires the sponsor of a citizen-initiated amendment to file the initiative petition with the Secretary of State by February 1 of the year of a general election. Currently, signatures



***On almost every conceivable topic, these proposals deal with issues that are more appropriately dealt with through legislation.***



gathered through the citizen initiative process are due only 91 days prior to the election, leaving little time for education and discussion surrounding proposed amendments. In addition, it requires the Florida Supreme Court to provide an advisory opinion addressing the validity of an initiative petition by April 1. This joint resolution will be on the November ballot as

Amendment 2.

Amendment 2 provides a deadline by which the Supreme Court must issue an advisory opinion, guaranteeing voters a minimum of seven months to know what amendments are on the ballot. This will give voters more time to learn about and understand issues that may have significant implications for Florida citizens. By moving the filing deadline to February 1, Amendment 2 also provides for an intervening legislative session where legislators can choose to address the amendment, if considered beneficial for the state.

Amendment 2 will make an important difference in future ballot initiative campaigns. Many experts believe costly amendments such as class size

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# THE MEDICAL LIABILITY CLAIMANT'S COMPENSATION AMENDMENT

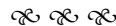
BY SANDRA MORTHAM



**Amendment #3:  
Meaningful medical  
liability reform will  
save lives in Florida.**

## **Ballot Summary:**

*Proposes to amend the State Constitution to provide that an injured claimant who enters into a contingency fee agreement with an attorney in a claim for medical liability is entitled to no less than 70% of the first \$250,000.00 in all damages received by the claimant, and 90% of damages in excess of \$250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants. This amendment is intended to be self-executing.*



Floridians will confront an extraordinarily important issue that deserves the attention of all voters as they prepare to cast their ballot in November. The battle to ensure a high level of quality health care and fairness for Florida's patients cannot be downplayed. It is not about bargaining with trial lawyers as some critics have suggested—it is about the critical need to reform medical malpractice.

In an ideal world, patients in Florida would not be faced with the loss of their most trusted and competent doctors and the medical community would not be faced with skyrocketing malpractice premiums that have forced many to limit or shutdown their practices altogether. But here is the unfortunate

reality—across this state doctors continue to pay the highest medical liability premiums in the country for the lowest coverage. As a result, our residents are losing access to quality care every time a doctor decides the risk is too great and stops practicing his or her specialty. Our hospitals are overburdened and access to trauma care is threatened.

The passage of Amendment 3 will ensure that genuinely tragic victims of medical malpractice will receive the compensation they deserve in cases where a physician has caused injury. By limiting the compensation potential for attorneys, this amendment removes the financial incentive to take on meritless litigation. The effect will be to weed out frivolous claims, ultimately saving patients' access to quality health care.

Amendment 3 represents a long-overdue fundamental reform to the civil justice system. Today, attorney contingency fees are set and protected by law. Currently, an attorney is entitled to between thirty and forty percent of every malpractice settlement, as well as expenses. No other profession—including physicians—has its income protected in this way.

Ensuring that Florida has qualified doctors ready to save the lives of residents must be the priority for each of us. Florida's doctors have been given no other choice but to pursue this constitutional change in an effort to save their practices and more importantly to make sure that Floridians

have access to quality care. If this crisis is not addressed, more and more doctors will leave this state or refuse to practice here in the first place due to out-of-control insurance premiums. The most difficult reality to this crisis is that patients will

die because specialists in high-risk practice areas such as neurosurgery and obstetrics cannot afford to keep practicing in the state of Florida. Just a few examples of how this predicament is impacting patients in our state:

- ▶ In Palm Beach County, neurosurgeons are unable to take “non-trauma” neurosurgical

emergencies. These patients are currently being transferred to a hospital in Broward County, which takes hours of travel time and results in the loss of the “golden hour,” the critical time period immediately after an incident when urgent care is essential. There are only three neurosurgeons in the Broward County hospital, and as you can imagine, they are overwhelmed and looking for relief. As a result, they may have to stop taking emergencies.

- ▶ In Flagler County, the only full time OB/GYN stopped delivering babies earlier this year because of the severe increase in medical liability insurance.

- ▶ Bradenton's Manatee OB/GYN and neighboring Blake Medical Center will eliminate obstetrical services due to the fact that they can no

***It is not about bargaining with trial lawyers... it is about the critical need to reform medical malpractice.***

longer afford the high cost of medical liability insurance.

By supporting Amendment 3, Floridians will bring necessary and meaningful medical liability reform to Florida. It is the right thing for

our citizens, our doctors and our future. ☞

*Sandra Mortham is executive vice president and chief executive officer of the Florida Medical Association.*

## AMENDMENT TWO *(Continued from page 12)*

and high-speed rail would have been defeated if voters had had nine full months of information and an intervening legislative session. Amendment 2 is the first step to fix Florida's

runaway constitutional amendment process and it should be approved. ☞

*Mark Wilson is senior vice president of the Florida Chamber of Commerce.*

## MESSAGE FROM THE PUBLISHER *(Continued from page 3)*

To carry out this mission, we advocate for policies that our directors and officers believe would benefit Floridians.

In this issue of the *Journal*, we attempt to inform our readers about a public policy issue—the process by which the Florida Constitution is amended—that we believe desperately needs to be changed. Most of the eight proposed amendments that will come before the voters on November 2 remind us of just how seriously flawed Florida's amendment process is.

Therefore, in preparing this issue of the *Journal*, we had two goals in mind: (1) to call our readers' attention to analysis of the proposed amendments, and (2) to implore our readers to become activists on these important issues. In particular, we believe it would be helpful if our members urged the Florida Legislature to give voters in 2006 a chance to change the amendment process

to one that encourages more deliberation before notions that might or might not make good statutes are "chiseled in stone" in the state constitution.

As for this year's proposed amendments, in the brief time remaining before Election Day we expect to distribute several thousand voter education guides on the amendments that will provide analysis from a free-market perspective. We hope you will look for opportunities to share these voter education guides with others in your communities.

Meanwhile, the public policy issues raised by the recent plethora of amendments—so often overshadowed by the ballot's high-profile races for Congress and the White House—are too important to ignore. After all, these seemingly esoteric issues can have an enduring impact on our state—occasionally for good, but much too often for ill. ☞

# AUTHORIZES MIAMI-DADE AND BROWARD COUNTY VOTERS TO APPROVE SLOT MACHINES IN PARIMUTUEL FACILITIES

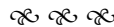
BY J. STANLEY MARSHALL

4

**Amendment #4:  
Miami-Dade and  
Broward Counties  
may choose to  
authorize slot  
machines.**

## **Ballot Summary:**

*Authorizes Miami-Dade and Broward Counties to hold referenda on whether to authorize slot machines in existing, licensed parimutuel facilities (thoroughbred and harness racing, greyhound racing, and jai alai) that have conducted live racing or games in that county during each of the last two calendar years before effective date of this amendment. The Legislature may tax slot machine revenues, and any such taxes must supplement public education funding statewide. Requires implementing legislation.*



If this amendment is approved, the governing bodies of Miami-Dade and Broward Counties may hold county-wide referenda on whether to authorize slot machines within existing, licensed parimutuel facilities.

The Florida Legislature would in its next regular session adopt legislation implementing this section, which would have an effective date no later than July 1 of the year following voter approval. Such legislation shall authorize agency rules for implementation and may address the licensure and regulation of slot machines, including the possibility of taxing slot machines.

The proponent of this amendment is an organization called Floridians for a Level Playing Field, which is a coalition of three South Florida harness and greyhound tracks. Chairman of the coalition is Daniel Adkins, Vice President of Hollywood Greyhound Track. Other coalition members are Broward's Pompano Harness Track and Miami's Flagler Greyhound Track. Other South Florida facilities that would benefit are Broward's Gulf Stream Horse Track, Dania Jai Alai, Miami-Dade's Calder Horse Track and Miami's Jai Alai.

The sponsoring coalition makes a number of claims to encourage voters to approve the amendment, including the following:

- ▶ Tax revenues from slot machines in Miami-Dade and Broward Counties will be shared throughout the state allowing all Floridians to benefit even though machines will be allowed only at existing pari-mutuel facilities in the two South Florida counties.
- ▶ The ballot measure is not an expansion of gambling in Florida because untaxed gaming already occurs at Indian Casinos and on day cruises.
- ▶ Proponents say the measure will allow South Florida to level the tourism playing field with other regions that have slots. Others have pointed out that it will help boost the thoroughbred racing industry.
- ▶ The amendment specifically allocates funds generated by slot machines to support public education statewide.
- ▶ The amendment would assure that

if slot machines are authorized, patrons will get fair value when they play at licensed and regulated slot machines.

- ▶ Voters in the two affected counties should have the right to decide for themselves whether or not they want slot machines at existing pari-mutuel facilities.

### **Economic Considerations**

The sponsoring organization claims that more than \$400 million could be generated for schools statewide in the first year and as much as \$2.34 billion during the first five years. They also claim 18,200 new jobs would be generated.

The organization No Casinos, a group formed by former governor Reubin Askew in 1978 to oppose the first statewide casino initiative, claims otherwise. "Gambling never lives up to its promise. It ends up costing government more than it generates in revenue," said John Sowinski, spokesman for No Casinos. Sowinski added that regulatory counseling and law enforcement costs rise as gambling increases.

The Florida Council on Compulsive Gambling acknowledges that little is definitively known about the economic effects of problem gambling or the financial impacts and costs associated with debt, insurance, medical payments, or cost factors to employers or the criminal justice system. The National Opinion Research Council (NORC) conducted a study in 1998 that revealed that overall, problem and pathological gamblers in the United States cost society

approximately \$5 billion per year and an additional \$40 billion in lifetime costs for job reductions, social services and creditor losses. A Florida study on the effects of casino gambling concluded that the net costs of casinos in Florida ranged from \$2.16 to \$3.25 million, annually. This study was conducted by the Florida Office of Planning and Budgeting in 1994.

This would be the fourth time in the last 30 years that Florida voters have considered casino gambling. This year's measure, however, is less ambitious than those proposed in 1978, 1986 and 1994, which sought approval of full-scale casinos.

The 1994 measure, which would have authorized a limited number of casinos in nine counties across the state, failed by a margin of 62 percent to 38 percent statewide. It passed in Broward but was defeated in Miami-Dade.

The Office of Planning and Budgeting of the Executive Office of the Governor has prepared an in depth

analysis of the proposed amendment, including the Governor's recommendations on various aspects of the implementation of the amendment, should it pass. The report points out that problem gambling behavior is one of the most significant



***Problem gambling behavior is one of the most significant but least often considered costs associated with casino gambling.***



but least often considered costs associated with casino gambling. According to various studies by reputable social scientists, the average individual pathologic gambler costs the public some \$13,600 (in 1981 dollars), including income that would have been earned from lost jobs, costs of prosecut-

ing and incarcerating individuals for crimes caused by their gambling behavior, and bail-out costs such as family gifts.

The costs associated with the approval of this amendment appear to outweigh the benefits, and the people of Florida would do well to see it defeated. ❧

*J. Stanley Marshall is the founder of The James Madison Institute and vice chairman of its Board of Directors.*



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# FLORIDA MINIMUM WAGE AMENDMENT

BY DOUG S. BAILEY

5

**Amendment #5:  
Wages to start at  
\$6.15/hour,  
would thereafter  
be indexed to  
inflation each year.**

## **Ballot Summary:**

*This amendment creates a Florida minimum wage covering all employees in the state covered by the federal minimum wage. The state minimum wage will start at \$6.15 per hour six months after enactment, and thereafter be indexed to inflation each year. It provides for enforcement, including double damages for unpaid wages, attorney's fees, and fines by the state. It forbids retaliation against employees for exercising this right.*



**N**ext month voters will be asked to consider Amendment 5—Florida's Minimum Wage Amendment. If approved, this amendment would add a new section to Article X of the Florida Constitution that would establish a state minimum wage of \$6.15 per hour (\$1.00 above the federal minimum wage), and it would require an automatic annual increase to the state's minimum wage based, in part, on the nation's inflation rate.

Amendment 5's sponsor, The Association of Community Organizations for Reform Now (ACORN), has carefully re-developed a classic populist argument based on the Depression-era living wage campaign. This New Deal image of low-wage workers struggling to earn a living wage for their families is as moving in 2004 as it was during the debate on the 1938 Fair Labor Standards Act.<sup>1</sup> Today, however,

there exists decades of empirical research that leaves no doubt that an arbitrary and regular increase in minimum wage will ultimately harm those it promises to help.

### **Who Earns a Minimum Wage?**

There are in Florida, currently, approximately 300,000 employees who would be affected by an increase in the state's minimum wage. Of those, only 14 percent (42,000) are sole earners in families with children. About 38 percent (114,000), mostly teenagers, live with a parent or relative, 19 percent (57,000) are dual earners in married couples and 28 percent (84,000) are single earners with no children.<sup>2</sup>

The average family/dual income of Floridians who would benefit from the passage of Amendment 5 is \$41,402. This far exceeds the annual income of \$10,712 generated by a full-time minimum wage job.

The minimum wage increase is best described as a "blunt policy tool, unable to discern between a low-wage employee and a low-income family head."<sup>3</sup> As a result, the benefits of increasing the minimum wage more often than not are never realized by the poorest employees.

A June 2001 Stanford University study concluded that only 24 percent of the benefits from a minimum wage hike go to the poorest 20 percent of families, while 35 percent of the benefits goes to the richest 40 percent of families.<sup>4</sup>

### **The Effects of a Wage Increase on Florida's Poorest Employees**

The most compelling argument

against Amendment 5 considers the unintended consequences generated by a mandatory wage increase. Of the state's 300,000-plus minimum wage earners, only 14 percent or 42,000 are sole earners in families with children.<sup>5</sup> Raising the minimum wage will do more harm than good to this segment of Florida's workforce.

For years, advocates of a minimum wage increase have insisted that wage hikes would alleviate poverty among the nation's working poor. Unfortunately, for thousands of Florida voters, this theory is flawed. In fact, a minimum wage increase would harm thousands of children and families who receive either government-subsidized healthcare or employer-provided health benefits.

ACORN's own research points to a devastating side effect of an arbitrary increase in the minimum wage. Dr. Robert Pollin, a University of Massachusetts-Amherst economist hired by "Floridians for All" (the political action committee created to qualify Amendment 5 in Florida) has indicated that by increasing the minimum wage in Florida, approximately 14,000 low wage earners would fall out of eligibility for either Medicaid subsidized KidCare coverage.<sup>6</sup>

A majority of the research today would indicate that mothers in states that raised their minimum wage above the federal limit remained on public assistance an average of 44 percent longer than their peers in states where the minimum wage adhered to federal law.<sup>7</sup>

Another consequence of Amendment 5 would be the diminishing

ability of businesses to provide adequate health care benefits to their employees. Fewer workers eligible for employer-provided health care plans means a greater burden on the state's health care system and, ultimately, the taxpayers of our state.

Decades of economic research can now support the 1946 claim by economist George Stigler that "The connection between hourly wages and the standard of living of a family is remote and fuzzy. Unless the minimum wage varies with the amount of employment, number of earners, non-wage income, family size, and many other factors, it will be an inept device for combating poverty even for those who succeed in retaining employment."<sup>8</sup>

### **Small Business Choices**

Florida's voters should take a common sense approach to understanding the relationship between mandated wage increases and the cost of doing business, especially as it relates to the state's small business community. In Florida, small businesses employ the largest numbers of minimum wage employees. Economist Steven Landsburg argues that a minimum wage increase is a tax that will be paid disproportionately by the small business owners who hire more minimum wage employees.

In Florida, 54 percent of the minimum wage earners are employed


by businesses with fewer than 100 employees. Another 12 percent are employed by businesses with between 100 and 500 employees.<sup>9</sup>

Smaller operations that make up the majority of Florida's business industry face narrow profit margins and stiff competition from larger national chains. Large businesses with a nationwide presence will be better able to absorb the payroll costs associated with minimum-wage increases because the majority of the nation still adheres to a federal standard.<sup>10</sup>


Small business owners will have few choices in order to sustain profitability should Amendment 5 be adopted. They can, perhaps, absorb the increased operating expenses created by the heightened minimum wage—thus narrowing profit margins. Employers can pass the increased payroll expenses on to their customers by raising prices. Businesses can eliminate employees—thus reducing the level of service to customers.<sup>11</sup> Or they can pass the increased payroll expense on to the employees by decreasing health care or fringe benefits.

Amendment 5 is another example of why our dangerous and irresponsible citizen initiative process needs reform. By increasing the minimum wage we will be significantly harming Florida's low and middle wage earners and the businesses that employ them. ❧

*To page 24 >*



***The minimum wage increase is best described as a "blunt policy tool, unable to discern between a low-wage employee and a low-income family head."***



# REPEAL OF HIGH SPEED RAIL AMENDMENT

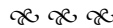
BY MARK MILLS



**Amendment # 6:  
Voters may make a  
statement about  
the importance  
of responsible  
state spending.**

## **Ballot Summary:**

*This amendment repeals an amendment in the Florida Constitution that requires the Legislature, the Cabinet and the Governor to proceed with the development and operation of a high speed ground transportation system by the state and/or by a private entity.*



Florida voters will have an opportunity on November 2nd to make a statement about the importance of responsible state spending when they vote “yes” on Amendment 6 to repeal a state constitutional amendment that mandates construction of a wasteful and unnecessary high-speed rail system.

Unless the project is repealed and eliminated, high-speed rail’s cost could reach an estimated \$25 billion for a system that would connect Tampa, Sarasota, Orlando, Palm Beach, Miami and Jacksonville, according to the state’s independent Financial Impact Estimating Conference, a group of state budget experts tasked with determining the cost or savings to taxpayers of each ballot initiative. Summaries of the Conference’s fiscal estimates will be included on the ballot along with each proposal. A truly statewide high-speed rail system would increase the cost to approximately \$51 billion, said the Estimating Conference analysis.

Voters in 2000 placed the high-speed rail project into the state constitution by referendum. After four years, the project's costs to taxpayers are now more clearly defined and a grassroots movement has spread to repeal the amendment and cancel the project.

The *South Florida Sun-Sentinel* said it best in an editorial supporting high-speed rail repeal:

“The project represents a massive, open-ended raid on the state treasury. It’s an unfunded mandate that will raise taxes, force spending cuts in other programs, require endless taxpayer subsidies, do little to relieve highway congestion and prevent Florida from achieving other vital goals.”

The Estimating Conference projected that the state could be forced to transfer funds for the bullet train from critical highway construction projects that ease traffic congestion and are important to our economy and quality of life:

“Should funds currently programmed for new transportation capacity (additional lanes and new roads) be diverted to fund the high speed rail system, [the Department of Transportation (DOT)]’s ability to meet future needs could be negatively affected.

...According to DOT, if funding

was diverted from the transportation work program to fund phases 1 and 2 (Tampa to Miami route), approximately 40–45 percent of funding for new capacity projects would be lost.”



**The project represents a massive, open-ended raid on the state treasury.**



“Building the first Central Florida phase of the train project would shoot a huge hole in the state’s transportation project,” according to a *Tampa Tribune* editorial. “Spending billions to extend the rapid-rail line to the state’s five largest cities, as required by a voter-ap-

proved constitutional amendment, would cause a taxpayer revolt.”

While transportation projects would be an immediate target, any program could be raided to pay for the bullet train. Some supporters have even suggested that raising the state gas tax might be necessary.

Repeal opponents allege that high-speed rail would somehow make money. If that were true, private investors and contractors would be lining up to build the system with their own money and the state would probably welcome the private investment. But that hasn’t occurred and, in fact, the private commitment for the first planned leg from Tampa to Orlando is extremely weak. The chosen contractor has agreed only to pay for its own train cars and to provide coverage to the state for only a meager portion of any cost overrun or revenue shortfall.

High-speed rail supporters have

also exaggerated revenue estimates from passenger ticket sales for the Tampa-Orlando route. To meet their projections, the train's ridership would have to equal the most popular commuter rail lines that serve the nation's Northeast corridor, where nine times more people reside.

Train backers are looking to Washington for help, but the federal government has shown no real interest in the project. The financing proposal advanced by the chosen contractor assumes support from a federal program—federal tax credit bonds—that doesn't exist for high-speed rail, and there's strong opposition to its creation. Direct federal subsidies for anything more than an occasional study are unlikely; Congress is having a difficult enough time keeping Amtrak afloat.

These are the reasons why state leaders from both political parties—including Gov. Jeb Bush, Florida Chief Financial Officer Tom Gallagher and Senate Democratic Leader Ron Klein and a host of key legislative and local leaders throughout the state—have actively supported the bullet train's repeal. CFO Gallagher served as chairman of the committee that placed the repeal initiative on the ballot.

High-speed rail is a wasteful program that threatens vital state programs. To save Florida's hard-earned tax dollars, voters should vote yes on Amendment 6 to repeal the high-speed rail amendment. ❧

*Mark R. Mills, a media and public relations consultant, is president of Mills Strategic Communications, Inc.*

## AMENDMENT FIVE *(Continued from page 21)*

*Doug S. Bailey is the executive vice president of The Windsor Group and a Ph.D. student at The Askew School for Public Policy and Administration at Florida State University.*

### Endnotes

- 1 R. Burkhauser & A. Finegan, "The Economics of Minimum Wage Legislation Revisited," *Cato Journal*, Vol. 13, No 1, Spring-Summer 1993: 123-129.
- 2 R. Pollin, M. Brenner & J. Wicks-Lim, "Assessment of the Net Fiscal Impact of the Florida Minimum Wage Proposal," Comments of Robert Pollin before Florida's Fiscal Impact Estimating Conference, June 3, 2004: 5-10.
- 3 C. Garthwaite, "Minimum Wage and Its Effects on Small Business," Employment Policies Institute Online, 29 April 2004: 5.
- 4 T. MaCurdy and F. McIntyre, "Winners and Losers of Federal and State Minimum Wages," Employment Policies Institute Study, June 2001: 6-10.
- 5 "Who Will Really Benefit from Florida's Minimum Wage Hike?" Employment Policies Institute Press Release, April 21, 2004.
- 6 R. Pollin, M. Brenner & J. Wicks-Lim, "Assessment of the Net Fiscal Impact of the Florida Minimum Wage Proposal," Comments of Robert Pollin before Florida's Fiscal Impact Estimating Conference, June 3, 2004: 5-10.
- 7 R. Burkhauser and J. Sabia, "Why Raising the Minimum Wage is a Poor Way to Help the Working Poor—An Analysis of Senator Kerry and Kennedy's Minimum Wage Proposal," Employment Policies Institute Study, July 2004: 1-5.
- 8 George J. Stigler, "The Economics of Minimum Wage Legislation," *American Economic Review* 36, 1946: 358-365.
- 9 "Economic Impact of Increasing Florida's Minimum Wage," Florida Retail Federation, August, 2004: 6-7.
- 10 *Ibid.*
- 11 T. MaCurdy and F. McIntyre, "Winners and Losers of Federal and State Minimum Wages," Employment Policies Institute Study, June 2001: 6-10.

# PATIENTS' RIGHT TO KNOW ABOUT ADVERSE MEDICAL INCIDENTS

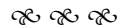
BY J. ROBERT McCLURE, III

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**Amendment #7:  
In any business or  
profession there will  
be some dissatisfied  
consumers, and  
this amendment  
requires disclosure of  
unsatisfactory service  
but ignores the views  
of satisfied patients.**

## **Ballot Summary:**

*Current Florida law restricts information available to patients related to investigations of adverse medical incidents, such as medical malpractice. This amendment would give patients the right to review, upon request, records of health care facilities' or providers' adverse medical incidents, including those which could cause injury or death. Provides that patients' identities should not be disclosed.*



**T**he ballot summary for this amendment is relatively long as it contains definitions, specifications relevant to the amendment's effective date, and provisions for parts of the amendment to remain valid if other parts are determined to be invalid. The key provisions are short, however, and read, "(a) In addition to any other similar rights provided herein or by general law, patients have a right to have access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident. (b) In providing such access, the identity of patients involved in the incidents shall not be disclosed, and any privacy restrictions imposed by federal law shall be maintained."

As with any proposed constitutional amendment,

an important question is whether the amendment really belongs in the Constitution. It can be argued that a patient's right to access records of a health care provider should be handled through legislation and should not be a part of our already-cluttered Constitution. There is also a question of whether health care providers should be required to disclose to prospective clients records relating to the professional conduct of the providers. It is clear that in any business or profession there will be some dissatisfied consumers, and this amendment requires disclosure of unsatisfactory service but ignores the views of any number of satisfied patients. Voters should also note that such records belong to the health care provider (or, perhaps, to the patients to whom the records refer), not to other present or future patients. It is only fair to ask whether any business should be required to reveal to potential customers the complaints of past dissatisfied customers.

It is clear, however, that businesses are often required to disclose information about the goods and services they provide. This requirement might be viewed as similar to the requirement that the producers of food disclose ingredients and nutritional information to purchasers so consumers can make better-informed choices. Health care facilities and providers are licensed and regulated by the state, and to some consumers, this creates the impression that because they are

state-licensed, these organizations provide high-quality health care services. Even though people realize that some facilities and practitioners are better qualified than others, state licensure tends to be an equalizer that makes all providers look good. To offset the impression that may be conveyed by state certification, this amendment would attempt to provide more complete information about potential problems with health care facilities and providers but at a sizeable cost. It can be argued that better-informed customers might make better choices, and if providers knew that such information would be available to their patients, providers might have an incentive to pursue higher standards in providing medical care to their patients.

The benefits that health care facilities and providers receive as a result of state regulation are numerous. Most important are the barriers to the entry provided by licensure. Also important is the credibility that licensure confers. Requiring health care providers to disclose adverse incidents may seem to be a reasonable cost in exchange for those substantial benefits, and better information might help patients make better choices. But on balance, an element of basic fairness is denied to health care providers and, consequently, voters are urged to reject the proposed amendment. ❧

*J. Robert McClure, III is president and CEO of The James Madison Institute.*

# PUBLIC PROTECTION FROM REPEATED MALPRACTICE

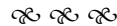
BY CHRISTIE RANISZEWSKI



**Amendment #8:  
Who should decide  
a medical doctor's  
fitness to continue  
in practice?**

## **Ballot Summary:**

*Current law allows medical doctors who have committed repeated malpractice to be licensed to practice medicine in Florida. This amendment prohibits medical doctors who have been found to have committed three or more incidents of medical malpractice from being licensed to practice medicine in Florida.*



**T**he essential part of this amendment reads, “No person who has been found to have committed three or more incidents of medical malpractice shall be licensed or continue to be licensed by the State of Florida to provide health care services as a medical doctor.” The remainder of the amendment consists of definitions, a statement regarding the effective date, and language to retain other parts of the amendment if some specific part is found to be invalid.

The amendment aims at the laudable goal of removing unqualified or incompetent physicians from medical practice. However, the process would very likely be unfair to some physicians and may not be effective. It appears similar to the “three strikes and you’re out” laws that apply to some criminal acts,

but an important difference is that criminals choose to violate the law, whereas incidents of medical malpractice are nearly always accidental.

Of course, physicians who have repeated accidents should not be permitted to practice medicine.

But despite the best intentions and dedicated efforts, people make mistakes—doctors included—and sometimes the results are unfavorable. Doctors can be sued for malpractice even when they follow accepted procedures, and a jury may be sympathetic with an injured patient even when the doctor has not been shown to be at fault.

It is understood that some specialties are more vulnerable to malpractice lawsuits than others. For example, obstetricians are exposed to lawsuits any time they deliver a baby with deformities or other medical problems regardless of whether the baby’s problem is related to the doctor’s care. Doctors in certain specialties would be subject to lawsuits and threats of lawsuits that would drive some doctors from those specialties

despite serious shortages.

The amendment also specifies no time period over which the incidents could have occurred; thus a physician who has practiced for 30 years and had one malpractice incident every ten years would fall under the

“three strikes” provision and could no longer be licensed. Or consider the case of a physician who had two malpractice incidents twenty years ago and then has a third after two decades of incident-free practice. The Florida Department of Health already evaluates physicians and may suspend or revoke their licenses or impose other sanctions. A check of the records at the Department of Health shows that physicians indeed do lose their licenses.

While the current process may not weed out all incompetent physicians, neither would this proposed amendment do so while it would likely impose penalties on many good doctors. ∞

*Christie Raniszewski is director of public affairs at The James Madison Institute.*



***Doctors can be sued for malpractice even when they follow accepted procedures, and a jury may be sympathetic with an injured patient even when the doctor has not been shown to be at fault.***





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