IN THE SUPREME COURT OF FLORIDA

Case No. 78,647

Upon A Request From The
Attorney General For An
Advisory Opinion As To The
Validity Of An Initiative Petition

IN RE:

**ADVISORY OPINION
TO THE ATTORNEY GENERAL -
LIMITED POLITICAL TERMS
IN CERTAIN ELECTIVE OFFICES**

INITIAL BRIEF OF CITIZENS FOR LIMITED POLITICAL TERMS IN SUPPORT OF LIMITED POLITICAL TERMS INITIATIVE

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STATEMENT OF THE CASE AND FACTS

This matter is before the Court upon a request from the Attorney General [A 1-4], submitted in accordance with article IV, section 10 of the Florida Constitution[1] and section 16.061(1), Florida Statutes (1989),[2] for an advisory opinion as to the validity of an initiative petition circulated pursuant to article XI, section 3 of the Florida Constitution.[3] The initiative petition [A 5] proposes an amendment to article IV, section 4 of the Florida Constitution that would limit the terms

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[1] "**SECTION 10. Attorney General.**--The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion expeditiously."

[2] "**16.061 Initiative petitions.**--
(1) The Attorney General shall, within 30 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, petition the Supreme Court, requesting 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. The petition may enumerate any specific factual issues which the Attorney General believes would require a judicial determination."

[3] "**SECTION 3. Initiative.**--The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the secretary of state a petition containing a copy of the proposed revision or amendment, signed by 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."

of office for state representatives and senators, the lieutenant governor, members of the cabinet, and members of the United States Senate and House of Representatives from Florida. As provided in section 16.061(1), the Attorney General seeks a determination as to whether the text of the proposed amendment complies with the "single subject" restriction of article XI, section 3, and whether the proposed ballot title and summary comply with the requirements of section 101.161(1), Florida Statutes (1989).[4]

In his letter to the Court dated September 20, 1991, the Attorney General advised that the initiative petition had been submitted to him on September 5[5] by the Secretary of State pursuant to section 15.21, Florida Statutes (1989) [A 1], which constituted a certification that all preliminary procedural requirements prescribed by law for submission of an initiative petition to the Attorney General had been satisfied.[6] On the

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[4] Section 101.161(1) provides in pertinent part:

> The substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

[5] The Attorney General's petition to this Court for an advisory opinion was filed within 30 days after his receipt of the initiative petition from the Secretary of State, thus complying with the time limitation mandated by section 16.061(1).

[6] Section 15.21 directs that the Secretary of State "shall immediately submit an initiative petition to the Attorney General" if the sponsor has satisfied what may be characterized as the mechanical requirements of (1) registering as a political committee; (2) submitting the ballot title, substance, and text

substantive issues, the Attorney General expressed a belief that the text of the proposed amendment complies with the single subject limitation, and that the ballot summary properly reflects the substance of the proposed amendment [A 3-4]. The Attorney General also posed, as an additional "factual issue" that the Court "may wish to consider," whether the proposed amendment limiting the terms of office would conflict with the federal Constitution by altering the qualifications for members of the United States Senate and House of Representatives from Florida [A 4].

On October 2, 1991, this Court issued an Interlocutory Order [A 6-9] in which it acknowledged the Attorney General's request, identified the issues presented as whether the initiative proposal complies with the single subject limitation and ballot summary requirements, and invited interested parties to be heard on those issues through briefing and oral argument. Pursuant to that order, this initial brief is submitted on behalf of Citizens For Limited Political Terms, the duly registered political committee that sponsored the initiative and that appears here in support of its validity.

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of the proposed amendment for approval by the Secretary of State; and (3) obtaining confirmation from the Division of Elections that at least 10% of the requisite number of petition forms has been signed by eligible voters in at least one-fourth of the necessary congressional districts.

SUMMARY OF THE ARGUMENT

The only issues properly before the Court are whether the text of the initiative proposal complies with the single subject limitation and whether the ballot summary satisfies the requirements of section 101.161(1). On those issues, the scope of review is narrow -- the Court will not interfere with the submission of a proposed amendment to the voters unless the opposing party sustains its burden of showing that the proposal is "clearly and conclusively defective"; and in applying that test, the Court is not concerned with the wisdom or merit of the amendment.

This amendment clearly complies with the single-subject limitation, which requires only that the proposal, when viewed broadly, have a "logical and natural oneness of purpose." Both on its face and in its functional effect, the proposed amendment produces a singular change to one section of the Constitution by limiting the terms of certain elective offices. Because the proposal would not confront the voter with competing policy choices, it does not constitute impermissible "logrolling"; and because the proposal would not conflict with other provisions of the Constitution, it does not amount to a multiple change in government functions. The effective date and severability clauses provide details of implementation that are logically connected to the subject of the amendment, and thus are not cause for objection.

The ballot summary likewise satisfies the requirements of section 101.161(1), because it gives fair notice as to the

chief purpose and effect of the amendment so that the voter can make an intelligent judgment. The summary does not mislead voters by omission of any material facts, but accurately tracks the provisions of the proposed amendment with more than sufficient detail to meet established standards.

Finally, the question of whether the amendment "might be construed" to conflict with the federal Constitution, which the Attorney General has posed as a "factual issue" that the Court "may wish to consider," is not an appropriate subject for consideration in this case. The asserted constitutional question clearly presents an issue of law, which is beyond the expressly limited scope and contemplation of an expedited advisory opinion proceeding under section 16.061(1). In addition, it is unnecessary and premature for this Court to reach the asserted constitutional issue until the amendment has been adopted by the voters.

ARGUMENT

In accordance with the procedure mandated by article IV, section 10 of the Florida Constitution, and section 16.061(1), Florida Statutes (1989), the Attorney General has requested an advisory opinion from this Court as to the validity of the initiative petition entitled "Limited Political Terms In Certain Elective Offices." The two specific issues that the Attorney General was required to present for resolution under section 16.061(1) are those identified in the Court's Interlocutory Order -- first, whether the text of the proposed amendment complies with the single-subject limitation prescribed by article XI, section 3 of the Florida Constitution; and second, whether the proposed ballot title and substance comply with the explanatory summary requirements of section 101.161(1), Florida Statutes (1989). An additional question raised by the Attorney General as a "factual issue" that the Court "may wish to consider," but which the Court did not mention in its Interlocutory Order, is whether the proposal conflicts with the federal Constitution by altering the qualifications of office for United States senators and representatives from Florida.

With respect to the two mandatory issues concerning the single-subject limitation and ballot summary requirements, article IV, section 10 directs the justices to hear interested parties and render a written opinion expeditiously.[7] The

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[7] This procedure was established in response to repeated pleas, led by Justice Overton, to "devise a process whereby misleading language can be challenged and corrected in sufficient time to allow a vote on the proposal." Askew v. Firestone, 421 So.2d 151, 157 (Fla. 1982) (Overton, J., concurring); see also

additional question posed by the Attorney General regarding potential conflict with federal constitutional provisions is one that the Court may -- and at this juncture properly should-- decline to address. Before turning to those issues, however, it is essential to review certain general principles that this Court has established to govern its analysis in cases of this kind.

In assessing the validity of a proposed constitutional amendment, this Court has recognized that it "must act with extreme care, caution, and restraint before it removes a constitutional amendment from the vote of the people," and has repeatedly reaffirmed that it will not interfere with the right of the people to vote on such amendments absent a showing that the proposal is "clearly and conclusively defective." Askew v. Firestone, 421 So.2d 151, 154-56 (Fla. 1982). See also, e.g., Floridians Against Casino Takeover v. Let's Help Florida, 363 So.2d 337, 339 (Fla. 1978); Weber v. Smathers, 338 So.2d 819, 821 (Fla. 1976); Goldner v. Adams, 167 So.2d 575, 575 (Fla. 1964). The burden of showing that the initiative proposal is clearly and conclusively defective rests upon the party opposing the amendment. Floridians Against Casino Takeover, 363 So.2d at 340 (Fla. 1978).

Consistent with the limited scope of its inquiry, the Court has emphasized that "[n]either the wisdom of the provision nor the quality of its draftsmanship is a matter for [judicial] review." Weber v. Smathers, 338 So.2d at 822. See also Gray v.

Evans v. Firestone, 457 So.2d 1351, 1356-57 (Fla. 1984) (Overton, J., concurring).

Childs, 115 Fla. 816, 156 So. 274, 279 (1934). Rather, the merit of the proposed amendment is a matter to be debated and decided "in the public forum." Carroll v. Firestone, 497 So.2d 1204, 1206 (Fla. 1986); see also Fine v. Firestone, 448 So.2d 984, 992 (Fla. 1984). For purposes of this proceeding, then, the question of whether as a matter of policy the terms of the specified elective offices ought to be limited is immaterial and should not be given any weight in determining the right of the people to vote on the proposed amendment.

(a) The Proposed Amendment Complies With The Single-Subject Requirement.

The first issue to be resolved is whether the text of the proposed amendment complies with article XI, section 3 of the Florida Constitution, which provides in pertinent part:

> SECTION 3. Initiative.--The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment shall embrace but one subject and matter directly connected therewith.

(Emphasis added.) The requirement that a proposed amendment must be limited to "but one subject and matter directly connected therewith" was adopted in response to this Court's decision in Adams v. Gunter, 238 So.2d 824 (Fla. 1970), and has been in effect since 1972. See Floridians Against Casino Takeover, 363 So.2d at 339-40. Analysis reveals that under the standards previously enunciated by this Court, which require that initiative proposals be viewed broadly and be sustained as valid if there is a facial and functional unity of purpose, the amendment

presented here clearly satisfies the single subject requirement because it changes only one section of the Florida Constitution for the sole purpose of limiting the terms of specified elective offices.

Although the "one subject" limitation on constitutional initiatives "obviously means different things to different, reasonable people," Weber v. Smathers, 338 So.2d at 822 (England, J., concurring), this Court has held that the restriction "should be viewed broadly rather than narrowly." Floridians Against Casino Takeover, 363 So.2d at 340. Whether a proposed amendment satisfies the single-subject requirement is determined by examining its "functional effect." Evans v. Firestone, 457 So.2d 1351, 1354 (Fla. 1984). Thus, the fact that a proposed amendment "could have broad ramifications" is not objectionable if "on its face it deals with only one subject." In re Advisory Opinion to the Attorney General English -- The Official Language of Florida, 520 So.2d 11, 13 (Fla. 1988).

Characterizing the single-subject limitation as a "rule of restraint," this Court has recognized that the purpose of the requirement "is to allow the citizens to vote on singular changes in our government that are identified in the proposal and to avoid voters having to accept part of a proposal which they oppose in order to obtain a change which they support." Fine v. Firestone, 448 So.2d at 993. See also, e.g., In re Advisory Opinion to the Attorney General English -- The Official Language of Florida, 520 So.2d at 12. Simply stated, to comply with the single-subject requirement of article XI, section 3, the proposed

amendment must have "a logical and natural oneness of purpose." Fine v. Firestone, 448 So.2d at 990; see also, e.g., In re Advisory Opinion to the Attorney General -- Homestead Valuation Limitation, 581 So.2d 586, 587 (Fla. 1991).

As this Court has often observed, the "primary and fundamental concern" of the single-subject restriction is "the prevention of logrolling." Evans v. Firestone, 457 So.2d at 1354. See also Floridians Against Casino Takeover, 363 So.2d at 339. "Logrolling" is the practice of tying a desirable measure together with an undesirable proposal so as to attract support for both provisions from voters who might otherwise disfavor one or the other. See, e.g., Fine v. Firestone, 448 So.2d at 995-96 (Ehrlich, J., concurring in result only); see also Floridians Against Casino Takeover, 363 So.2d at 339; Smathers v. Smith, 338 So.2d 825, 830 n.21 (Fla. 1976). Even prior to the "one subject" limitation, this Court enjoined the submission of proposed amendments containing two or more provisions so unrelated that "the elector would be put in the position where, in order to aid in carrying a proposition which he considered good or wise, he would be obliged to vote for another which he would otherwise reject as bad or foolish." City of Coral Gables v. Gray, 19 So.2d 318, 322 (Fla. 1944).

Application of the foregoing principles to the present proposal leaves no doubt that the amendment clearly complies with the single-subject limitation. The text of the proposed amendment provides:

LIMITED POLITICAL TERMS IN CERTAIN ELECTIVE OFFICES

The people of Florida believe that politicians who remain in elective office too long may become preoccupied with re-election and beholden to special interests and bureaucrats, and that present limitations on the President of the United States and Governor of Florida show that term limitations can increase voter participation, citizen involvement in government, and the number of persons who will run for elective office.

Therefore, to the extent permitted by the Constitution of the United States, the people of Florida, exercising their reserved powers, hereby declare that:

1) Article VI, s. 4 of the Constitution of the State of Florida is hereby amended by:
a) inserting "(a)" before the first word thereof and,
b) adding a new sub-section "(b)" at the end thereof to read:

"(b) No person may appear on the ballot for re-election to any of the following offices:

"(1) Florida representative,
"(2) Florida senator,
"(3) Florida Lieutenant governor,
"(4) any office of the Florida cabinet,
"(5) U.S. Representative from Florida, or
"(6) U.S. Senator from Florida

"if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years."

2) This amendment shall take effect on the date it is approved by the electorate, but no service in a term of office which commenced prior to the effective date of this amendment will be counted against the limit in the prior sentence.

3) If any portion of this measure is held invalid for any reason, the remaining portion

> of this measure, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application. The people of Florida declare their intention that persons elected to offices of public trust will continue voluntarily to observe the wishes of the people as stated in this initiative in the event any provision of this initiative is held invalid.

An examination of the proposed amendment discloses that it deals solely with one clearly specified subject -- limiting the number of consecutive terms that may be served by Florida's highest-ranking elected public officers. The operative provisions of paragraph (1) identify the section of the Florida Constitution that is to be amended, enumerate the elective offices that are to be subjected to the terms limitation, and explain the length of the term limitation and the manner in which it will be applied in the event of a resignation and appointment of a successor. It appears that the amendment if adopted would be complete within itself and would not conflict with other provisions of the Florida Constitution.

Both on its face and in its "functional effect," the proposed amendment would produce a singular change in government by limiting the number of consecutive terms for which an individual could appear on the ballot as a candidate for one of the specified offices. Although the measure will affect the terms of both legislative and executive officers, and will apply to both state and federal legislators, the amendment cannot be characterized as an attempt at "logrolling" because the critical fact is that in a <u>functional</u> sense it has "a logical and natural oneness of purpose." Indeed, the amendment does nothing more

than extend to these elective officers the same kind of term limitations that already apply to the Governor of Florida and the President of the United States.

The fact that the proposal includes an effective date clause (paragraph (2)) and a severability clause (paragraph (3)) does not cause the amendment to run afoul of the single-subject restriction.

> If a proposed amendment has but one main purpose and all else included is incidental and reasonably necessary to effectuate the main object and purpose contemplated, it is not susceptible to the charge that it contains more than one amendment.

Floridians Against Casino Takeover, 363 So.2d at 339. Those additional provisions that set forth the "details of the scope and implementation" of the substantive amendment, including the time of taking effect and the severability of portions found to be invalid, have been regarded by this Court as "logically connected to the subject of the amendment." In re Advisory Opinion to the Attorney General -- Homestead Valuation Limitation, 581 So.2d at 588; see also In re Advisory Opinion to the Attorney General, Limitation of Non-Economic Damages in Civil Actions, 520 So.2d 284, 287 (Fla. 1988).

In sum, there appears to be no basis for a finding that the text of the proposed amendment violates the single-subject requirement. Keeping in mind that the restriction "should be viewed broadly rather than narrowly," and that the possibility of "broad ramifications" is no cause for objection so long as "on its face it deals with one subject," this Court should confirm

the Attorney General's conclusion that the initiative petition complies with article XI, section 3.

(b) The Ballot Title And Substance Comply With Section 101.161(1).

The second question submitted for determination is whether the proposed ballot summary satisfies the requirements of section 101.161(1), Florida Statutes (1989), which provides in pertinent part:

> The substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

(Emphasis added.) Because there is no question that the ballot summary and title do not exceed the permissible number of words, the issue of compliance here turns solely on the substance of the summary.

In evaluating the propriety of a proposed ballot summary, this Court has consistently adhered to the standards enunciated in Hill v. Milander, 72 So.2d 796 (Fla. 1954):

> [T]he only requirements in a[n] election of this kind are that the voter should not be misled and that he have an opportunity to know and be on notice as to the proposition on which he is to cast his vote. ... All that the Constitution requires or that the law compels or ought to compel is that the voter have notice of that which he must decide.... What the law requires is that the ballot be fair and advise the voter sufficiently to enable him intelligently to cast his ballot.

72 So.2d at 798 (emphasis added). See also, e.g., In re Advisory Opinion to the Attorney General English -- The Official

Language of Florida, 520 So.2d at 13; Grose v. Firestone, 422 So.2d at 303, 305 (Fla. 1982); Miami Dolphins, Ltd. v. Metropolitan Dade County, 394 So.2d 981, 987 (Fla. 1981).

This Court has on numerous occasions reaffirmed that "[t]he purpose of section 101.161(1) is to assure that the electorate is advised of the meaning and ramifications of the proposed amendment." Wadhams v. Board of County Commissioners, 567 So.2d 414, 418 (Fla. 1990). See also Grose v. Firestone, 422 So.2d at 305; Askew v. Firestone, 421 So.2d at 156. The requirements of section 101.161(1) are satisfied if "[a]s a whole, the ballot summary fairly reflects the chief purpose of the proposed amendment," In re Advisory Opinion to the Attorney General English -- The Official Language of Florida, 520 So.2d at 13, or "accurately tracks and describes the proposed amendment." In re Advisory Opinion to the Attorney General, Limitation of Non-Economic Damages In Civil Actions, 520 So.2d at 287. In short, the ballot "must give the voter fair notice of the decision he must make." Askew v. Firestone, 421 So.2d at 155; see also Miami Dolphins, Ltd. v. Metropolitan Dade County, 394 So.2d at 987.

Because "fair notice" is all that section 101.161(1) requires, this Court has rejected any notion that the ballot summary "must explain in detail what the proponents hope to accomplish by the passage of the amendment." In re Advisory Opinion to the Attorney General English -- The Official Language of Florida, 520 So.2d at 13. See also Miami Dolphins, Ltd. v. Metropolitan Dade County, 394 So.2d at 987. "It is not necessary

to explain every ramification of a proposed amendment, only the chief purpose." Carroll v. Firestone, 497 So.2d at 1206. See also Grose v. Firestone, 422 So.2d at 305 ("Inclusion of all possible effects ... is not required in the ballot summary."). Thus, the fact that the ballot summary "could have been drafted more broadly" to provide some further explanation of the proposal is not fatal. In re Advisory Opinion to the Attorney General -- Homestead Valuation Limitation, 581 So.2d at 588.

Measured by those standards, the ballot title and summary in this case clearly pass muster under section 101.161(1). As set forth in the amendment petition form, the ballot title and summary are as follows:

LIMITED POLITICAL TERMS IN CERTAIN ELECTIVE OFFICES

> Limits terms by prohibiting incumbents who have held the same elective office for the preceding eight years from appearing on the ballot for reelection to that office. Offices covered are: Florida Representative and Senator, Lieutenant Governor, Florida Cabinet, and U.S. Senator and Representative. Terms of office beginning before amendment approval are not counted.

[A 5.]

The ballot summary here goes beyond giving "fair notice" of the proposition on which the voter must decide. It informs the voter of precisely what the amendment is intended to do (limits terms of certain elective offices); explains how the intended objective will be achieved (prohibits incumbents from seeking reelection after serving for the preceding eight years); and specifically enumerates the elective offices that will be subject to the term limitation. In addition, the summary makes

clear that the new restriction will not apply to terms of office commenced prior to the approval of the amendment.

This is not a case in which the ballot summary is misleading because it omits any explanation of material facts that are essential to an understanding of the changes effected by the proposed amendment. See Wadhams v. Board of County Commissioners, 567 So.2d at 416-17; Askew v. Firestone, 421 So.2d at 155-56; cf. Evans v. Firestone, 457 So.2d at 1355. To the contrary, it can fairly be said of the present proposal, as it was of that at issue in Grose v. Firestone, that

> [t]here are no hidden meanings and no deceptive phrases. The summary says just what the amendment purports to do. It gives the public fair notice of the meaning and effect of the proposed amendment.

422 So.2d at 305. It follows that the ballot title and substance are in full compliance with section 101.161(1), and should therefore be declared valid by this Court.

(c) The Issue Of Whether The Proposed Amendment May Conflict With The Federal Constitution Is Not An Appropriate Subject For Consideration In This Proceeding.

In addition to the single-subject and ballot summary issues submitted for an advisory opinion as required by section 16.061(1), the Attorney General has suggested in his letter that the Court "may wish to consider" as a "factual issue" whether the proposed amendment conflicts with the federal constitution to the extent that it "might be construed" to alter the qualifications of office for United States senators and representatives. The authority relied upon by the Attorney General as the jurisdic-

tional basis for the Court's consideration of this question is the last sentence of section 16.061(1), which provides that the petition for an advisory opinion "may enumerate any specific factual issues which the Attorney General believes would require a judicial determination."

Citizens For Limited Political Terms submits that consideration of the asserted federal constitutional issue is inappropriate here for two reasons. First, despite the Attorney General's apparent perception of the question as a "factual issue," the determination of whether the proposed term limitation amendment would run afoul of federal constitutional provisions relating to qualifications for office is clearly an issue of law, the determination of which does not depend upon a resolution of any factual matters. Because section 16.061(1) expressly restricts the scope of a petition for advisory opinion to the legal questions of compliance with the single subject and ballot summary requirements, and permits enumeration only of "specific factual issues which ... would require a judicial determination," the issue posed by the Attorney General is not properly before the Court in this specialized proceeding of deliberately limited scope.

Moreover, it is inappropriate and unnecessary for the Court to address the alleged federal constitutional issue in the context of this proceeding. This Court has recognized that challenges to the validity of a proposed amendment under the federal Constitution should not be adjudicated until after the vote "since it might not be adopted." Gray v. Moss, 115 Fla.

701, 156 So. 262, 264 (1934). Consequently, substantive attacks on the constitutionality of a proposed amendment prior to its adoption are generally regarded as premature and nonjusticiable, at least so long as the amendment "may conceivably be valid in some respects or under some conditions." Pope v. Gray, 104 So.2d 841, 842 (Fla. 1958). As explained more recently in Grose v. Firestone, the argument that the proposed amendment is substantively unconstitutional "is not a justiciable issue in this case and may be raised in an appropriate proceeding in due course when the issue is properly presented." 422 So.2d at 306.

For these reasons, the Court should decline the Attorney General's invitation to venture into an unripened vineyard, particularly when the decision of the voters may render a resolution of the issue unnecessary. As the Supreme Court of Washington recently concluded when confronted with the same question, the complexity and significance of the constitutional issues demand that they receive more thorough consideration than is contemplated in an expedited process of this nature.[8] Accordingly, the Court should refrain from rendering an advisory opinion on the federal constitutional issue.

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[8] See the initial brief and appendix of the Term Limits Legal Institute filed in this case.

CONCLUSION

The Court's role in this preliminary review process is solely to determine whether the proposed amendment complies with the single subject limitation and ballot summary requirements so as to qualify for submission to the voters. In performing that function, the Court has consistently reaffirmed that the right of the voters to pass upon a proposed constitutional amendment should not be denied absent a showing by those opposing the measure that the initiative is clearly and conclusively defective. Consistent with that philosophy, the validity of proposed amendments has been measured by broad standards, limited in application to the literal requirements of the Florida Constitution and statutes, and without regard to the wisdom or merit of the proposition submitted.

Based on those fundamental principles, it is clear that the amendment at issue here complies with the single subject limitation and the ballot summary requirements. Whether a term limitation on the specified offices is a wise policy should properly be decided in the public forum; and whether the amendment would run afoul of the federal Constitution should not be addressed until the public has made its decision. Accordingly, this Court should issue an advisory opinion confirming the validity of the proposal and permitting its submission to the voters.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Initial Brief has been furnished by Hand Delivery to Arthur J. England, Jr., Esq., Fine Jacobson Schwartz Nash Block & England, P.A., First Florida Bank Tower, 215 South Monroe Street, Suite 804, Tallahassee, FL 32301; to The Honorable Robert A. Butterworth, Attorney General, The Capitol, Tallahassee, Florida 32301; and by United States mail to James S. Portnoy, Esq., Arnold & Porter, 1200 New Hampshire Ave. N.W., Washington, D.C. 20036, this 18th day of October, 1991.

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