

FILED

SID J. WHITE

MAR 21 1994

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT
STATE OF FLORIDA

Case No. 83,301

RE: ADVISORY OPINION TO THE ATTORNEY GENERAL -
SAVE OUR EVERGLADES TRUST FUND

INITIAL BRIEF OF
FLORIDA FRUIT AND VEGETABLE ASSOCIATION
SUGGESTING THAT THE TEXT OF THE AMENDMENT
DOES NOT COMPLY WITH
FLORIDA CONSTITUTION, ARTICLE XI, SECTION 3,
AND THAT THE TITLE AND BALLOT SUMMARY VIOLATE
FLORIDA STATUTES SECTION 101.161

Attorneys for Florida Fruit
And Vegetable Association

Terry Cole, Esq.
Florida Bar #133550
Oertel, Hoffman, Fernandez & Cole, P.A.
2700 Blair Stone Road
Tallahassee, Florida 32301
(904) 877-0099

I.

INTERESTS OF FLORIDA FRUIT AND VEGETABLE ASSOCIATION

The Florida Fruit and Vegetable Association ("FFVA") is an interested party entitled to be heard with regard to whether this Court should render an advisory opinion as to the compliance of the proposed "Save Our Everglades" amendment proposal with Florida Constitution, article XI, section 3. The FFVA represents the interests of farmers throughout the state, and in the Everglades area. The Everglades agricultural area to which the S.O.E. amendment is directed, is the primary source of the nation's winter vegetables, and the vegetable crop is farmed alongside of and on a rotating basis with sugarcane in the same area on the same lands. The vegetable farmers in the Everglades are thus affected by and interested in the S.O.E.

II.


**POSITION OF THE FFVA IN OPPOSITION TO PLACEMENT
OF THE S.O.E. AMENDMENT ON THE BALLOT**

The FFVA opposes the proposed "Save Our Everglades" ("S.O.E.") constitutional amendment, and is desirous of being heard in oral argument, but did not have sufficient advance notice of the briefing schedule issued by this Court to prepare a separate comprehensive brief fully explicating its particular interest in and opposition to the placement of the S.O.E. amendment on the ballot. The FFVA maintains that the proposed constitutional amendment fails to comply with the single-subject limitations imposed on such amendments by the Constitution and the Florida Statutes, and contains impermissible and unproven allegations of fact.

The FFVA incorporates and adopts the briefs of the Florida Sugar Cane League and the Florida Farmers for Fairness Committee, for purposes of the initial briefing directed under this Court's Interlocutory Order dated March 11, 1994. The FFVA will file a separate reply brief in accordance with this Court's order on April 15, 1994, and requests an opportunity to be heard in oral argument as scheduled by the Court for May 2, 1994 at 9 a.m.

Respectfully submitted,

OERTEL, HOFFMAN, FERNANDEZ & COLE, P.A.
2700 Blair Stone Road
Tallahassee, Florida 32301
(904) 877-0099



Terry Cole, Esq.
Florida Bar #133550

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing INITIAL BRIEF OF THE FLORIDA FRUIT AND VEGETABLE ASSOCIATION SUGGESTING THAT THE TEXT OF THE DOES NOT COMPLY WITH FLORIDA CONSTITUTION, ARTICLE XI, SECTION 3, AND THAT THE TITLE AND BALLOT SUMMARY VIOLATE FLORIDA STATUTES SECTION 101.161, was served by regular U.S. Mail upon:

Robert A. Butterworth
Attorney General
Office of Attorney General
The Capitol
Tallahassee, Florida 32399-1050

This 31 day of March, 1994.

Terry Cole