



**IN THE SUPREME COURT  
OF THE STATE OF FLORIDA**

Case Numbers 88,343, 88,344 and 88,345

**RE: ADVISORY OPINION TO THE ATTORNEY GENERAL RE  
FEE ON EVERGLADES SUGAR PRODUCTION,  
EVERGLADES TRUST FUND, AND  
RESPONSIBILITY FOR PAYING COSTS OF WATER POLLUTION  
ABATEMENT IN THE EVERGLADES INITIATIVES**

INTRODUCTION

Michael Block (hereinafter referred to as Block), by way of this letter, seeks to comment on the request, submitted by the Attorney General of the State of Florida, regarding the above three initiatives.

Block's opinion, based on the arguments set forth below, is that all the initiatives are VALID. It is also his opinion that the voters of the State of Florida can understandably make their voices heard on these proposals and should be allowed to vote on them.

IDENTITY AND INTEREST OF AMICI

Block is a Florida registered voter, petition proponent, Certified Public Accountant, and a former elected official (Port Everglades Commissioner). He is also the primary author of the largest number of tax limit initiative petitions, if not total petitions. These petitions included the Revenue Limits (Amendment 4) and Voter Approval of New Taxes petitions that qualified in 1994 (Tax Cap Committee, hereinafter TCC) and the Citizens Choice petition that qualified in 1983 (Limit Government Committee, successor to the original TCC that Block co-founded).

Block also is the primary author of the first chapter of the only book on the Florida tax limitation movement (Florida's Amendment 1; Facts, Fallacies and Philosophies - Proposition #1, The Economic and Legal Issues, University of Florida, 1983). He is now working on an update of this book. Block has long favored tax limitation and increased petition rights. He has personally collected many signatures for these three tax limit petitions, among many others, as well as the current Save Our Everglades petitions.

**MOST IMPORTANT**, as the former TCC Treasurer, Block invented the type of multiple petitions used by the current initiatives. These multiple petitions were the issue in the recent Court

decision to consolidate a Petition For Constitutional Writ into these cases.

#### ARGUMENT I

The current three petitions were drafted after the Court rejected the prior Save Our Everglades petition in 1994 (In Re Opinion to the Attorney General Re: Save Our Everglades). Competent counsel made every effort to insure that these drafts followed the opinion of the Court in this and other recent cases. In Block's opinion, these petitions clearly qualify under these cases.

#### ARGUMENT II

Prior to a 1984 decision of this Court (Fine v Firestone, 400 So.2d 984, 1984), the Court held that the same single-subject rule applied to legislation and initiatives. Court decisions involving Casino Gambling and the Lottery later clearly held that initiative petitions could combine revenue raising and a direction as to how the revenue raised was to be spent. The Fee on Everglades Sugar Production initiative clearly qualifies under this standard. The other two petitions do not even need this explanation to clearly qualify under the single-subject rule.

#### ARGUMENT III

Prior to a 1984 decision of this Court (Fine v Firestone, 400 So.2d 984, 1984), the learned Chief Justice of this Court was responsible for the minority or majority opinion in a series of cases that eventually held that the same single-subject rule applied to legislation and initiatives. In 1983, even before the Court ruled against the Citizens Choice petition in the Fine case, Block wrote and filed a petition that would have ended the single-subject requirement for petitions. The 1984 Court decision in Fine expressly reversed the above prior well established rule that the same single-subject applied to legislation and initiatives. It also expressly held that government revenue consisted of at least three subjects.

In 1993 Block was sought out by the newly formed TCC because his 1983 single-subject elimination petition was included in his previously cited book. Block then became TCC Treasurer. He also became primary author of the Revenue Limits petition that this Court unanimously approved, and a large majority of voters approved, in 1994. This petition expressly reversed the Fine decision by expressly excluding petitions involving government revenue from the single-subject test.

In view of this clear Court and voter reversal of Fine, none of the Fine logic, holdings, or opinions should be cited as precedent in any initiative petition case. Accordingly, the Court should return to the single-subject standard it so clearly stated

in prior cases. This standard expressly supported Court opinions that said the Court should only act when it had clear obligation requiring it to act. These opinions also said that the Court was bound to follow such a limited course because any other procedure clearly denied large numbers of Floridians their federally protected First Amendment free speech rights.

#### ARGUMENT IV

In 1979 Block, as Treasurer of a successor to the original TCC, Block was the primary author of four petitions. Shortly thereafter he created the first multi-part petition form. Copies of these petitions and a sixteen part petition form were duly filed with the Florida Division of Elections.

In 1993 meeting, in the office of the Division of Elections, Block created an acceptable petition form that included the Revenue Limits and Voter Approval of New Taxes petitions. Block duly filed a copy of this form and two other later three part petition forms with the Division, without Division objection. One petition that was included was the FLORIDA TAX LIMITATION initiative sponsored by the former Secretary of State and the separate Enough is Enough Committee. This initiative was later approved by the Legislature in modified form.

The TCC then precipitously filed two initiative petitions, TAX LIMITATION and PROPERTY RIGHTS. These were drafted by and paid for by counsel for U.S. Sugar (hereinafter BS [Big Sugar]). Neither the initial TCC attorney nor any of its Board members (except for its Chairman) saw these petitions before they were filed and circulated by persons indirectly paid by BS. Both Block and the initial TCC attorney felt these new petitions clearly violated single-subject rules. This Court later agreed unanimously.

The new petitions were clearly had no other purpose except to invalidate the very popular 1994 Save Our Everglades initiative petition. Block had initially conceived the TCC - BS alliance as a way TCC could get more funding for all its petitions. However, he did not attend the subsequent meeting that cemented this alliance. Block was, therefore, not able to explain how his new proposed petition could protect sugar farmers without a significant delay in the Save Our Everglades cleanup that he favored. Accordingly, Block resigned rather than support new unconstitutional and ill conceived petitions.

Block also resigned from TCC because the TCC Chairman required that he do this unless Block would sever his relationship with a committee formed by key leaders of the Howard Jarvis American Tax Reduction Movement in California. These persons provided very important TCC funding, before the TCC - BS deal. They continued to do this after they had decided to terminate their TCC assistance, in favor of assisting an affiliated committee led by Block, because

Block expressly requested that they not do this. The TCC Chairman demanded this severance because, as he said, his plans for mailing lists were inconsistent with the mailing list plans of this other group. The TCC Chairman was and remains a professional mailing list producer, so this was very important to him.

**Most important,** TCC soon circulated a four-part petition set with the TAX LIMITATION, PROPERTY RIGHTS, VOTER APPROVAL and REVENUE LIMITS initiative petitions. Block, the inventor of the multi-part petitions, was then no longer TCC Treasurer. As a result, TCC never filed a copy of the four-part combined petition set with the Division of Elections. This probably violated an express Division rule requiring prefiling petitions. The Division was expressly on notice, as to the use of the four part forms, when its supervising Secretary of State was made a party to a case brought against him, in connection with a suit filed by a group that included certain environmental supporters. case expressly challenged the legality of the multi-part forms. It was heard in 1994, by this Court, at the same time it heard arguments on all of the above In Re Attorney General Opinion cases. In view of this, the Division certainly appears to have neglected to impose an appropriate fine on TCC. This fine could be based on about 1,000,00 petition sets, times four petitions, times \$10 (\$4,000,000). The Division may not have acted on this because no one filed a complaint. However, it probably did not act because any attempt to do this would have resulted in court confirmation that the Division's one petition per page rule was an invalid restriction on federally protected first amendment rights.

During Block's tenure at TCC he and the TCC Chairman expressly and repeatedly discussed the possible protection of the multi-part petition form. The TCC Chairman was advised, by his own attorney, that there was no effective copyright protection. In view of this and the TCC's prior extensive use of multi-part petitions, TCC's objections seem to be the high of hypocrisy. The Court should certainly not support such claims.

#### CONCLUSION

Block feels that all the voters of the State of Florida can understandably make their voices heard on these the three current petitions. It is of the utmost importance that they be allowed to vote on them.

Respectfully submitted,

  
Michael Block