
IN THE SUPREME COURT OF FLORIDA

Case No. SC01-1367

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

**ADVISORY OPINION
TO THE ATTORNEY GENERAL**

RE: LIMITING CRUEL AND INHUMANE
CONFINEMENT OF PIGS DURING PREGNANCY

**INITIAL BRIEF OF THE SPONSOR
FLORIDIANS FOR HUMANE FARMS**

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STATEMENT OF THE CASE AND FACTS

Floridians for Humane Farms (Floridians) has invoked the initiative petition process of Article XI, section 3, Florida Constitution, to propose an amendment to the Florida Constitution. The amendment would prohibit the tethering or confinement of pregnant pigs on a farm so that they are unable to turn around freely. [A 1.] The Court has jurisdiction. Art. V, §_3(b)(10), Fla. Const.¹

Procedural Posture

Pursuant to section 15.21, Florida Statutes (2000), the Secretary of State has submitted the initiative petition to the Attorney General, certifying that Floridians has successfully met the signature requirements and that the initiative now qualifies for an advisory opinion of this Court. [A 2.] Pursuant to section 16.061, Florida Statutes (2000),² the Attorney General has

¹"The supreme court ... [s]hall, when requested by the attorney general pursuant to the provisions of Section 10 of Article IV, render an advisory opinion of the justices, addressing issues as provided by general law."

² Florida Constitution article IV, section 10 requires the Attorney General to "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." Section 16.061, Florida Statutes (2000), requires the Attorney General to petition this Court within 30 days after receiving an initiative from the Secretary of State, "requesting an advisory opinion regarding the compliance of the text of the proposed amendment or revision

requested this Court's opinion as to whether the ballot title and summary of the proposed constitutional amendment comply with section 101.161, Florida Statutes (2000).³ [A 3.]

Title, Summary, and Text of the Amendment

The title and ballot summary of the petition provide as follows:

Animal Cruelty Amendment: Limiting Cruel and Inhumane Confinement of Pigs During Pregnancy.

Inhumane treatment of animals is a concern of Florida citizens; to prevent cruelty to animals and as recommended by The Humane Society of the United States, no person shall confine a pig during pregnancy in a cage, crate or other enclosure, or tether a pregnant pig, on a farm so that the pig is prevented from turning around freely, except for veterinary purposes and during the prebirthing period; provides definitions, penalties, and an effective date.

The text of the proposed amendment is set forth below:

Inhumane treatment of animals is a concern of Florida citizens. To prevent cruelty to certain animals and as recommended by The Humane Society of the United States, the people of the state of Florida hereby limit

with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and substance with s. 101.161."

³ Section 101.161(1), Florida Statutes (2000), provides, in pertinent part, that "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."

the cruel and inhumane confinement of pigs during pregnancy as provided herein.

(a) It shall be unlawful for any person to confine a pig during pregnancy in an enclosure, or to tether a pig during pregnancy, on a farm in such a way that she is prevented from turning around freely.

(b) This section shall not apply:

(1) when a pig is undergoing an examination, test, treatment or operation carried out for veterinary purposes, provided that the period during which the animal is confined or tethered is not longer than reasonably necessary.

(2) during the prebirthing period.

(c) For purposes of this section:

(1) "enclosure" means any cage, crate or other enclosure in which a pig is kept for all or the majority of any day, including what is commonly described as the "gestation crate."

(2) "farm" means the land, buildings, support facilities, and other appurtenances used in the production of animals for food or fiber.

(3) "person" means any natural person, corporation and/or business entity.

(4) "pig" means any animal of the porcine species.

(5) "turning around freely" means turning around without having to touch any side of the pig's enclosure.

(6) "prebirthing period" means the seven day period prior to a pig's expected date of giving birth.

(d) A person who violates this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082(4)(a), Florida Statutes (1999), as amended, or by a fine of not more than \$5000, or by both imprisonment and a fine, unless and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of Section 828.13, Florida Statutes (1999). The confinement or tethering of each pig shall constitute a separate offense. The knowledge or acts of agents and employees of a person in regard to a pig owned, farmed or in the custody of a person, shall be held to be the knowledge or act of such person.

(e) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof.

(f) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(g) This section shall take effect six years after approval by the electors.

Attorney General's Conclusions

In his letter to the Court, the Attorney General concludes that the ballot title and summary express the chief purpose of the initiative, and that the text of the amendment satisfies the single-subject requirement. [A 2.] He raises three questions about interpreting the amendment, but does not assert that any of his questions impact the legal requirements that this Court is required to address here.

Interest of the Sponsor and Its Supporters

This brief is filed on behalf of Floridians for Humane Farms, a Florida political committee sponsoring the petition. The petition itself and the sponsor's statements of intent are appended. [A 1.] The Humane Society of the United States ("HSUS") supports Floridians and this initiative. [A 4.]

A brief summary of the issues and the current regulatory climate provides instructive context. Florida criminal law already prohibits cruelty to animals. §828.12(2), Fla. Stat. (2000) (prohibiting cruelty to animals, including any act that causes "excessive or repeated infliction of unnecessary pain or suffering"); *id.* §828.13 (prohibiting the keeping of any animal "in any enclosure without wholesome exercise"). An unsuccessful attempt was made in 2000 to amend the Florida Statutes expressly to prohibit the tethering or confinement of breeding sows or of calves raised for veal. Fla. HB 1029 (2000). [A 5.]

Certain aspects of pig farming are regulated by the Florida Department of Agriculture and Consumer Services. Chs. 570, 585, Fla. Stat. (2000). The Department has promulgated rules regulating the importation, inoculation, and safe feeding of pigs. Fla. Admin. Code R. 5C-3, 4, 6, 11, 20, 21, 25. The Department already recognizes the legitimacy of animal welfare issues, requiring that livestock killed in Florida be killed by a humane method only, which is defined as "a method whereby the animal is rapidly and effectively rendered insensitive to pain" *Id.* R. 5C-25 ("Humane Euthanasia of Livestock").

The modern industrialization of pig farming has resulted in the widespread use of farming methods designed to maximize production while minimizing costs.⁴ [See A 1, 4, 6.] This "intensive farming" or "factory farming" usually involves the confinement of pigs during their pregnancies by methods such as the "gestation crate" or "sow stall," or the use of tethers. A gestation crate is a narrow metal-barred cage, usually having a concrete floor, with no bedding material, and so small that the pig is unable to turn around. The confined, pregnant pig can only move forward and backward a few steps, stand up, and lie down. Confinement or tethering customarily is used for the vast majority of the pigs' few reproductive years, after which they are immediately killed. [A 1, 4, 6.] Many members of the scientific, veterinary, and animal welfare communities consider this confinement or tethering to be inherently inhumane because it causes serious foot and joint disorders, muscle and bone weakness, lameness, a poorer level of cardiovascular fitness and a higher incidence of urinary tract infections than sows housed in groups; causes chronic stress and frustration and provokes abnormal

⁴ Intensive confinement pig farms can also present serious environmental, health, and public nuisance concerns because of the large volume of animals raised in disproportionately small spaces, producing toxic hydrogen sulfide and ammonia emissions and runoff problems from excrement and urine. Some such farms in Iowa, a major pig farming state, have prompted enactment of heightened environmental regulations. See, e.g., State v. DeCoster, 608 N.W.2d 785 (Ia. 2000).

neurotic coping behaviors such as repetitive bar biting, sham chewing, and head waving. [See European Commission Scientific Veterinary Committee, The Welfare of Intensively Kept Pigs (Sept. 30, 1997) (detailed 191-page report available online at http://europa.eu.int/comm/food/fs/sc/oldcomm4/out17_en.html; see also, e.g., David J. Wolfson, McLibel, 5 Animal L. 21, 41 & n.151 (1999) (discussing judicial finding that the use of sow stalls is a cruel practice); A 4 (Humane Society statements).]

The European Union already has totally banned the use of tethers, effective in 2006; and substantially restricted the use of gestation crates for pigs, effective in 2013. [EU Preparatory Acts, Communication 20 (2001); A 4 at 2.] The issue is now beginning to be addressed in the United States. Major corporate purchasers of pork, including McDonald's and Burger King, have demanded proof that their suppliers operate humane farms for all of their meat animals, specifically including pigs. [A 6 at 4-12 (press releases).] Factory farming methods, including the use of gestation crates, have been condemned on the floor of Congress:

Our inhumane treatment of livestock is becoming widespread and more and more barbaric. Six-hundred-pound hogs - they were pigs at one time - raised in 2-foot-wide metal cages called gestation crates, in which the poor beasts are unable to turn around or lie down in natural positions, and this way they live for months at a time.

147 Cong. Rec. S7310, 7311 (July 9, 2001) (Sen. Byrd). Farm animal welfare legislation is being considered at the federal level. [H.R.

1421 & S. 267, 107th Cong. § 318(b) (2001).] California requires that farm animals be allowed to exercise, and prohibits trade in downed animals. [Cal. Penal Code §_597t (West. 2000) ("Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area.").] New Jersey is preparing standards for humane raising of farm animals. [See N.J. Stat. Ann. §_4:22-16.1 (West 1999) (directing State Board of Agriculture and Department of Agriculture, with the New Jersey Agricultural Experiment Station, to adopt "standards for the humane raising, keeping, care, treatment, marketing, and sale of domestic livestock.")] Thus, although the issue addressed by the Florida animal cruelty amendment may be novel to some voters, it is of longstanding and growing concern nationally and internationally.

SUMMARY OF THE ARGUMENT

Because the people's sovereign right to amend their constitution is at stake, this Court has the responsibility to sustain the animal cruelty petition if possible, considering the proposal as a whole and giving effect to the intent of the drafters and the chief purpose of the measure. Access to the initiative petition process is not restricted as to subject matter, and therefore any Florida citizens may utilize this process in an attempt to address issues of importance to them regardless of whether the measure is popular or widely known to others. The standard of review is highly deferential, and the Court's duty is

to uphold the proposal unless it can be shown to be clearly and conclusively defective.

A proposed constitutional amendment complies with the single-subject requirement if it has a logical and natural oneness of purpose or if it may be logically viewed as having a natural relation and connection as component parts or aspects of a single dominant plan or scheme. The only purpose of this proposed amendment is to protect pigs from cruel and inhumane treatment by prohibiting tethering or confinement on a farm during their pregnancies. The entire amendment is directed to that objective, and it includes directly connected matters such as definitions and enforcement provisions. As the Attorney General agrees, the amendment clearly embraces "but one subject and matter directly connected therewith" and thus satisfies the single-subject requirement of Article XI, section 3.

The title and ballot summary fully inform voters of the chief purpose of the amendment. The purpose of requiring a title is simply so that there will be a caption "by which the measure is commonly referred to or spoken of." §_101.161, Fla. Stat. (2000). This Court has always interpreted the statute to mean that the title and ballot summary must be read together. The ballot summary clearly states that its purpose is to prevent cruelty to pigs by prohibiting their tethering or confinement on a farm during their pregnancies. Thus, there is no possibility that voters could be misled concerning the purpose of the amendment. The Attorney

General agrees that the title and ballot summary comport with the applicable requirements of law. Therefore, the Court should approve the title and ballot summary.

Finally, the three questions that the Attorney General raises in his letter requesting an advisory opinion are not within the scope of these proceedings. Even if the Court were to reach them, the questions are readily answered without any adverse impact on the validity of the amendment. There being no obstacle to approval of the amendment, the Court should issue its opinion approving the initiative petition for placement on the ballot upon satisfaction of the remaining requirements of law.

ARGUMENT

I. THE STANDARD OF REVIEW IS HIGHLY DEFERENTIAL.

A. THE PETITION IS ENTITLED TO GREAT DEFERENCE.

Because of the great importance of protecting the people's constitutional right to modify the law of Florida, this Court has always recognized that it should be extremely reluctant to remove a proposed constitutional amendment from the ballot. As noted in Askew v. Firestone, 421 So. 2d 151, 156 (Fla. 1982), the court "must act with extreme care, caution, and restraint before it removes a constitutional amendment from the vote of the people." The Court's "duty is to uphold an initiative petition unless it can be shown to be 'clearly and conclusively defective.'" Floridians

Against Casino Takeover v. Let's Help Florida, 363 So. 2d 337, 339 (Fla. 1978). The governing standard of review is very deferential.

B. THE INITIATIVE PROCESS IS OPEN TO ALL FLORIDA CITIZENS AND IS NOT RESTRICTED BASED ON SUBJECT MATTER.

In Advisory Opinion to the Attorney General Re Tax Limitation, 644 So. 2d 486 (Fla. 1994), the Court explained in more detail the limitations on its authority in reviewing initiative petitions:

This Court's role in these matters is strictly limited to the legal issues presented by the constitution and relevant statutes. This Court does not have the authority or responsibility to rule on the merits or the wisdom of these proposed initiative amendments, and we have not done so. Infringing on the people's right to vote on an amendment is a power this Court should use only where the record shows the constitutional single-subject requirement has been violated or the record establishes that the ballot language would clearly mislead the public concerning material elements of the proposed amendment and its effect on the present constitution.

644 So. 2d at 489. See also Pope v. Gray, 104 So. 2d 841, 842 (Fla. 1958) ("There is no lawful reason why the electors of this State should not have the right to determine the manner in which the Constitution should be amended. This is the most sanctified area in which a court can exercise power."); Weber v. Smathers, 338 So. 2d 819, 821-22 (Fla. 1976) ("we are dealing with a constitutional democracy in which sovereignty resides in the people. It is their Constitution that we are construing. They have a right to change, abrogate or modify it in any manner they see fit so long as they keep within the confines of the Federal Constitution. ... Neither the

wisdom of the provision [initiative petition] nor the quality of its draftsmanship is a matter for our review."). The Court cannot pass judgment on either the wisdom or the merit of a proposed amendment. Advisory Op. to Atty. Gen'l re Limited Casinos, 644 So. 2d 71, 75 (Fla. 1994).

Any given initiative petition may raise issues of which the general populace of Florida was previously unaware, or issues that are controversial. That is the inherent nature of the process and one of its most powerful democratic features: to present issues for consideration and allow the voters themselves to express individual opinions about them. The animal cruelty petition is well within the requirements of the law.

II. THE PETITION SATISFIES THE SINGLE-SUBJECT REQUIREMENT OF ARTICLE XI, SECTION 3, FLORIDA CONSTITUTION.

Article XI, Section 3, Florida Constitution, specifies that any amendment, except for those limiting the power of government to raise revenue, "shall embrace but one subject and matter directly connected therewith." The purpose of the single-subject provision is to prevent "logrolling," a practice in which separate issues are rolled into a single initiative in order to aggregate votes or secure approval of an otherwise unpopular issue. Advisory Op. to Atty. Gen.—Save Our Everglades, 636 So. 2d 1336 (Fla. 1994). A proposed constitutional amendment meets the single-subject requirement if it has a logical and natural oneness of purpose or

if it may be logically viewed as having natural relation and connection as component parts or aspects of a single dominant plan or scheme. Advisory Op. to Atty. Gen.—Limited Political Terms in Certain Elective Offices, 592 So. 2d 225 (Fla. 1991).

In Florida Locally Approved Gaming, this Court explained that a proposed amendment meets the single-subject test "when it 'may be logically viewed as having a natural relation and connection as component parts or aspects of a single dominant plan or scheme. Unity of object and plan is the universal test.' City of Coral Gables v. Gray, 154 Fla. 881, 883-884, 19 So. 2d 318, 320 (1944)." Fla. Locally Approved Gaming, 656 So. 2d at 1263.

There can be no doubt that the single dominant plan or scheme of the animal cruelty amendment is to prevent cruelty to pigs by prohibiting their tethering or confinement on a farm during their pregnancies. All the provisions in the amendment relate to the implementation of this objective. No portion of this amendment is directed toward any other purpose. Like the net ban amendment approved by the Court, this amendment is designed to be self-executing, and includes provisions to make it so, none of which violate the single-subject requirement. See Advisory Opinion to the Attorney General - Limited Marine Net Fishing, 620 So. 2d 997, 998 (Fla. 1993). The amendment meets the single-subject requirement of Article XI, Section 3, Florida Constitution.

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**THE BALLOT TITLE AND SUMMARY ACCURATELY
INFORM THE VOTER OF THE CHIEF PURPOSE OF**

THE AMENDMENT.

Section 101.161(1), Florida Statutes (2000) provides that whenever a constitutional amendment is submitted to the vote of the people, a summary of the amendment shall appear on the ballot. The statute further states as follows:

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.

This Court has explained that the ballot must be fair and advise the voter sufficiently to enable the voter to cast a ballot intelligently. Askew v. Firestone, 421 So. 2d 151 (Fla. 1982). While a ballot title and summary must state in clear and unambiguous language the chief purpose of the measure, they need not explain every detail, ramification, or effect of the proposed amendment, Grose v. Firestone, 422 So. 2d 303, 305 (Fla. 1982), nor specify existing statutory laws that will be changed or invalidated. Advisory Opinion to the Attorney General re: Prohibiting Public Funding of Political Candidates' Campaigns, 693 So. 2d 972, 975-76 (Fla. 1997); Carroll v. Firestone, 497 So. 2d 1204 (Fla. 1986).

The title of the proposed amendment is "Animal Cruelty Amendment: Limiting Cruel and Inhumane Confinement of Pigs During Pregnancy." This title meets the word limit of the statute, and is how the proposed amendment is commonly referenced. The ballot

summary also meets the word limit of the statute, explains the chief purpose of the amendment, and accurately reflects the text:

Inhumane treatment of animals is a concern of Florida citizens; to prevent cruelty to animals and as recommended by The Humane Society of the United States, no person shall confine a pig during pregnancy in a cage, crate or other enclosure, or tether a pregnant pig, on a farm so that the pig is prevented from turning around freely, except for veterinary purposes and during the prebirthing period; provides definitions, penalties, and an effective date.

The Attorney General acknowledges that the ballot title and summary do "appear to express" the chief purpose of the amendment. [A 3 at 3.] The Court should approve the initiative for placement on the ballot.

IV. THE ATTORNEY GENERAL'S QUESTIONS ABOUT INTERPRETING THE AMENDMENT ARE NOT PROPERLY BEFORE THE COURT, AND IN ANY EVENT DO NOT AFFECT THE VALIDITY OF THE INITIATIVE.

Despite concluding that the animal cruelty initiative satisfies the single subject requirement of Article XI, section 3, Florida Constitution, and that the title and ballot summary comply with section 101.161, Florida Statutes, the Attorney General questions whether voters will understand certain details of how the amendment might be applied in practice after adoption. [A 3 at 3-4.] Questions such as these are not before the Court in this proceeding. Section 16.061(1), Florida Statutes (2000), allows the Attorney General to raise "factual issues which the Attorney General believes would require a judicial determination" (emphasis added), but not legal issues other than single-subject and ballot title and summary issues. Limited Political Terms, 592 So. 2d at

227 & n.3. The Court's role is limited to determining whether the initiative contains a single subject and whether its title and ballot summary fairly inform the voter of the chief purpose of the amendment. The Court has repeatedly said it does not have jurisdiction to consider other legal issues. See, e.g., Limited Casinos, 644 So. 2d at 73; Limited Political Terms, 592 So. 2d at 227. The animal cruelty initiative meets the legal requirements that are properly before the Court.

The Attorney General nevertheless questions whether voters will understand that "farm" as defined in the amendment may not mean exactly the same thing as voters may assume it means based on their common understanding of the word. [A 3 at 3.] Thus, the Attorney General speculates, the voter may not understand whether the amendment applies to "an individual owning a single pregnant pig in any setting," or whether it "would not allow the transportation of pregnant pigs to market" in an undersized cage or crate. [A 3 at 4.] Despite raising these interpretive questions, the Attorney General concludes that the amendment is valid, and therefore it does not appear that the Attorney General means to suggest that the voter may be so misled as to render the amendment invalid. That not being an issue, the Court should simply approve the amendment and leave any interpretive questions for resolution in an appropriate forum and with factual context.

Floridians has complied with all applicable legal requirements in this amendment. The ballot summary advises the voter that the

text of the amendment provides definitions, and the text of the amendment makes it clear that it is confinement of any number of pigs on a farm (as defined in the text), lasting for all or the majority of any day, that is prohibited. This is more than sufficient to advise the voter of the chief purpose of the amendment and to put the voter on notice to investigate further in order to become educated about the terms and impact of the amendment. Floridians is not required to spell out every ramification of the amendment in the ballot title and summary:

This Court has construed section 101.161(1) [Florida Statutes] to mean that the ballot title and summary for a proposed amendment must state the chief purpose of the measure in clear and unambiguous language. ... This is so that the voter is put on fair notice of the content of the proposed amendment to enable the casting of an intelligent and informed vote. ... However, we have held that the ballot information need not explain every detail or ramification of the proposed amendment.

Advisory Opinion to the Attorney General re Limited Casinos, 644 So. 2d 71, 74 (Fla. 1994) (citations omitted); see also Carroll v. Firestone, 497 So. 2d 1204, 1207 (Fla. 1986) (Boyd, J., concurring) ("The fact that people might not inform themselves about what they are voting for or petitioning for is immaterial so long as they have an opportunity to inform themselves."). All that matters is that the voter is placed on fair notice through clear and unambiguous ballot language, and has an opportunity to become fully informed. The animal cruelty initiative satisfies these requirements.

In any event, the Attorney General's speculation about ultimate application of the amendment is factually erroneous. First, the amendment on its face clearly applies to any number of pigs, even one, so long as intended to be used for food or fiber; and makes the confinement of each individual pig a separate offense. Second, the Attorney General is incorrect to suggest that the restrictions of the amendment would apply "in any setting" or in the case of transportation to market. The amendment clearly states that it applies "on a farm," and that the prohibited confinement is confinement that extends to "all or the majority of any day." These provisions, properly construed, make it clear that the amendment does not prohibit the transportation of pregnant pigs to market. Thus, there can be no genuine confusion, and the Attorney General's questions present no obstacle to approval of the amendment.

Finally, the Attorney General suggests that there may be some confusion about whether the reference to "section 775.082(4)(a), Florida Statutes (1999), as amended" (emphasis

added) is intended to make the 1999 version of the statute the benchmark, or to require application of whatever version of that section is in effect at the time of the offense being punished. [A 3 at 4-5.] The answer to this question is self-evident. It must be presumed that the phrase "as amended" was intended to have a meaning and to be given effect. Thus, it cannot be correct to conclude that the 1999 statute is the benchmark. Rather, the addition of the phrase "as amended" clearly establishes that the intent is to keep punishment under this subsection consonant with the punitive provisions of the misdemeanor statute as that statute may change over time.

This conclusion is consistent with fundamental principles of statutory and constitutional construction, and is further bolstered by the appearance in the same paragraph of the amendment of a second statutory reference that does not include the phrase "as amended." Thus, the second reference was intended to make as its benchmark the 1999 version of section 828.13, Florida Statutes (1999), which prohibits the confinement of animals without

sufficient exercise.⁵ The law is well settled that an interpretation that gives effect to other sections, implements the drafters' intent, and results in a finding of validity, is to be preferred. The Court's "duty is to uphold the proposal unless it can be shown to be 'clearly and conclusively defective.'" Floridians, 363 So. 2d at 339. The Attorney General's questions present no obstacle to approval of the amendment.

CONCLUSION

The standard for reviewing initiative petitions is highly deferential. Yet, by any standard, the animal cruelty initiative "embraces but one subject and matter directly connected therewith" and the title and ballot summary accurately explain its chief purpose. The Court should approve the amendment for submission to the voters.

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In pertinent part, section 828.13(2)(b) provides that "Whoever ... [k]eeps any animals in any enclosure without wholesome exercise and change of air ... is guilty of a misdemeanor of the first degree"

Respectfully submitted this 17th day of August, 2001.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing with its appendix was furnished by United States mail to The Honorable Robert A. Butterworth, Office of Attorney General, The Capitol, Tallahassee, Florida 32399-1050, this 17th day of August, 2001.

Attorney

CERTIFICATE OF FONT

I HEREBY CERTIFY that this brief was prepared using Times New Roman 14 point type, a font that is proportionately spaced.

Attorney

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- 2 Secretary of State's Certification of Entitlement to an Advisory Opinion
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- 4 Position Statement of Humane Society of the United States (HSUS)
- 5 Florida HB 1029 (2000) (unsuccessfully attempting to prohibit cruel confinement of pigs and calves)
- 6 Composite exhibit of press releases and other publicly available information about the issues addressed by this initiative