“An Analysis of the Impact of Term Limits on the Florida Legislature”

An Action Report Submitted to the Faculty of the College of Social Science in Candidacy for the Degree of Master of Public Administration

By

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Tallahassee, December, 2006
Enclosed please find an action report on the history and alternatives for term limits at the legislative level in the state of Florida. In general, term limits can be analyzed through at least two frameworks: by level of government (international, national, state, local) and by branch of government (federal, executive, judiciary, and by extension, administrative agencies).

While in Florida legislative term limits seem to be a popular and practical concept, they have not been an ideal solution to the problems they were intended to fix: political careerism, ineffectiveness and increased corruption in the legislative process; issues which require profound changes in both campaign finance and electoral systems, not simply “feel good” quick fixes like term limits.

Term limits hinder the legislative and political processes in Florida in numerous ways: They do not necessarily curb the political aspirations of politicians; increase the possibility of corruption in the legislative process by interest groups attempting to influence a growing number of new and inexperienced legislators, and accelerate tension in the relationship between the legislative branches, as recent legislative sessions have shown.

An executive summary of the report is included along with recommendations for action you should support, urging action by legislative leaders. This information details the importance of meaningful reform in the political process in Florida if we are to remain effective in governance and assure equality and openness in our political system so that Floridians can trust their government and its leaders.

I look forward to your reply. Please send me an email at jwaczewski@yahoo.com or phone me at (850)445-2075.

Sincerely,

Joe Waczewski, MPA
Acknowledgments

Many individuals have contributed to my long and delayed journey in completing this paper. I am extremely grateful to all the professors and mentors that I had in the Askew School: Governor Reubin O’D. Askew, Dr. Fran Berry, Dr. Ralph Brower, Dr. Neil Crispo, Dr. Gabriela Wolfson and Ms. Velda Williams. I am also very grateful to a friend who showed me unconditional support: Ms. Michelle Schmidt; and above all, I thank Dr. Lance DeHaven-Smith, for his patience, guidance and encouragement.

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Executive Summary

“I generally disapprove of term limits. I really do. And I think it's a mistake in California. It has ruined our legislature with the term limits in the Assembly and the Senate.” Congressman Darrell Issa, (R-CA)\(^1\)

In Florida, a ballot initiative prohibiting legislative incumbents from seeking re-election after the 8 years in office was approved in 1992. Since the adoption of term limits in Florida has been fairly recent, their impact on the State Legislature and on the political process in Florida as a whole needs to be better understood. In this paper, I examine the impact of term limits on the Florida Legislature by conducting a limited set of personal interviews with key legislators, staff, registered lobbyists and members of the media. I find that a majority of those interviewed express opposition to term limits in Florida. I offer three policy alternatives: retaining term limits, extending the length of term limits or eliminating term limits all together. I conclude that term limits have detrimental effects on the legislative process as a whole and are counterproductive to the effort of maintaining an efficient and accountable legislature in Florida.

\(^1\) Quote obtained from a transcript of CNN’s “Crossfire” with Paul Begala and Tucker Carlson, 11/19/04. www.cnn.com
I. **Problem Statement**

In 1992, Florida voters amended the State Constitution by approving term limits under the so called “Eight is Enough” amendment by a margin of 77 to 23 percent. The approved ballot initiative amended the Florida Constitution under Article VI, §4 which provides that a Florida Representative or Senator, Lieutenant Governor, Florida cabinet member, United States Representative or United States Senator from Florida may not have his or her name placed on the ballot if the person has served eight consecutive years in that office.

In 1995, The United States Supreme Court held in *U.S. Term Limits, Inc. v. Thorton* (115 S. Ct. 1842, 1995) that state limits on the terms of federal officials were unconstitutional, thus invalidating the portions of Article VI of the Florida Constitution that imposed term limits on Florida’s Congressional candidates. The remaining portion of the Florida law was challenged and defeated: In 1999, the Florida Supreme Court held in *Ray v. Mortham* (742 So. 2d 1276, Sept. 2, 1999) that the provisions of Article VI that applied to state officials did not violate Florida’s Constitution. In this paper, I will only focus on term limits as it applies to the state legislative process.

Since term limits in Florida did not take effect until the 2000 elections, when 55 State Senators and 11 State Representatives were ineligible for re-election, their impact on Florida’s political and legislative processes needs to be better understood. Understanding the impact of term limits is critical from a public policy perspective because they affect, positively or negatively, the political and administrative process in the Florida Legislature. Eventually, this process gets carried out in the form of
legislation, which in turn affects everything else, from the implementing agencies to the population at large. Do term limits change the aspirations of legislators; Have term limits forced legislators to rely more on its staff?; Are lobbyists more or less influential as a result of term limits?.

In this study, I seek to understand the implications of term limits on the Florida Legislature by seeking answers to these and other questions. The undertaking of this study is timely and significant in public administration because it affects public choice. The term limits dilemma in Florida essentially boils down to three policy alternatives: Keeping the current term limits system of eight consecutive years in office intact; extending term limits from eight to twelve consecutive years in office (or beyond); implementing a “hybrid” system or abolishing term limits altogether.

II. Background and Literary Review

Background

This paper’s main focus is on term limits in the Florida Legislature. However, in order for one to be able to understand the essence of the arguments regarding term limits at the state level, it is imperative at least to have a broad understanding of the evolution of term limits as a political and administrative issue affecting different levels of government at the federal level in the United States: Legislative, executive, administrative agencies and judiciary.
**Legislative Term Limits**

Term Limits were a common practice in Athenian democracy. During the fifth century B.C., the Athenians selected their governing council annually. No one could serve on the council for more than 2 years in his lifetime. Aristotle, the “Father of Political Science”, defended the idea of term limits with his principle of “ruled and being ruled in turn”. Aristotle saw term limits as a means of educating and encouraging civic engagement among the population (Petracca, 1992).

John Locke viewed concept of adopting term limits as a mechanism for protection against tyrannical rule, but not all liberal thinkers sided with this view (Doron and Harris, 2001). The American colonies felt uncared for and exploited by British rule in an arrogant manner, so much that while urging early Americans to declare their independence, Thomas Paine wrote “men who look upon themselves as born to reign, soon grow insolent…their minds are already poisoned by their importance.” (Paine,1776). Wanting not to repeat the excesses of British rule in the colonies, the revolutionaries included term limits for members of Congress in Section V of the Articles of Confederation, which stated that no delegates to the Continental Congress “should be capable of being delegate for more than three years in any term of six years.” John Adams, Benjamin Franklin and Thomas Jefferson supported term limits because, for them, “it seemed an excellent device for guarding against accumulation of excessive power, corruption and complacency of those elected to office.” (Doron and Harris, 2001).

During the Continental Congress, however, some delegates refused to comply with Section V and opposition to term limits built steam. Siding with their cause, the
Republican Society opposed term limits because people “were deprived of the right of choosing those persons whom they prefer” (Pettraca, 1992). The Federalists opposed term limits because they feared government would be run by “amateurs” (Erickson, 1993).

Alexander Hamilton was the most distinguished opponent of term limits. During his articulations, Hamilton evoked the sentiment of David Hume in the literary piece “Idea of a Perfect Commonwealth” (1752), where Hume argued that term limits were inefficient and unnecessary because they led to the removal of knowledgeable elected leaders and allowed a new set of politicians to come to power without experience. Hume also believed that term limits defied fairness and common sense by not rewarding good behavior and allowing people to re-elect their leaders and representatives (Doron and Harris, 2001). Hamilton favored the Senate becoming a permanent body, similar to the British House of Lords and the U.S. Supreme Court, so as to protect the legislators’ integrity and making them less susceptible to corruption (Benjamin and Malbin, 1992). Alexander Hamilton advocated a strong central government and even suggested that office holders, including the president, should be able to serve indefinitely to avoid tyrannical rule and “operate as a constitutional interdiction of stability in the administration”, especially during a time of crisis and emergency (Malbin, 1992).

The majority of the delegates to the Convention did not agree with Hamilton’s arguments and settled with the notion that office holders should serve until the end of their terms and seek voter approval if they wished to remain in office.
The framers did not see a need for term limits because of the prevailing political culture at the time; altruistic in kind, noble, with many political leaders seeing themselves as “volunteers in the service of their states and nation”. As opposed to current logistical conditions, salary and perks for current members of Congress, the conditions of the post-revolutionary period; long traveling distances, minimal resources and low salary, made the lives of many political figures very complicated, doing little to entice them to remain in office for longer terms, even if they wanted to. For them, one or two terms in office were more than enough (Doron and Harris, 2001:10).

**Presidential Term Limits**

Term limits for federal office holders, including the president, were not included in the U.S. Constitution. President George Washington left voluntarily after two terms. His example became a tradition, and presidential term limits did not become an issue until Franklin Roosevelt’s bid for a third term in 1940. President Roosevelt was reelected for a 4th term in 1944, but died shortly after that, in 1945. In 1947, the Republican-led Congress passed the 22nd Amendment to the Constitution, which limited a U.S. president to two four-year terms.

**Administrative Term Limits**

The U.S. Constitution does not have many details regarding the function of the executive branch. As James Q. Wilson (1982:56) points out, the debates in the Constitutional Convention were almost devoid of references to an administrative
apparatus. He argues “there was no dispute in Congress that there should be executive departments, headed by single appointed officials appointed by the President, with the advise and consent of the Senate”, and that it was understood that the president “should have the sole right of removal” of these officials. As mentioned earlier, George Washington’s voluntary exit from the presidency after two terms was an example and set the tone for other elected officials in Washington D.C., becoming a voluntary, standard for the following administrations. This also made it understood that when a president left office, so did the rest of the administration.

The passage of the Tenure of Office Act in 1820 marked the beginning of the “spoils system” under President James Monroe (1817-1825). The act limited certain appointees to a term of four years, essentially legalizing the rotation system by allowing a president “to bring in good and capable people who were in agreement with (a president’s) views and governance” (Remini, 1981:191).

President Andrew Jackson (1829-1837) was a strong supporter of term limits and the rotation system, but he is also credited, at least in part, of expanding the spoils system by removing almost half of the officials appointed by his predecessor and basing most of his new appointments on political loyalty considerations, appointing friends, relatives, and even soldiers. Under President Jackson, thus, “cronyism, not competence and expertise, became the basis for many appointments and removals” (Doron and Harris, 2001:17).

In 1881, President Garfield was shot to death by Charles J. Guiteau, a government office seeker who was angry for not being appointed. Garfield’s tragic death led to
the passage of the Pendleton Act in 1883, which marked the beginning of the merit system in the federal service.

**Judicial Term Limits**

Under the U.S. Constitution, U.S. Supreme Court justices and other federal judges enjoy life tenure. Tenure insulates federal judges—above all, Supreme Court justices—from the political ramifications of their actions and allows them to interpret the law without fearing reprisals from the elected branches of government (Legal Affairs.org, 2006).

**Legislative Term Limits: 1990 to the Present**

The early 1990’s witnessed major political changes around the world with the collapse of the Soviet Union, the reunification of Germany and the official end of the Cold War. In the midst of these winds of change, many countries like Italy, Japan, Australia and Israel underwent major electoral reforms (Doron and Harris, 2001).

In the United States, however, the early 1990’s represented little “newness” in the political sphere. On the surface, President Bill Clinton’s election in 1992 seemed to bring some “newness” into the political system by ending a twelve-year Republican reign in the White House. Beyond that, nothing much changed, with the two-party system holding on solidly and the voter turnout remaining very low in relation to other Western democracies (Dye, 2001).

At the political grass-roots level, there was a growing anti-incumbent campaign led by the public’s perception that members of Congress remained in office for too
long, filled with arrogance and abuse of power. Certainly, that perception became even stronger with the number of ethical scandals sweeping Congress in the late 1980’s and early 1990’s, from the resignation of House Speaker Jim Wright (D-Tx) in 1989 due to unreported profits from a book deal (U.S. News & World Report, 1989), to the U.S. House’s banking scandal, where several members of the U.S. House of Representatives were found to have issued worthless checks.

At the time, the U.S. Congress had been under Democratic control and many of its members had been in office for a relatively long time: Senator Robert Byrd (D-West Virginia), first elected to office in the 1950’s; Senators Daniel Inouye (D-Hawaii) and Edward Kennedy (D-Mass.), first elected in the 1960’s; and Senator Joseph Biden (D-Delaware), first elected in the 1970’s (Doron and Harris, 2001).

At the time, the ethics scandals raveling in the House of Representatives and the incredible longevity of some of most notorious Congressional members provided an excellent and legitimate excuse for the Republican Party to jump on the bandwagon of the term limits movement along with the grass-roots campaigners, both at the national and state levels. On the one hand, legitimate grass-roots campaigns supported term limits as a way to curb corruption, abuse of power and limit lobbyist access to the system (Opheim, 1994). Minorities and women were strong supporters of term limits in the hopes of seeing the likelihood of their representation increase (Karp 1995: 376). On the other, the Republican activists simply used the term limits campaign as a tool to regaining control of the U.S. House of Representatives and many state legislatures across the country that were under Democratic control, including Florida’s.
The Republican’s campaign in support of term limits gained precious momentum when George Will, the renowned conservative columnist, wrote a book titled *Restoration: Congress, Term Limits and the Recovery of Deliberative Democracy* (1991) bringing the as a topic of discussion in the mainstream media circles.

As a result of these and other efforts, several citizen initiatives started appearing on election ballots in the early 1990’s. Oklahoma was the first state to implement term limits in 1990 due mainly by the effort from Lloyd Noble, a Tulsa oilman credited with that cause (Copeland and Rausch, 1993). Colorado and California followed suit shortly thereafter. When these three states enacted their versions of term limits, the national term limits movement was weak and disorganized, but slowly emerged through several groups such as “Americans to Limit Congressional Terms” and “Americans Back in Charge”, groups that were eventually absorbed by U.S. Term Limits, Inc. (USTL).

USTL is a group formed by Howard Rich, a New York businessman with links to the Libertarian Party and one of the founders of the Cato Institute, a conservative think-tank (Rausch, 1996). USTL became the leading term limit group in the United States, helping pass term limits legislation with great success either via voter initiative or state statute in 23 states by 1995.

In 1995, the term limits movement was dealt a significant blow because the U.S. Supreme Court, in U.S. Term Limits, Inc.v. Thorton (115 S. Ct. 1842,1995), ruled in a 5-4 decision that states could not add qualifications for service in Congress, upholding a decision by the Arkansas Supreme Court, which stated that Congressional term limits violate Article I of the U.S. Constitution.
Justice John Paul Stevens, writing for the majority, asserted that the Framers of the U.S. Constitution did not intend for the states to set qualifications for U.S. Congressional candidates. In justifying the decision, Justice Stevens invoked James Hamilton in affirming that “the right to choose representatives belongs not to the states but to the people.” (115 S. Ct. 1842, 1995).

In his dissenting opinion, Justice Clarence Thomas wrote that:

“nothing in the Constitution deprives the people of each State of the power to prescribe eligibility requirements for the candidates who seek to represent them in Congress. The Constitution is simply silent on this question. And when the Constitution is silent, it raises no bar to action by the States or the people” (115 S. Ct. 1842,1995).

In essence, Justice Thomas reasoned that by not mentioning term limits in any way, shape or form, the U.S. Constitution’s, under the 10th Amendment, which states that “all powers not delegated to the federal government not prohibited to the states are reserved to the states”, allowed the states to impose term limits on Congressional candidates.

The Thorton case thus settled the issue regarding term limits for Congressional candidates and provided a political or face-saving mechanism for U.S. Congressmen who originally supported term limits but later reneged on their pledges to “self-impose” term limits in Congress. According to a report by Timothy Noah (Slate, Sept. 27, 2002), by 2002, six U.S. Congressmen, four Republicans and two Democrats, had reneged on such a pledge: Rep. George Nethercutt (R-WA); Rep.

The Thorton case also forced USTL and other term limits supporting groups to shift strategy and focus on term limits at the state legislative level because it left the issue unresolved. Each state treats term limits differently based on how they interpret their own constitutions, resulting in differing policy and implementation outcomes for each of those states.

**State Legislative Term Limits**

At the state level, legislative term limitations specify the amount of time an elected official can serve, varying considerably state by state.


In five of them, Massachusetts, Nebraska, Oregon, Washington and Wyoming, term limits were deemed unconstitutional by their State Supreme Courts. Since 1999, sixteen states have had legislation to alter term limits. In Idaho and Utah, term limits were approved by statute but later repealed by the state legislatures in those states in 2002 and 2003 respectively. In 2004, citizens in Arkansas and Montana defeated legislative proposals to extend term limits to 12 years (National Conference of State Legislatures, 2005).
Term Limits in Florida

In Florida, term limits were approved by constitutional amendment in 1992 and implemented with the 2000 general election. The approved ballot initiative amended the Florida Constitution under Article VI. s.4 which provides that a Florida Representative or Senator, Lieutenant Governor, Florida cabinet member, United States Representative or United States Senator from Florida may not have his or her name placed on the ballot if the person has served eight consecutive years in that office.

The constitutionality of term limits in Florida was challenged in court, but in 1999 the Florida Supreme Court affirmed the legality of term limits for state candidates in Ray v. Mortham (742 So. 2d 1276, Sept. 2, 1999). With the U.S. Supreme Court ruling in the Thorton case in 1995, the application of the term limits provision with regards to candidates for the U.S. Congress seats were deemed null and void.

The campaign for term limits in Florida gained steam from the well-publicized scandals rocking the U.S. Congress in the early 1990’s. According to Bill Cotterell, in the late 1980’s and early 1990’s the Florida Legislature had been under Democratic control and Florida Republicans saw the growing popularity of the term limits concept nationwide as a great opportunity to “level the playing field for them” and regain control of the Florida Legislature.

Mr. Cotterell noted that the main supporter of the term limits movement in the state was Phil Handy, a Florida businessman with strong ties to the Republican Party, who led the charge towards term limits by forming a political action committee called
“Eight is Enough”, aimed at galvanizing support for putting the term limits amendment on the 1992 general election ballot. The amendment passed overwhelmingly with 77% of the votes and was implemented with the 2000 general election, when half of the members Florida House of Representatives were term limited, unable to seek reelection (National Conference of State Legislatures, 2005).

During the 2005 legislative session, the Republican-led Florida Legislature approved a bill to refer a ballot initiative to voters seeking to extend legislative term limits from eight to twelve years for the 2006 general election (National Conference of State Legislatures, 2005). Given the lack of success of similar attempts by the state legislatures in Arkansas and Montana in 2004, and the continuous popularity of term limits in Florida, the legislature withdrew the proposed ballot initiative to extend term limits during the 2006 legislative session.

**Literary Review**

Scholarly research regarding legislative term limits at the local, state, and federal levels in the United States is vast and varied. Unfortunately, this author did not find any study specific to the implementation of term limits in the state of Florida. Most scholarly research regarding term limits in specific states have focused mainly on California, Oklahoma, Arizona and Maine.

Pettraca (1991) argues term limits are an “incremental step in the right direction” but says they are a partial response to the “professionalization” of politics, citing campaign finance, weak political parties and the rise of political consultants as
broader, and more important, parts of the problem. Gerald Benjamin and Michael Malbin’s book titled “Limiting Legislative Terms” (1992) is perhaps the most quoted work because it is one of the earliest and covers a whole range of subjects regarding term limits at both state and federal levels. John Thomas (1992) studies term limits at the municipal level and provides a level of comparison with efforts at the state and federal levels. Rothenberg (1992) focuses on the logistics and organization of the term limits movement in different states. Young (1993) examines the financing of the term limits movement, showing that most of the money used in term limits campaigns during the 1992 general elections came from a relative few number of people and suggesting the term limits movement is not as grassroots as generally portrayed by its supporters.

Fett and Ponder (1993) predict that states with legislative term limits will experience frequent turnover, freeing up candidates to challenge congressional incumbents in those states, consequently creating turnover at the federal level and limiting the influence of those states in the U.S. Congress. Powell (2000) follows up on that study and reaches similar conclusions. Jost (1994) argues that term limits are unlikely to create decreased political careerism and increased electoral competition. He also asserts that term limits could result in more power for the executive branch and fewer checks and balances due to the increased number of inexperienced legislators.

Stoner (1995) argues for a “hybrid” imposition of term limits in the U.S. Congress, with term-limits in the House but not in the Senate, following the principles spoused by James Madison in the Federalist Papers. Carey, Niemi and
Powell (2000) published the first survey data study to assess the effects of term limits on state legislatures, using data from all fifty states, including states without term limits. The following section is devoted to assessing the policy options in the term limits debate.

III. Policy Options

Option 1: Maintain the Status Quo

Option one is based on maintaining the current policy set under Article VI. s.4 of the Florida Constitution, which provides that a Florida Representative or Senator, Lieutenant Governor or Florida cabinet member may not have his or her name placed on the ballot if the person has served eight consecutive years in that office.

The specific language contained in the article appears to provide a loophole for state lawmakers seeking to retain office in that it states office holders are precluded from “placing” their name on the ballot, that is, they cannot officially seek re-election by having their candidacies displayed on the ballot. However, nothing precludes office holders seeking reelection from “encouraging” supporters to vote for them as “write-in” candidates.

Option 2: Extension and/or “Hybrid” Term Limits

Option two is based on adopting mainly two term limit variations from existing policy: The extension of term limits and/or the adoption of a “hybrid” term limits model based on James Madison’s proposal in the Federalist Papers.
The extension of term limits for the Florida Legislature, at least at the present time, seems to be unpopular among Florida voters given the overwhelming support with which the term limits proposal passed in 1992, with 77% of the vote. The Florida Legislature toyed with this idea in 2005 with the passage of a bill that approved a constitutional amendment proposal for the 2006 general election ballot, asking Florida voters to extend legislative term limits from eight to twelve years. In 2006, the Florida Legislature withdrew that proposal due to failure of similar measures that were proposed in Arkansas and Montana in 2004.

The “hybrid” term limits model would consist in the adoption of a term limits model at the state level, similar to what James Madison proposed in “The Federalist Papers”; that is, by implementing term limits on a partial basis as a political compromise, having a U.S. Congress in which the U.S. House of Representatives is term limited (since members represent “the people”) and the U.S. Senate is not (since members, in theory, represent “the states”). According to James Stoner (1995), this hybrid model would accommodate the different functions of each body.

**Option 3: Abolish Term Limits**

Option three is based on abolishing term limits at the state legislative level. Since term limits in Florida were approved via the Constitutional Amendment process, it would require the Florida Legislature or other individuals (and/or entities) to propose a Constitutional Amendment for the 2008 or any future election repealing Article VI. S.4 of the Florida Constitution.
Repealing term limits at this point seem a logistical impossibility given the fact that in the 2006 elections, Florida voters passed a Constitutional Amendment requiring broader public support, at least 60% of the votes (the so called “super majority”), for the passage of proposed Constitutional Amendments on the ballot (VoteSmartFlorida.org, 2006).

In 1992, the term limits Amendment passed with 77% of the votes under the law that required only a simple majority of the votes (50% plus one). Under current rules, any campaign to repeal term limits in the Florida Legislature would have to originate ideally from individuals and true grassroots organizations, requiring an enormous influx of financial and logistical resources to persuade Florida voters to repeal term limits under the notion that they are detrimental to the legislative and political processes.

IV. Conclusion

Term limits were promoted by supporters as a grassroots solution for political careerism, ineffectiveness and increased corruption in the legislative process both at the federal and state levels. The effect of the current term limit policy in Florida is yet to be understood since it has been in effect only during the past six years. As stated earlier, the current available scholarly research regarding the effect of term limits on specific states is not focused on Florida, but instead, on states such as Arkansas, California, Oklahoma, Ohio, Indiana and Maine. The impact of term limits varies on a state by state basis. Therefore, determining the precise impact of term limits is a very
difficult task. Studies conducted by the National Conference of State Legislatures (NCSL) and other scholars have found common emerging patterns that, at least from a broad perspective, seem to be applicable in Florida’s case. These trends suggest term limits hinder the legislative process in some ways:

1) Term limits do not necessarily curb the political aspirations of politicians.

Proponents of term limits argue term limits curb the political aspirations of politicians. Critics argue they tend to accelerate them. Studies have shown that state legislators are more likely to consider running for a U.S. Congressional seat in term-limited states (Powell, 2000). Term limits took a substantial toll on the Ohio State Senate, which witnessed a turnover rate of 30% following the 1998 election as a result of “anticipatory changes”, that is, when members seek other career opportunities such as lobbying or political consulting and leave before they are termed out. In Florida’s case, for instance, incoming Florida House Speaker Marco Rubio (R-Miami) gave jobs to two lawmakers who were forced out of office in November, 2006, by term limits. Former Representative. Ken Sorensen (R-Key Largo) is now a $100,000-a-year senior staff director whose job is to help freshman members learn the ropes. Former Rep. Ron Greenstein (D-Coconut Creek), received a $25,000 six-month contract to advise in a similar role (Orlando Sentinel Online, 12/10/06).

2) Term Limits do not necessarily weaken the interest groups-legislators linkage.

Term limit proponents argue such limits weaken the linkage between interest groups and legislators, especially with committee chairs and legislators. (Thompson and Moncrief, found in Farmer, Rausch, Jr. and Green, 2003: 213). Opponents of term
limits say legislators, especially inexperienced ones, will be easily swayed by lobbyists, suggesting the likelihood of quid-pro-quo, behind-the-scenes deals in which lobbyists seek favorable votes on specific issues from inexperienced, term-limited legislators, in exchange for promises of future employment with a particular group or industry (Carey, 1996). Thompson and Moncrief (2003) show term limits have forced lobbyists to spend a considerable amount of time communicating and building relationships with new legislators to educate them regarding their issues. This finding is also supported by the NCSL study of the effect of term limits in Arkansas and other states (National Conference of State Legislatures, 2004).

Thompson and Moncrief (2003) find that results of their study on lobbying under term limits show mixed results, with support for arguments both in favor and against term limits. The important aspect of this study is, however, that term limits have not shown to be a definite and effective tool in curbing the relationship trends between lobbyists and legislators that existed prior to the enactment of those restrictions, mainly due to the increased professionalism of lobbying activities and the growing trend of legislators turning into lobbyists, whether term-limited or not.

For instance, the Southern Strategy Group recently hired term-limited Representative Dudley Goodlette, a Republican, to lobby Florida’s executive branch. Article II, Section 8 of the Florida Constitution “prohibits legislators from representing, for compensation, any person or entity before the body in which they served for a period of two years after leaving office.” It is expected Southern Strategies will have Mr. Goodlette assigned to lobby the legislature once the two-year lobbying ban expires (St. Petersburg Times, 11/29/06). The Southern Strategies Group earned up to $2.9
million in fees in the first three months of 2006, and has more than 100 clients including Brevard County, AT&T, Chevron, the cities of Orlando and Jacksonville and Walt Disney World (Tallahassee Democrat, 11/29/06). One of the group’s leading partners is former House Speaker John Thrasher (1992-2000), a Republican. Mr. Thrasher joined Southern Strategies after being termed-out in 2000, the first year term limits took effect.

The Florida Legislature has recently taken a bold step by approving new lobbyist-disclosure laws requiring lobbyists to disclose how much they get paid by their clients. The new lobbying disclosure requirements may help shield the Florida Legislators from corruption cases such as those that helped undermine Republican leadership in the U.S. Congress prior to the 2006 elections (Orlando Sentinel Online, 11/22/06), but it remains unclear how these restrictions will close any loopholes that exist today even with term limits, making it likely that at some point any legislator, especially the inexperienced ones, be persuaded to engage in unethical behavior prior to being termed out.

3) Term limits force legislators to focus more on the power structure of the legislature and less on the needs of their particular district

Term limits have altered the power structure in the state legislatures. The NCSL study of the effect of term limits in Arkansas, for example, found that due to increased turnover in the Arkansas General Assembly (which prior to term limits had one of the lowest turnover rates in the nation), there was a need to create new leadership positions to compensate for key leadership losses as a result of term limits.

Term limits do not give too much time for legislators to grow slowly into their positions and fit into the system, taking into account their respective districts. In general,
term limits lead to newly elected legislators competing for leadership positions relatively early into their legislative careers, especially in the House of Representatives, where the members are younger are relatively less experienced.

The Florida House of Representatives is a fitting example of this pattern. The incoming Speaker of the House of Representatives, Representative Marco Rubio (R-Miami), is only thirty five years old. He was elected into office in 2000 and will be termed out in 2008 (Florida House of Representatives, 2006).

The Speaker himself recognizes the limitations of term limits in that it incapacitates institutional memory and accelerates the learning curve of incoming freshman legislators. He says that “with eight-year term limits, members don't have time to horse-trade and back-scratch their way up through the ranks, amassing a trove of political chits over several sessions. The learning curve is today” (Tallahassee Democrat Online, 11/29/06). The incoming speaker has hired former legislators as consultants that would advise members regarding legislative rules and procedures, ethics, and the like.

NCSL’s study of term limits in several states, and Arkansas in particular, finds that term limits appear “to have placed the legislative branch in an inferior position to that of the executive” (NCSL, 2005), a point also stressed in studies by Rob Gurwitt (1996) and Alan Rosenthal (1998).

During Republican Governor Jeb Bush’s tenure (1998-2006), Florida’s executive branch has gained strength at the expense of the legislative branch. This shift in power was helped in part by term limits because they allowed the Republican Party to expand its control of both legislative chambers, to the point of making the Democratic opposition essentially obsolete.
The total Republican domination in both chambers, especially in the House, gave Governor Bush enough flexibility and leverage to sway new members, generally more idealistic and willing to tout the party line in any way, shape or form. Without term limits, more experienced legislators in the House more likely wouldn’t have been easily swayed by the Governor, but with term limits in place, new and inexperienced legislators became more eager to be in a leadership position and to join the power structure in Tallahassee as rapidly as possible before being termed out. Rosenthal (1998) points out that term limits have been one of the major “deinstitutionalizing” factors that have led to increased distrust in state legislatures in the last few years because they have led to major disruptions in the legislative process, with frequent and increasing turnover ratios, imbalance of power vis a vis the executive branch and, as of late, an alarming trend in the apparent lack of concern for taxpayers’ funds both at the federal and state levels.

In Florida’s case, term limits have not shown to be promised “cure all” measure for waste, corruption and political professionalism. The trends that alarmed Florida voters before the implementation of term limits still exist, six years into the first term limits turnover in 2000, under a Republican Party that led us into term limits in the first place. For instance, according to a published report by the St. Petersburg Times (St. Pete Times online, 11/6/2006), incoming House Speaker Marco Rubio “has given jobs to a number of longtime government workers who might otherwise be unemployed with the departure of Governor Bush. Many are paid more than $100,000 a year…including onetime lobbyist Eric Thorn… who has been made a director of the jobs and entrepreneurship council at a salary of $130,008”… which is $28,000 more than Governor Bush’s annual salary. That same report quoted Rep. Susan Bucher, D-West Palm Beach, as saying:
"These fiscal conservative Republicans are spending money like drunken sailors."

The passage of the term limits Amendment in 1992 by voter referendum placed the Florida Legislature in a precarious position: That of being unable to lure the Genie back into the bottle for fear of appearing hypocritical. Florida Republicans used the term limits movement in the early 1990’s as a tool to regain power in the state legislature. Once they achieved that goal, the Republican majority decided to sponsor an Amendment to the Florida Constitution seeking the extension of term limits from eight to twelve years as a tool to lengthen their power in the legislature indefinitely under the official (but rightful) mantra that term limits were detrimental to the legislative process. Due to the unpopularity of the measure in Florida and of similar attempts in Arkansas and Montana, The Florida Legislature eventually withdrew the proposed amendment and avoided charges of hypocrisy, but not without adding a proposed an amendment in the 2006 general election requiring broader public support, at least 60% of the votes, for the passage of proposed Constitutional Amendments on the ballot (VoteSmartFlorida.org, 2006). The Amendment was approved by Florida voters during the 2006 General Election, making it highly unlikely that any attempts to extend or reform the term limits process will be successful, especially if the proposal originates in the legislature.

To be successful, the proposal for change would have to be associated with a massive and genuine grassroots effort aimed at restoring balance of power between the executive and legislative branches in Florida.

This author proposed adopting a “Hybrid” model based on James Madison’s suggestion in the Federalist Papers, the so called “Madisonian Compromise”, which establishes term limits only for the U.S. House of Representatives, not in the Senate. In
Florida, the “hybrid” model would consist in extending term limits in the Florida House from 8 to 12 years, while discontinuing term limits in the Florida Senate. According to James Stoner (1995), this model would accommodate the different functions of each body. This proposal would only be successful if implemented alongside meaningful reform in the legislative process aimed at increasing the effectiveness of the legislature while curbing the influence of interest groups. If Florida wants to be effective in governance and assure equality and openness in our political system, it is imperative that its government undergoes meaningful reform in the political process so that Floridians can trust their government and its leaders.

V. Extensions and Limitations

This author recommends future research on the impact of term limits in Florida must include specific data related to the change in composition of the Florida Legislature since term limits took effect in 2000. The author further suggests that a comprehensive survey of current and former legislators & staff, lobbyists, members of the executive branch and the media be included.
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