

[back to article](#)



Printed on page A9

Legislature needs sunshine

Published: Wednesday, September 16, 2009 at 1:00 a.m.

The political process in Tallahassee is broken. It is time to fix it. It is time to amend the Florida Constitution to require the Legislature's most important work be done in the light of day rather than in secret meetings. We should also end the practice of hurriedly approving massive bills in the final days of the legislative session that elected officials have not been given adequate time to read, study and debate.

Take the budget process. The Legislature is entrusted with the critical job of spending the hard-earned tax dollars of Florida's citizens and businesses. Citizens need to believe that their elected officials are making deliberate decisions for the permanent interests of the people, but now they cannot.

Under current practices, it is very difficult for even the brightest and most dedicated legislators to study the bills they vote on in the waning days of the legislative session. Long, technically complex bills are often dramatically amended or completely rewritten. These wholesale changes are euphemistically called "strike-all amendments." Such bills fly fast in the closing hours of the session. They are typically presented for votes with little time for legislators who were not among the insiders making the changes to read, much less evaluate, the changes. This almost guarantees bad public policy and allows those in power to hide in bills all kinds of goodies for their friends and allies.

Budget process is corrupt

Why doesn't the Legislature do better? The easy answer is to succumb to a superficial cynicism that assumes everyone in politics is crooked or lazy. That is



not my experience. In my short time in the Legislature, I have met some of the finest, hardest-working people I have ever known, including members of both parties. Most are very similar to the people they represent. Politicians are human beings. We are all capable of heroism but also prone to hasty judgments and, potentially, moral weakness.

A recent grand jury indictment of the former speaker of the House made clear that the secretive procedures used by the Legislature in crafting state budgets are indefensible. The former speaker has been convicted of nothing and deserves a presumption of innocence like any other American. Indeed, he may be guilty of merely participating in a process that is fundamentally flawed.

But make no mistake about how the Legislature spends our tax dollars: A budget process that allows a few people to meet in secret to allocate millions of dollars, which can then be hidden in a nearly indecipherable budget document that even other legislators cannot easily follow, obviously invites abuse and waste. This is not an indictment of the political party that is in charge. The process itself is corrupt.

The shrewdest of our Founding Fathers, James Madison, understood such matters. He remarked that if men were angels we would have no need of government. His response was to arrange political institutions so that they would nudge our elected public servants to live up to their better selves. We are all fortunate that Madison had a heavy hand in writing the U.S. Constitution. He knew that the best way to correct for human failings is to design wise rules of procedure.

A constitutional amendment

It is in this Madisonian spirit that state Sen. Dan Gelber and I are proposing an amendment to the Florida Constitution.

First, our proposal requires that all budget deliberations be done in public with advance notice so that the people and the press can witness the process. Local governments have to live by these rules when making their budgets, and the state legislature should as well.

Our amendment would require that the state's budget bills be written in plain language to be understandable to the average citizen. Some local governments and states already do this. Our amendment also requires three-quarters of the House or Senate to approve amendments filed in the last days of a session. This would end the temptation for legislators to load up bills with favors for special interests.

Cynics have already asserted that our colleagues in the Legislature will never allow the people to vote on these proposed constitutional changes. We urge both Democrats and Republicans to prove the cynics wrong. Both parties and the people would benefit from the improved trust in state government that would

follow from these reforms. Let's give the people the chance to see their legislators at work and set the ground rules to challenge legislators to perform at their best.

State Rep. Keith Fitzgerald, D-Sarasota, represents District 69 in the Florida House of Representatives.

This story appeared in print on page A9
