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Amendment 1

Sponsor/Originator: The Florida Legislature

Title on Ballot: Repeal of public campaign financing requirement

Official Summary: Proposing the repeal of the provision in the State Constitution that requires public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits

What it would do: Amendment 1 would end taxpayer financing of political campaigns.

Arguments for: The state is experiencing tight financial times. It makes no sense to spend taxpayers' money to subsidize campaigns when candidates can raise the money themselves.

Arguments against: The people voted overwhelmingly for the present public financing requirement 13 years ago. Public financing reduces the effect of money on politics and can open the door for candidates to run without big-money backers.

Amendment 2

Sponsor/Originator: The Florida Legislature
Title on Ballot: Homestead ad valorem tax credit for deployed military personnel

Official Summary: Proposing an amendment to the State Constitution to require the Legislature to provide an additional homestead property tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The exempt amount will be based upon the number of days in the previous calendar year that the person was deployed. The amendment is scheduled to take effect Jan. 1, 2011.

What it would do: Instruct the Legislature to enact an additional homestead exemption for Florida homeowners on active military service outside the country. The size of the tax break would be based on the amount of time served overseas in the previous year.

Arguments for: Military personnel based overseas are performing important services for our country at considerable sacrifice. This amendment would help compensate them for that service.

Arguments against: Providing an additional exemption to certain property owners would reduce tax collections by hard-pressed local governments.

Amendment 3

Sponsor/Originator: The Florida Legislature

Title on Ballot: Property tax limit for non-homestead property; additional homestead exemption for new homestead owners

Official Summary: The State Constitution generally limits the maximum annual increase in the assessed value of non-homestead property to 10 percent annually. This proposed amendment reduces the maximum annual increase in the assessed values of those properties to 5 percent annually. This amendment also requires the Legislature to provide an additional homestead exemption for buyers who have not owned a principal residence during the preceding 8 years. Under the exemption, 25 percent of the just value of a first-time homestead, up to \$100,000, will be exempt from property taxes. The amount of the additional exemption will decrease in each succeeding year for 5 years by the greater of 20 percent of the initial additional exemption or the difference between the just value and the assessed value of the property. The additional exemption will not be available in the 6th and subsequent years.

What it would do: Reduce the maximum annual increase in taxable value of non-homestead properties from 10 percent to 5 percent and require an extra 25 percent homestead exemption for first-time home buyers.

Arguments for: This amendment would make Florida property taxation more equitable, increase home sales and attract more investors to the state.

Arguments against: It would strip away money local governments need, cause reductions in services and create unfair disparities in taxation.

Amendment 4

Sponsor/Originator: The Florida Legislature

Title on Ballot: Referenda required for adoption and amendment of local government comprehensive land use plans

Official Summary: Establishes that before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, the proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body and notice.

What it would do: Amendment 4 would give local voters a veto over any changes in comprehensive plans.

Arguments for: Local governments have proven themselves incapable of placing the public interest before the interests of real estate developers. The people should have the final say.

Arguments against: The amendment would require votes on every change, no matter how minor. Ballots would be long and involved. Voters would be overwhelmed. Growth would grind to a halt, and the state's economy would remain mired in recession.

Amendment 5

Sponsor/Originator: FairDistrictsFlorida.org

Title on Ballot: Standards for Legislature to follow in legislative redistricting

Official Summary: Legislative districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

What it would do: Amendment 5 would require that legislative districts not be drawn to favor one political party over another or deny minorities equal opportunity to participate in the political process.

Arguments for: Incumbents, both Democrat and Republican, have traditionally drawn district boundaries to give themselves political advantage. Redistricting should not favor any incumbent or party.

Arguments against: The amendment might reduce minority representation. Abiding by the amendment would be difficult, and redistricting under its strictures could lead to a flurry of lawsuits.

Amendment 6

Sponsor/Originator: FairDistrictsFlorida.org

Title on Ballot: Standards for Legislature to follow in congressional redistricting

Official Summary: Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

What it would do: Amendment 6 would require that congressional districts not be drawn to favor one political party over another or deny minorities equal opportunity to participate in the political process.

Arguments for: Incumbents, both Democrat and Republican, have traditionally drawn district boundaries to give themselves political advantage. Redistricting should not favor any incumbent or party.

Arguments against: The amendment might reduce minority representation. Abiding by the amendment would be difficult, and redistricting under its strictures could lead to a flurry of lawsuits.

Amendment 7

Sponsor/Originator: The Florida Legislature

Title on Ballot: Standards for Legislature to follow in legislative and congressional redistricting

Official Summary: In establishing congressional and legislative district boundaries or plans, the state shall apply federal requirements and balance and implement the standards in the State Constitution. The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of common interest other than political parties may be respected and promoted, both without subordination to any other provision of Article III of the State Constitution. Districts and plans are valid if the balancing and implementation of standards is rationally related to the standards contained in the State Constitution and is consistent with federal law.

What it would do: Supporters of Amendment 7 say it would clarify and improve Amendments 5 and 6. Opponents say it would render them useless.

Arguments for: Amendments 5 and 6 would reduce minority representation, be difficult or impossible to implement and result in a plethora of lawsuits. Amendment 7 would improve them greatly.

Arguments against: Amendments 5 and 6 don't need clarification. They would stop gerrymandering by the party that controls the Legislature, but they would not reduce minority representation.

Amendment 8

Sponsor/Originator: Florida Legislature

Title on Ballot: Revision of the class size requirements for public schools

Official Summary: The Florida Constitution currently limits the maximum number of students assigned to each teacher in public school classrooms in the following grade groupings: for prekindergarten through grade 3, 18 students; for grades 4 through 8, 22 students; and for grades 9 through 12, 25 students. Under this amendment, the current limits on the maximum number of students assigned to each teacher in public school classrooms would become limits on the average number of students assigned per class to each teacher, by specified grade grouping, in each public school. This amendment also adopts new limits on the maximum number of students assigned to each teacher in an individual classroom as follows: for prekindergarten through grade 3, 21 students; for grades 4 through 8, 27 students; and for grades 9 through 12, 30 students. This amendment specifies that class size limits do not apply to virtual classes, requires the Legislature to provide sufficient funds to maintain the average number of students required by this amendment, and schedules these revisions to take effect upon approval by the electors of this state and to operate retroactively to the beginning of the 2010-2011 school year.

Arguments for: Proponents of the amendment argue that its cost is simply too high in today's poor economy. They say the state can't afford to build more classrooms and hire more teachers. They say the amendment would provide needed flexibility that does not exist in the Constitution as amended in 2002.

Arguments against: Opponents say the state's voters made it clear in 2002 that they wanted to limit class sizes. Smaller classes make a better learning environment, they argue. The statewide teachers' union, the Florida Education Association, opposes the bill. The union is calling on the state to fulfill the constitutional mandate and implement the limits approved at the ballot box.

Amendment 9

Sponsor/originator: Florida Legislature

Title on ballot: Health Care Services

Official Summary: The amendment prevents any government from requiring that individuals, employers or health-care providers participate in any health care program. The proposal specifically exempts programs already in effect, which would include Medicare and Medicaid. The proposal allows patients to pay their health-care providers directly instead of going through a third-party insurer.

Arguments for: Backers of the proposed amendment say it's a states' rights issue. Simply put, they argue that the federal government cannot force residents to purchase health insurance. "Are we now talking about freedom being unconstitutional?" asked Rep. Scott Plakon, R-Longwood, while debating the bill. They also argue that the bill will raise taxes. Skyrocketing Medicaid costs are reason enough to prevent the federal mandate, they argue, pointing to estimates that the program will cost far more than the \$900 billion estimated by federal economists. "It's a budget-busting mess," said Rep. Mike Horner, R-Kissimmee.

Arguments against: Critics say statements being made by the amendment's backers are misleading and shortsighted. For one thing, they say, charges that the reform legislation amounts to a government takeover of health care ignore the fact that Medicare and Medicaid programs are already operated by the government. Further, many argue that the Supremacy Clause of the U.S. Constitution clearly asserts that federal law trumps a state's ability to opt out. "This is, unfortunately, an ideological frolic," said Sen. Dan Gelber, D-Miami Beach.

Resolution on Federal Deficit

The Florida Legislature has placed on the Nov. 2 ballot a nonbinding resolution that asks whether voters support a constitutional requirement that the federal government balance its budget.

Unlike Florida lawmakers, who must balance state revenues with spending every year, Congress has the ability to spend more than it collects. The federal government's willingness to use money it doesn't have has long been a bone of contention among political theorists. The debate has intensified in recent years as the federal government, despite shrinking revenues brought on by recession and tax cuts, has used deficit spending to pay for military operations in Iraq and Afghanistan, a bank bailout and an economic stimulus program to boost the country out of the worst economic downturn since the Great Depression. The national debt now threatens to exceed the Gross Domestic Product for the first time since World War II. Fiscal conservatives are calling on Congress to close the purse.

The nonbinding resolution reads: "In order to stop the uncontrolled growth of our national debt and prevent excessive borrowing by the federal government, which threatens our economy and national security, should the United States Constitution be amended to require a balanced federal budget without raising taxes?"

Arguments for: Backers in the state Legislature say the question will provide voters with a chance to weigh in on the issue as the national debt stands at more than \$14 trillion. They also say an affirmative vote would put pressure on Congress to tighten its belt and give Florida delegates in Washington political support to make the suggestion.

Arguments against: Opponents chide supporters for promoting what some critics call a push poll, a survey in which questions are written in such a way as to steer votes in a desired direction. Critics also point to ballot fatigue. With so many amendments scheduled to go on the ballot in November, voters may become discouraged and leave the booth without voting on other races or binding constitutional amendments.

Amendments 5 and 6: Change in Redistricting to Thwart Partisan Advantages

Are fairness standards needed for redistricting of legislative and congressional districts?

Redistricting is the act of re-dividing the state into new election districts. By law, it happens every 10 years. And each time lawmakers begin the process it draws intense scrutiny from critics who accuse incumbents of redrawing boundaries to ensure their re-election. Inevitably, the majority party is accused of fashioning districts to keep its majority. Amendments 5 and 6 are an effort to change that.

FairDistrictsFlorida.org, the organization behind Amendments 5 & 6, is working to establish constitutionally mandated fairness standards for the way Florida draws legislative and congressional district lines.

One of the FairDistrictsFlorida.org amendments is aimed at redrawing state legislative districts and the other is focused on congressional districts. The amendments will appear on the November general election ballot.

According to FairDistrictsFlorida.org, these amendments would establish easily understandable, non-partisan standards in creating legislative and congressional district boundaries. While protecting minority voting rights, the standards would prohibit drawing district lines to favor or disfavor any incumbent or political party. Districts would have to be compact and utilize existing political and geographical boundaries. In other words, natural competitiveness and fairness would be required.

Critics, led by leaders of the Florida Legislature, say the amendments' goals, though laudable, are impossible to meet and would be impossible to defend in court. Further, they say, the amendments as proposed would prevent legislators from drawing districts that balance the playing field for minorities – so-called minority-access districts – which historically have not been compact and by their nature favor one party over another.

In response to amendments 5 & 6, the Legislature has added a third redistricting amendment, drawn up by the majority Republicans and passed on a party-line vote. The legislators involved in the effort say their Amendment 7 ensures that minority-access districts will be protected.

Critics say the amendment is an attempt to confuse voters and gut the FairDistrictsFlorida.org amendments. They're concerned that voters will approve all three redistricting amendments, effectively erasing the changes set forth in Amendments 5 & 6.

The ballot

Amendments 5 & 6 were placed on the ballot after the required Supreme Court approval and the collection of the required number of registered voter signatures on petitions.

The Supreme Court ruled on Jan. 30, 2009, that the proposals satisfied the requirements that constitutional amendments be accurately described and address only a single subject, the latter being a legal standard that tripped up past bids to change Florida's redistricting system.

Here's how Amendments 5 & 6 will appear on the ballot:

PETITION 1: Standards for drawing congressional district boundaries.

Congressional districts may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

PETITION 2: Standards for drawing legislative district boundaries. Legislative districts may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous.

Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

The history

The U.S. Constitution requires states to use new U.S. Census data every 10 years to redraw their federal and state lawmakers' districts. Each decade, the boundaries of congressional, state house and state senate districts are redrawn. This was originally intended to ensure that districts are roughly equal in population.

FairDistrictsFlorida.org says this is where the problem lies: The state Legislature approves redistricting plans, which means the political party that controls the Legislature controls redistricting. No matter which party has control of the Legislature, that party's main goal is to protect its majority and its incumbents in the drawing of new district boundaries. This is called gerrymandering, a term that dates from 1812 and originated with Elbridge Gerry, a Massachusetts politician given to political maneuvering.

While Gerry was in office, his party drew a district shaped like a salamander to ensure it favored his political party. In Florida, too, gerrymandering results in oddly shaped boundaries. For example, Fort Lauderdale, with a population of 180,000, is cut into four congressional districts that literally put people living across the street from each other in different districts. Winter Park, population 29,000, has four Central Florida members in Congress. And state Senate District 27 ties together Palm Beach on the east coast and Fort Myers on the west, though the residents of those cities have little in common. District 55 is a narrow strip that starts in southeastern St. Petersburg, crosses the Sunshine Skyway bridge, snakes south through Manatee County and ends in Sarasota.

Though Florida's registered Democratic voters slightly outnumber Republicans, the congressional delegation is two-thirds Republican and the Legislature is overwhelmingly controlled by the GOP, a phenomenon critics say is partly a result of gerrymandering.

That is not to say that Democrats would not gerrymander. In taking Republicans to task for challenging Amendments 5 & 6, the Miami Herald said, "there is little doubt that if the Democrats controlled the Legislature they would have tried to stop it, too. It's all about keeping political power."

Past efforts to stop gerrymandering hit roadblocks, including a 2005 reform measure that had too many words. Under state law, ballot language for citizen initiatives to amend Florida's Constitution can't exceed 75 words. The petition in question, which was meant to go on the November 2006 ballot, had 81 words. That same year, the Florida Supreme Court rejected a proposal that had a similar goal on the grounds that it violated the single-subject rule and its title and summary were misleading.

The players

FairDistrictsFlorida.org is run by leaders from both parties. The group's campaign chairwoman is Miami lawyer Ellen Freidin, a Democrat who served on the 1997 Constitutional Revision Commission, where redistricting reform failed to gain final approval. The FairDistricts chairman is Tallahassee lawyer Thom Rumberger, a former Republican legislator who participated in a 1992 redistricting battle and later vowed to change the system. He is a member of the Collins Center board of trustees. Honorary co-chairs include former U.S. Sen. Bob Graham; former state Sen. Daryl L. Jones; former U.S. Attorney General Janet Reno; former Assistant Interior Secretary for the Nixon and Ford administrations Nathaniel Reed; and former state Comptroller Bob Milligan.

Opponents of amendments 5 & 6 include future House Speaker Dean Cannon, R- Winter Park, and Senate President-designate Mike Haridopolos, R-Melbourne. The two are in charge of the Legislature's preparation for the next round of re-districting after the 2010 Census. Some prominent members of the legislative black caucus are also against the measure, arguing that it could end up diminishing minority representation in the Legislature and Congress.

Arguments against

Haridopolos said passage of Amendments 5 & 6 will increase the chance of legal challenges to future redistricting plans, resulting in the courts, not the Legislature, deciding how districts are redrawn. A U.S. Supreme Court ruling may also have an impact. In 2009 the court ruled in a North Carolina case that the only election districts entitled to certain federal

Civil Rights Act protections meant to preserve and ensure minority voting power are those districts in which minorities make up at least half of the voting-age population. Combined with the new restrictions under Amendments 5 & 6, the critics argue, that ruling could affect districts with less than a 50-percent minority voting block that traditionally elect minority candidates.

House special counsel Miguel De Grandy told the House Select Policy Council on Strategic & Economic Planning that the Supreme Court ruling might result in a reduction of minority representation. Districts with less than 50 percent minority representation often elect minority candidates, he said, and leaving those districts open to the redistricting rules in Amendments 5 & 6 might affect voting patterns that have resulted in minority representation over the years.

Arguments for

Freidin, the chair of FairDistricts.org, dismissed those arguments. She said the amendments ensure that the redistricting process won't be detrimental to minorities. "We have total confidence that our amendments provide protections," she said.

That was also the opinion of two attorneys with a Washington, D.C., law firm asked by state Sen. Christopher Smith, a Democrat representing Broward and Palm Beach counties, and state Rep. Perry Thurston, a Democrat representing Ft. Lauderdale, to review 18 questions raised by U.S. representatives Corrine Brown and Mario Diaz-Balart about the effects of the U.S. Supreme Court ruling on the proposed redistricting ballot initiatives in Florida.

"If enacted, (the initiatives) would dramatically improve the redistricting process in Florida and make Florida's elections fairer for all political parties and candidates," wrote Jenner & Block attorneys Paul M. Smith and Michael B. DeSanctis. "They would also protect, and indeed enhance, the ability of minorities to participate in the political process and elect representatives of their choice."

FairDistrictsFlorida.org says it will require vigilance on the part of voters to assure redistricting is done fairly, even with the passage of Amendments 5 & 6. The process will be open to public scrutiny, and the voters will have to watch closely to determine whether lawmakers are trying to draw districts to protect incumbents or a political party.

If lawmakers were to persist in trying to gerrymander the proposed districts could be challenged in court, where judges would have a clear criteria spelled out in Amendments 5 & 6 to decide what is constitutional. In a 2002 legal challenge to the Legislature's political gerrymandering, the plaintiffs said the districts weren't compact or community based. The Florida Supreme Court rejected the challenge because compactness and community-based boundaries weren't "constitutionally required." The two redistricting amendments are intended to change that.

Black caucus divided

The debate over redistricting has divided the state's legislative black caucus. Last year a majority of the 26-member legislative black caucus voted in favor of the FairDistricts proposal, saying the measure would not hinder hard-fought gains by blacks to gain representation in Congress and the state capital. The vote was a turn from recent years when African-American lawmakers rejected efforts to reform the politically motivated redistricting process.

But in April 2010, caucus chairman Sen. Gary Siplin, D-Orlando, sponsored the Senate measure, which would trump Amendments 5 & 6 if passed into law. Voting with Siplin was Senate Democratic leader and former black caucus chairman, Al Lawson, D-Tallahassee. Other black caucus members voted against Siplin's proposal.

There is potent political history behind the debate within the black caucus that has made the issue controversial. In 1992, African-American Democrats joined minority-party Republicans to draw congressional and legislative districts that concentrated black voters (a good example is U.S. Rep. Corrine Brown's district, which extends from Jacksonville to Orlando). That resulted in the election of Florida's first black members of Congress since Reconstruction as well as more black state legislators.

But the same redistricting plan that improved black representation also removed reliably Democratic black voters from neighboring districts, a realignment that helped Republicans subsequently win control of the congressional delegation and the Legislature.

Amendment 7: Changes in Redistricting to Preserve Minority-Access Districts

Can measure effectively help preserve minority-access districts to complement redistricting Amendments 5 & 6?

Government watchdogs and voting rights groups have long argued that the redrawing of state and congressional political boundaries every 10 years is wrought with politics as the majority party attempts to craft districts that favor its candidates. Numerous attempts to make the process fairer have fallen short. But in early 2010 a group called FairDistrictsFlorida.org gathered enough signatures and obtained the required judicial approval to have two amendments placed on the ballot.

Those amendments, assigned numbers 5 & 6 on the ballot, would require that political boundaries be drawn compactly and not favor any candidate or political party in congressional and state races.

Calling the proposals unworkable, leaders of the Republican-led Legislature responded several months later by crafting Amendment 7, which they say will complement Amendments 5 & 6 by allowing other factors to be taken into account when drawing the district boundaries.

Backers of Amendment 7 say it will help preserve minority-access districts, but critics argue that it is nothing more than an effort to confuse the voters. They say it is written in a way that will effectively override the intended benefits of Amendments 5 & 6 if all three measures pass.

The proposal allows those drawing the political boundaries to take into account "communities of interest." Such communities have historically been, for example, coastal residents and members of racial or ethnic minorities. [Here's the text.](#)

History

The U.S. Constitution requires states to use new U.S. Census data every 10 years to redraw their federal and state lawmakers' districts. Each decade, the boundaries of congressional, state house and state senate districts are redrawn. This was originally intended to ensure that districts are roughly equal in population.

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That is not to say that Democrats would not gerrymander. In taking Republicans to task for challenging Amendments 5 & 6, the Miami Herald said, "there is little doubt that if the Democrats controlled the Legislature they would have tried to stop it, too. It's all about keeping political power."

After the 2004 elections, Common Cause and others formed the Campaign for Fair Elections, which gathered signatures to place a pair of amendments on the 2006 ballot. One proposal created a 15-member citizens commission to draw the boundaries for legislative and congressional seats. The second would have required the commission draw new boundaries for the 2008 elections. The initiatives died, however, when the Florida Supreme Court ruled that the 81-word ballot summary exceeded the allowable 75-word limit.

Supporters

Republicans in the Florida Legislature support Amendment 7. The Legislature passed it on a largely party-line vote, with Democrats voting against the measure in both chambers. The amendment's supporters say Amendments 5 & 6 would actually harm minority representation.

Supporters also point to a 2009 federal court decision that political districts must maintain boundaries along county lines when more than 50 percent of the voters in that district are members of minority groups. Such restrictions, they claim, will make the provisions in Amendments 5 & 6 difficult to enforce and will invite legal challenges. In addition, supporters say, the FairDistrictsFlorida proposals will harm minority representation by redrawing districts with less than a 50 percent minority voting-age population but that traditionally elect minority candidates. All of that, supporters say, makes the provisions in Amendments 5 & 6 impossible to satisfy. It is impossible, they say, to draw a district that neither favors nor disfavors a particular candidate. Losers can always claim the district favored the victor.

Opponents

Most Democratic legislators, and a coalition of groups including the NAACP, The League of Women Voters, Common Cause Florida, the AFL-CIO and the Florida Education Association, contend that Amendments 5 & 6 are workable, are fair and need no further clarification. Minorities and other communities of interest can remain intact under Amendments 5 & 6 because they generally reside in relatively compact areas, they argue. Ellen Friedin, who spearheaded the FairDistricts movement, said putting a competing amendment on the ballot was an intentional ploy to confuse voters and retain control of the process. "They want to maintain their power to draw districts to favor incumbents and whomever they want to favor, or to knock out somebody who doesn't play by their game," Friedin said.

Opponents also dismiss claims that Amendments 5 & 6 will cause undue litigation. Redistricting plans are invariably challenged in court by groups that think they got a raw deal, they said. They say the new amendment won't change that.