



Carlos Beruff, Chair
Florida Constitution Revision Commission
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399

March 19, 2018

Dear Chair Beruff,

We write to express our support for Constitution Revision Commission Proposal 20, by Commissioner Rouson. We represent concerned citizens, taxpayers, and people of faith who care deeply about limiting government power, protecting individual rights, and ensuring that government uses resources prudently, efficiently, and in a manner that reflects the dignity and value of human life.

We believe constitutions should limit government to its proper functions, and ensure that every citizen's life, liberty, and property are protected from overreach. We also believe that, in the exercise of its legitimate powers, legislatures should have discretion to use their judgment, and flexibility to correct errors as they are discovered.

Article X, section 9 of the Florida Constitution (1968) – known as the “Savings Clause” – prohibits the Florida legislature from applying amendments to criminal statutes retroactively. Florida is the only state whose constitution contains this prohibition. Proposal 20 frees the legislature from this rule, imposed in 1885, when virtually everything about Florida – its population, culture, demographics, and legislative process – was fundamentally different than it is today.

The Savings Clause mandates that the cost of legislative overreach remains long after it has been corrected. This benefits no one, especially taxpayers who must foot the bill. While there is always danger in giving government too much power, there is no wisdom in denying it the authority to correct its mistakes. Proposal 20 does not require retroactivity; it merely gives the legislature the power to make such changes when the legislature believes the benefits outweigh the costs.

We can think of no good reason the 1885 Florida constitutional convention – which, in addition to the savings clause, imposed a poll tax, forbid interracial marriages, mandated racially segregated schools,

and denied women the right to vote or serve in the legislature – should retain today the power to deny the legislature authority that 49 other states and the federal government possess.

There is, however, good reason to believe Florida voters would approve Proposal 20, if given the chance. In a poll conducted last year by the Charles Koch Institute and the James Madison Institute, 63% of Florida voters polled agreed that changes to some criminal statutes should apply retroactively.

We urge you to approve Proposal 20 and allow the voters of Florida to decide this important question.

Sincerely,

Neil Combee
Former Representative
Florida House of Representatives, District 39

Dr. Robert J. McClure, III
President,
James Madison Institute

Mark Holden
Chairman,
Freedom Partners Chamber of Commerce

Adam Brandon
President,
FreedomWorks

Pat Nolan
Director, Center for Criminal Justice Reform,
American Conservative Union Foundation

Kevin Ring
President,
FAMM

Frayda Levy,
Mountain Lakes, New Jersey

Marion P. Hammer
Executive Director,
Unified Sportsmen of Florida;
Past President,
National Rifle Association

Dominic Calabro
President and CEO,
Florida TaxWatch

Christian Camara
Senior Fellow,
R Street Institute

Chelsea Murphy
Florida Director,
Right on Crime

Adrian Moore
Vice President of Policy,
Reason Foundation

Doug Deason
President,
Deason Foundation