Tallahassee term limits: Too little, or just too late?

By Brandon Larrabee

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TALLAHASSEE - Few lawmakers will talk openly about changing them, and voters in the most recent poll overwhelmingly support them.

But 10 years after the first class of legislators took office under a citizen-backed constitutional amendment limiting terms to eight years - with their predecessors having been the first group ushered out under the law - some people are beginning to look at the initiative's unintended consequences.

Critics of the law say it has strengthened the hand of legislative leaders and unelected professional staff members who often outlast the lawmakers they work for. And they say that it has in some ways weakened accountability, by insulating incumbents from ambitious challengers who now must merely bide their time for the Constitution to take care of getting rid of a sitting lawmaker - a tough challenge with or without the law.

"We've created sort of a de facto eight-year term," said Kevin Wagner, a political science professor at Florida Atlantic University who has studied the issue.

Supporters of the law concede that lawmakers don't have too much to worry about once they get elected. But they say the law has worked to prevent elected officials from staying in powers for so long that they lose sight of their constituents' opinions and focus more on what Tallahassee wants.

"Term limits create open, competitive races in every seat at least once every eight years," said Philip Blumel, president of US Term Limits, a Fairfax, Va.-based organization that supports them.

That's opposed to what was an even more static situation, where incumbents rarely lost once elected - making hopes of getting rid of even some ineffective lawmakers slim and creating a Legislature that looked much the same from one session to the next.

"That eight-year turnover is certain and large," he said of the new limits.
One of the key points of critics of the Legislature is that it leaves lawmakers with a relatively small window of time when they can be effective. Capitol veterans and observers say it takes years to learn how to work the levers of power in Tallahassee - so long that many lawmakers figure it out just as it's time to leave.

"In the longterm, what you've had is a Legislature full of people who are learning on the job," Wagner said.

The lack of experience shows up when lawmakers are considering issues that only occasionally come before them. Bennett pointed to the recent downturn in the state's budget, when Florida had to begin trimming spending for the first time in years.

"We did not have a single member of the House of Representatives who had ever been through a budget cut," he said.

House Minority Leader Ron Saunders, D-Key West, said the lack of experience is one of the main reasons that leadership is now more powerful than ever.

"In the old days, without term limits, you had longtime committee chairs ... that even the speaker had a hard time telling them what to do, because they knew more about the issues than the speaker did," Saunders said. "Now, they have chairmen that chair committees they've never served on."

And the leadership races seem to be taking place sooner and sooner. Sen. Mike Bennett, R-Bradenton, said he had no sooner won the GOP nomination for a House seat in 2000 than he got calls gauging his interest in a run for House speaker. Rep. Richard Corcoran, a Republican freshman from Trinity, has essentially locked up the role of speaker for the 2017-18 term.

"He's never even sat in his first session," said Bennett, who was quick to add that he believes Corcoran will do a good job. "There's something wrong with this process."

That can work to the disadvantage of an area like Northeast Florida, said Rep. Lake Ray, R-Jacksonville, who said he has mixed feelings on the impact of term limits. Ray said freshmen lawmakers often throw their support behind lawmakers from their areas. Beginning with Cannon, the next four speakers will come from either Central Florida or the Tampa area.

"It would give us as better opportunity to break down the barrier of geography," Ray said.

Term limits have also enhanced the status of the professional staff at the Legislature - unelected employees who oversee much of the mechanical and research work at the Capitol, Ray said.

Supporters concede there are some issues with term limits.

"It reduces the pool of candidates [for seats] by one, and that one is experienced," Blumel said.
And he said there were even some officials he supported that have been forced out. "It cuts down the good along with the bad."

But Blumel said the limits are good on balance. He said the short time lawmakers spend in Tallahassee can actually help in times of meager budgets, because legislators don't have longstanding relationships with lobbyists looking to fund their pet projects or preferred agencies. While there is still pressure from special interests, Blumel said, the ties between those interests and lawmakers are "not as deep."

Little support has grown for legislation filed by Bennett and Rep. Rick Kriseman, D-St. Petersburg, that would extend term limits from eight to 12 years. Saunders, for one, said it could strike the right balance.

"Some members probably are here too long," he said. "Maybe eight years is too short, but 12 years may be good, because after 12 years, you probably get some people that have been here too long."

But legislative leaders aren't sold on the idea, and some disagree with the idea that term limits hinders most lawmakers' abilities to get things done.

"I like the idea of a citizen legislature," said Senate President Mike Haridopolos, R-Merritt Island. "And if you're a diligent, methodical member, you'll find success."

Haridopolos said he doesn't see the bill to extend term limits passing his chamber.

"It is DOA here," he said.

Others say they might hope supporters of term limits had taken a different path, but they aren't ready to touch the sensitive area.

"I think it would have been better if they had originally chosen a longer duration, maybe 10 or 12 years," said House Speaker Dean Cannon, R-Winter Park, who supports term limits as a concept. "But I also don't think that I have any appetite to change that during my time here."

One reason lawmakers are hesitant could be strong public opposition to changing the law. A poll conducted in 2009 by Quinnipiac University found that 82 percent of Florida voters surveyed favored some form of term limits, and the notion of extending the terms to 12 years was opposed by 79 percent.

Wagner said longer terms might help. But he agreed that the idea is likely to go nowhere, and that it still leaves the decisions of whether some lawmakers can continue in the hands of an automated constitutional provision - not the voters.

"At some point," Wagner said, "you either trust democracy or you don't."