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The Policy-Making Branch

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THE POLICY-MAKING BRANCH

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INTRODUCTION TO *REVIEW OF FLORIDA LEGISLATION*

THE POLICY-MAKING BRANCH

TOM FEENEY*

The great end of mens entering into society, being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society; the *first and fundamental positive law* of all commonwealths is the *establishing of the legislative power . . .*¹

Each year, with the publication of its *Review of Florida Legislation*, the Florida State University Law Review provides Florida's lawyers, law professors, and law students with a most useful reminder: that while they may devote the bulk of their time to the study of the judicial branch of our government, it is the legislative branch that is ordained by the Constitution and elected by the people to make public policy for the state.

The legislators elected in November 2000 have fulfilled their policy-making duties in a unique context. The 2000-02 Florida Legislature was the first legislature of the era of term limits. In the 120-member House, we had sixty-three new members: sixty-one "true freshmen" and two members who came to the House after serving in the Florida Senate. The task of House leadership was to educate our new members so that they could fully participate in the policy-making process from day one. The slow process of learning by observing more senior members at work, which served the legislature and the state so well before term limits, was ill-suited to the term limits era.

The House's member training program, which was put together by the James Madison Institute with the direct involvement of senior House members and staff, served our needs well. In the era of term limits, we can expect each election cycle to produce large classes of freshmen Representatives and Senators, and the need for member training will continue.

It is clear to me that the Florida Legislature is committed to making term limits work. "Making term limits work" means assuring that all of our citizens, in all 120 House districts and all 40 Senate districts, are represented by men and women who are ready, willing, and able to make public policy on behalf of their constituents and the entire state.

* Speaker of the Florida House of Representatives; B.A., Pennsylvania State University, 1980; J.D., University of Pittsburgh, 1983.

1. JOHN LOCKE, *SECOND TREATISE OF GOVERNMENT* § 134 (Richard H. Cox ed., Crofts Classics 1982) (1689).

The 2000-02 legislature was also unique in that it faced an unprecedented series of issues of historic importance and complexity. A month after the November 2000 election, we met in a special session growing out of the legislature's unique responsibilities with respect to disputed presidential electors. All Americans can be grateful that the presidential election was successfully resolved without the need for the legislature to appoint electors, but we Floridians can also be grateful for the way the legislature rose to the occasion. Our 160 members—newcomers, veterans, Republicans, and Democrats alike—stood ready to do our constitutional duty as set out in Article II, Clause I of the United States Constitution, and to do so in an atmosphere of dignity, deliberation, decorum, and mutual respect.

This legislature was also historic in that it had to address a budget shortfall in excess of \$1 billion, which followed several years of record surpluses. Over the course of two special sessions, the legislature met this burden and addressed the shortfall without creating new taxes. Once again, despite the intensity of the issues involved, members treated each other with dignity and mutual respect.

The legislature entered the 2002 session with an unusually difficult set of issues to address. In addition to all of the issues that come before the legislature in an ordinary year, this legislature faced: the continuing responsibility of both restraining spending and stimulating growth in hard economic times; the new security issues raised by the war on terrorism that began on September 11, 2001; the task of reorganizing much of the executive branch of government as a result of the abolishment of four Cabinet offices and the creation of the new office of Chief Financial Officer; and, of course, the decennial duty to redraw legislative and congressional district lines.

As difficult as all of these issues are, our system demands that they be resolved by the legislative branch of government. All of these issues are public policy issues of the highest order, to be resolved by the branch of government closest to the people. They are contentious issues within the legislature because they are contentious issues to the public. As the people's surrogates, we legislators strive to find sound public policy that the public will support. We always hope that what begins in disagreement ends in consensus.

To help build consensus and create sound, consistent public policy, we in the House of Representatives are guided by five principles that are well-known to each member:

1. **Less Government:** does the bill tend to reduce government regulations, size of government, or eliminate entitlements or unnecessary programs?

2. **Lower Taxes:** does the bill promote individual responsibility in spending, or reduce taxes or fees?

3. Personal Responsibility: does the bill encourage responsible behavior by individuals and families and encourage them to provide for their own health, safety, education, moral fortitude, or general welfare?

4. Individual Freedom: does the bill increase opportunities for individuals or families to decide, without hindrance or coercion from government, how to conduct their own lives and make personal choices?

5. Stronger Families: does the bill enhance the traditional American family and its power to rear children without excessive interference from the government?

The five principles are aspirations, not requirements. They are intended to help each member, regardless of party or geography, better represent his or her district and the entire state. They are intended to help each member participate in the creation of good public policy that the public can support. I will leave it to the reader to decide whether this legislature lived up to these aspirations.

Legislators, lawyers, and law students alike would do well to keep in mind these comments of President Reagan, which are both a reminder of the greatness of our Founders and good advice for all who would make or analyze public policy:

Madison knew and we should always remember that no government is perfect, not even a democracy. Rights given to government were taken from the people, and so he believed that government's touch in our lives should be light, that powers entrusted to it be administered by temporary guardians.²

We "temporary guardians" of the people's power have some fascinating challenges and opportunities ahead this session and we look forward to meeting them.

2. President Ronald Reagan, Remarks at the Dedication of the James Madison Memorial Building of the Library of Congress (Nov. 20, 1981).