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State legislative term limits and the law of unintended consequences : an examination of member behavior, power structures, and legislative organization in Florida

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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

STATE LEGISLATIVE TERM LIMITS AND THE LAW OF UNINTENDED
CONSEQUENCES: AN EXAMINATION OF MEMBER BEHAVIOR, POWER
STRUCTURES, AND LEGISLATIVE ORGANIZATION IN FLORIDA

A dissertation submitted in partial fulfillment of the

requirements for the degree of

DOCTOR OF PHILOSOPHY

in

POLITICAL SCIENCE

by

Kathryn Andrews DePalo

2006

To: Interim Dean Mark Szuchman
College of Arts and Sciences

This dissertation, written by Kathryn Andrews DePalo, and entitled State Legislative Term Limits and the Law of Unintended Consequences: An Examination of Member Behavior, Power Structures, and Legislative Organization in Florida, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read this dissertation and recommend that it be approved.

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Date of Defense: July 7, 2006

The dissertation of Kathryn Andrews DePalo is approved.

Interim Dean Mark Szuchman
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Florida International University, 2006

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DEDICATION

I dedicate this to my family, Joe, Bianca, and Matteo.

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I would like to express my thanks and gratitude to my committee members: Dr. Dario Moreno for the resources in conducting my research. Dr. Nicol Rae for his insightful comments on the first iteration of this topic in a graduate course. Dr. Howard Frank for his suggestions on organization and time management that guided me in completion. Dr. Susan MacManus for her vast knowledge and experience in Florida politics. Finally, to Dr. Kevin Hill, my major professor for his guidance, patience, understanding and words of encouragement.

ABSTRACT OF THE DISSERTATION

STATE LEGISLATIVE TERM LIMITS AND THE LAW OF UNINTENDED
CONSEQUENCES: AN EXAMINATION OF MEMBER BEHAVIOR, POWER
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by

Kathryn Andrews DePalo

Florida International University, 2006

Miami, Florida

Professor Kevin Hill, Major Professor

The implementation of term limits on state legislators has provided a wealth of data for study. Florida, the second largest state in the Union with term limits, has not been comprehensively studied. This research examines the effects of term limits on electoral competition, member composition, legislator career paths, legislative leadership, and intra- and inter-governmental influences on Florida's legislature. This study looks at the Florida legislature from 1992 when term limits were enacted through 2004, three electoral cycles in which term limits have been in effect. This study uses both quantitative and qualitative data where appropriate. Electoral data is used to assess electoral and demographic effects, as well as member career trajectories. Interview data with current and former legislators, lobbyists, and executive branch officials is used to analyze both changes in legislative organization and intra- and inter-governmental influences on the legislative process. Term limits has only created greater competition when a legislative seat opens and has actually created a greater advantage for incumbents. Women and minorities have only made minimal gains in winning seats

post-term limits. Newly elected legislators are not political novices with a vast majority having previous elective experience. Leadership is more centralized under term limits and the Senate has gained an advantage over the more inexperienced House. Lastly, the influence of staff, lobbyists, and most importantly, the governor has greatly increased under term limits. This research finds that term limits have not produced the consequences that proponents had envisioned.

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CHAPTER I

INTRODUCTION

The study of term limits in state legislatures has been a relatively recent line of inquiry in political science. The term limits movement was largely sparked at the federal level in 1988 as a Republican platform advocating congressional term limits that later became part of the “Contract with America.” While congressional term limits have not been implemented, proponents have been more successful enacting term limits at the state level with the first passage of term limits on state legislators in California, Colorado, and Oklahoma in 1990 (Peery 1999). Of the 15 states that currently have laws limiting legislative terms thirteen will have gone into effect by the 2006 general election (National Conference of State Legislatures 2006). Testing the comparative behavioral and institutional effects of term limits has been difficult with researchers hampered by the disjointed schedule of the states’ enactments and the fact that they affect very different types of legislative bodies ranging from “citizen” part-time legislatures, such as Maine, to professional legislatures, such as California. Much research has been conducted on a case study basis, primarily due to the work of scholars who are experts in the nuances of individual state politics with the bulk of the research coming out of California and Michigan. Florida, the second largest state in the Union with term limits has been significantly understudied. This study seeks to add to this growing line of inquiry and will assess the effects of term limits on the Florida legislature to determine how member behavior, power structures, and legislative organization have been affected since term limits took effect in 2000.

History of the Term Limits Movement

The term limits movement was largely sparked at the national level in response to growing discontent with careerist congressional members. Proponents believed these politicians were no longer representing the interests of their constituents and were more concerned with their own political fortunes. The Congress had become an “undemocratic” body with high reelection rates and little turnover (Coyne and Fund 1992). Further, proponents argued that a “career” in politics goes against the core principle of rotation in office, something the founders had encouraged but neglected to include in the Constitution (Petracca 1993). The term limits movement gained further momentum because of dissatisfaction with Congress and the negative perceptions of partisan bickering and influence of special interest groups (Hibbing and Theiss-Morse 1995). The Republican Party, disenchanted with their minority status seized the issue of term limits in the late 1980s, early 1990s in their attempt to capture the U.S. House of Representatives and state legislative bodies. This push for congressional term limits later became part of the Contract with America that helped propel the Republican Party to majority status in the House of Representatives in 1994 (Peery 1999).

While the movement began as a national quest to limit terms of congressional members with no success to date, the greatest impact has been at the state level. The impetus for term limits in California, Colorado, and Oklahoma arose out of separate and distinct political circumstances, but all were intended to reform both the state and federal legislature (Rausch 2003). Their passage in 1990 gave rise to a national following. In explaining voter support for term limits, Karp (1995) suggests that cynicism and self-interest were the driving forces behind voter implementation of term

limits in California. Voters who distrusted the legislature were more amenable to term limits. Additionally, minority groups and the Republican minority party also favored term limits in their self-interest. Term limits were thought to be a vehicle to increase their representation in the state legislature. Similarly, Donovan and Snipp (1994) find that those that were underrepresented in the legislature were the main supporters of term limits in California.

A more recent look at the root of public support for term limits suggests that political awareness and party identification affect support levels for term limits. Simply, those who are politically sophisticated and those who are members of the political party out of power support term limits. They find no ideological component to support for term limits, but rather an individual self-interest (Stein, Johnson, and Post 2002).

While voters may want term limits laws, the type of legislation, either lifetime or consecutive limits and when the law goes into effect also varies considerably (National Conference of State Legislatures 2006). Chadha and Bernstein (1996) compared the degree of harshness of term limits laws in different states. The two variables they looked at were how quickly the incumbent legislators were removed and how permanently. They find that the lower the existing rate of turnover in a state legislature, the harsher the limits they adopt. The relative power of the incumbents appears to be a motivating factor for term limits legislation (Doron and Harris 2001). However, the popularity of term limits legislation is not universal as evidenced by a failed initiative on the ballot in Washington State in 1991 (Olson 1992).

The movement breathed new life with the entrance of a national interest group, U.S. Term Limits that championed its cause after the Washington defeat. The group

took a central role in coordinating and funding campaigns in individual states in 1992. The ultimate goal of the movement was aimed at Congress to force a constitutional amendment on limiting terms for federal legislators (Grant 1999). However, much of the wind has gone out of the sails of the movement, particularly at the federal level. The Supreme Court's ruled in *U.S. Term Limits v. Thornton* (1995) that state-imposed term limits on members of Congress are unconstitutional and not a power reserved to the states (Sullivan 1995). Secondly, the failure of Congress to pass a proposed constitutional amendment in 1997 (Rausch 2003) and the lessened discontent with Congress during the booming economy of the latter 1990s helped stall the term limits movement at the congressional level (Grant 1999).

The effects of the term limits movement on state legislatures have been much more profound. In 1994, at what may arguably be considered the height of its success, twenty-one states had legislation limiting the terms of state legislators (Rausch 2003). However, after the *Thornton* decision in 1995, and the passage of limits in Louisiana that year, no state except Nebraska¹ has passed term limits legislation. In fact, the trend has apparently reversed itself. According to the National Conference of State Legislatures (2006), term limits in six states: Idaho, Massachusetts, Oregon, Utah, Washington, and Wyoming have either been repealed by the state legislature or through the state supreme courts. In Idaho and Utah, voters are only allowed to pass statutory changes and not constitutional changes. These state legislatures were able to repeal these laws through their own bodies in 2002 and 2003, respectively according to U.S.

¹ Nebraska voters first passed an initiative in 1992 that was thrown out by the state supreme court in 1994 and 1996, but won voter approval again in 2000.

Term Limits (2004). In Idaho, despite two separate votes being passed on the measure, state legislators acted to repeal the legislation and override the governor's veto (Hoffman 2002). The state courts have also been active in striking down legislation as unconstitutional specific to their state constitutions. In Oregon, for example, legislators crafted a case to bring to the courts claiming the 1992 law violated the separate amendment requirement. Because the law included term limits on state legislators as well as federal legislators, the court agreed and repealed term limits in the state (Lednicer 2002). With the bulk of legislation passed from 1990 through 1994, and the willingness of legislators to actively seek repeals of the law, the success of the term limits movement in state legislatures certainly appears to have stalled as well.

The Debate over Term Limits

Term limits legislation and its consequences were heavily debated in the early 1990s. Perhaps not surprisingly, much of the speculation of its effects was grounded in ideology and partisan politics. Empirical data on which to base these arguments were not yet available. The debate was based on interpretation of the purpose of government and political theory. Some authors contended that with term limits democracy would be enhanced and provide a return to classical republicanism and "deliberative democracy" as expressed in George Will's subtitle of his 1992 book. Others forecast a doom and gloom scenario suggesting that political chaos would ensue and take power away from elected representatives and render it to other actors exogenous to the legislature (Kamber 1995). Political science scholars critical of term limits have based their predictions on what constitutes a powerful legislature and the importance of expertise.

Term limits at the national level were thought to weaken the power of the legislative *vis-à-vis* the executive and were considered unconstitutional if state-imposed (Polsby 1993). Political scientists in favor of term limits legislation resorted to the founding principles of rotation in office and the concept of citizen legislatures criticizing the current system as beholden to special interests. Term limits was thought to alter this trend (Petracca 1993).

The Impact of Term Limits

While the push for term limits appears to be based on opening up the door to historically disadvantaged groups, including women and minority candidates making the process more “democratic,” many scholars have debated how term limits would change the legislative institutions.

Early research focused on the effects of the institutionalization of the legislature. In his seminal work on the institutionalization of the U.S. Congress, Polsby (1968) provides three main characteristics of an institutionalized legislature: the legislature is well bounded, the organizational structure is complex, and the legislative norms are universalistic, rather than particularistic. Under these conditions, the U.S. House of Representatives has evolved into an institutionalized body. It has achieved a certain level of autonomy from the external environment, the internal process has become distinctive noted by such things as a division of labor, and the business of the legislature is conducted with automatic rules in decision-making.

Various researchers have applied Polsby’s criteria for determining if state legislatures can also be considered institutionalized bodies. Squire (1992a) conducted

one of the most inclusive studies of Polsby's theory of legislative institutionalization in looking at the California Assembly. He finds that Polsby's three-pronged definition must be altered to be applicable to state legislatures. The environment of the legislature will not be impervious to external influences. In particular, the career goals of the Assembly members differ markedly from those that inhabit the office of U.S. Representative. There is greater mobility from the state house and senate to higher office that is not as significant a factor in the U.S. Congress. Further, Squire claims that there is a difference between "institutionalization" and "professionalization" of legislatures. Professional state legislatures will lead to institutionalized legislatures. A professional legislature is one in which members can build a political career, as determined by a high level of member salary, high level of staff and resources, and with unlimited sessions. Those state houses that have become professionalized then have the necessary structure to become institutionalized bodies.

However, Rosenthal (1998) suggests that instead of institutionalizing, as defined by Polsby (1968), state legislatures are actually deinstitutionalizing. He expands upon Polsby's term "boundedness" as level of turnover, but also the existence and observance of norms and managerial autonomy or the power of the legislature to conduct its own rules and procedures. He finds that autonomy is greatly affected in states with term limits. By allowing voters to decide the fate of legislative careers through term limit measures on the ballot, the autonomy of the legislature is greatly diminished.

Moncrief (1999) further defines the concept of professionalization as an institutional variable: length of session, staff, and member salary. Different levels of professionalization correlate with the progressive ambition of legislators. Maestas

(2000) finds a “theoretical link between institutional structure, progressive ambition, and responsiveness.” The effect of term limits in professional legislatures is most pronounced in those legislatures deemed “career” and “springboard” legislatures. Careerism is defined as an individual variable based on Squire’s (1992a) typology: career, springboard, or dead-end. Those legislators that develop careers in the chamber tend to stay within the chamber, while springboard legislators use the state houses to jump into higher office. Dead-end careers in legislatures do not produce an extended legislative career and are often short-lived (Moncrief 1999).

Other research looks at the effects of turnover in the legislature. Moncrief et al. (1992) studied the effect of term limits on the length of service in state legislatures over a 12-year period. They find that retention rates are much higher in upper houses, while half of all legislators leave the lower house after serving six years. They also find varying retention rates for different levels of legislature professionalization. Legislators in the lower houses of professionalized legislatures, including states such as California have a retention rate of 40% after a 12-year period, while legislators in citizen legislatures have a retention rate of only 19% after a 12-year period. On average, including “hybrid” legislatures, term limits will affect only about 30% of legislators who serve long-term. They conclude that only a select few legislators actually stay after a 12-year period and that term-limits would not have an overwhelming effect on turnover.

Opheim (1994) expands upon Moncreif et al.’s (1992) study covering an 8-year period when most legislators face term limits. She finds that the number of legislators that will be affected by term limits is actually a much higher percentage. Over half of

the legislative membership would be affected by term limits because retention rates are higher in professional legislatures. A study of legislative turnover by the National Conference on State Legislatures in 2002 shows a much more dramatic turnover rate with a total of 322 legislators termed out in 11 states, some topping 70% of the legislature.

Caress (1996) finds significant member turnover in California from 1990-1994. Since term limits were enacted through Proposition 140 in 1990, incumbents chose not seek reelection at a rate 20% higher than before the passage of term limits. But as suggested by Caress, reapportionment and redistricting in 1992 and a shift in Congressional party control in 1994 may have influenced individual decisions whether to seek reelection. Thus, any claim attributed solely to term limits is tenuous. Nonetheless, the 1994 election still saw an increase in the number of incumbents deciding not to seek reelection, even though term limits did not go into effect until 1996.

Much of the literature relating to the effects of term limits has been conducted previous to term limits taking effect. For instance, term limits may provide an increase in competition at the Congressional level because of a larger pool of experienced candidates (Fett and Ponder 1993). Powell (2000) studied the decision process for those term-limited legislators in deciding to run for the U.S. House. Powell finds that states with term limits precipitate greater electoral competition for the U.S. House races. Using Squire's (1992a) measure of professionalization, member pay, staffing resources, and total days in the legislative session, states that are more professionalized have a higher correlation of open seat races in Congress, but not when the incumbent runs for

re-election. Legislators in states with term limits appear to be more likely to run for the U.S. House than state legislators without term limits.

Francis and Kenney (1997) conducted an extensive study of term limits and find more upward mobility in states with term limits because legislators are taking advantage of running for higher office when they are term limited. This leads to an increase in turnover above what term limits would do if legislators served out the maximum amount of time. Legislators are therefore choosing to leave their terms early to pursue higher office.

Carey, Niemi, and Powell (1998) looked at the institutional effects of term limits on state legislatures and suggest a weakening of the power of the legislature. A survey of state legislators throughout the country provided evidence that the influence of majority party leaders has weakened while the influence of the governor has markedly increased. The demographics of legislators entering office has not significantly changed because of term limits, with the one positive exception that more women have entered state legislative politics. Behavioral effects suggest that pre-emptive retirements before term limits expire have increased and that those newcomers to term limited legislatures spend less time on obtaining pork projects. Squire (1998) finds that turnover due to term limits has not had an effect on the processing of legislation, specifically the number of enactments per legislative day and the percentage of bills enacted. In fact, he finds there has been an increase in legislative efficiency with the addition of these new members in those legislatures.

In assessing the electoral effects of term limits, Carey, Niemi, and Powell (2000b), find legislatures with term limits provide fewer challenges to incumbent seats

in the state house. Challengers are more likely to wait for an open seat rather than challenge the incumbent. They also looked at the effect of term limits on progressive ambition. Per the interviews conducted, legislators gave no indication as to potential career moves after their terms expire. This suggests a need for assessing what legislators actually do when they face term limits. They do find that those legislators in term-limited states contemplate a move to the state senate and/or Congressional seats, particularly in professional legislatures more so than legislators in non-term limited states.

Scholars hypothesize that professional legislatures may be the most affected by term limits due to the low turnover levels (Everson 1992). According to the National Conference of State Legislatures (2005), the Florida legislature is classified as a “professional” legislature based on the amount of time spent on legislative work, compensation, and staff. Although not at the levels of a state like California, Florida has been classified as a semi-full time legislature because of the shortened legislative session and paltry salary in comparison to the amount of time devoted to legislative work. However, out-of-session time devoted to the job appears to have increased in recent years with numerous special sessions throughout the year. Florida legislators do have significant staff levels in both the district and in Tallahassee that make it a more “professional” rather than “citizen” legislature.

Looking to Florida

The movement in Florida largely started as a grassroots campaign financed by the interest group, Americans Back in Charge, led by Republican supporter, Phil Handy.

The ballot initiative in 1992 limited the terms of those in the state legislature as well as Congress to eight years (Rausch 1996). While the initiative process in Florida was a fledgling enterprise, Handy was able to garner enough petition signatures to get term limits provisions on the ballot. His campaign of “Eight is Enough” ultimately survived a court challenge and went to the voters in November 1992. Florida voters overwhelmingly supported term limits with 76.8% in favor, the largest majority in each of the states that have enacted term limitations (National Conference of State Legislatures 2006).

The largest impact on legislative turnover in Florida occurred in 2000 when the law took effect. In Figure 1.1, 55 members of the House, or 46% of the representatives were forced out of office due to term limits. Additionally, there were 67 freshmen compared to 53 incumbents entering legislative office in November 2000. And in Figure 1.2, between the 2000 and 2002 general elections, 23 members of the Senate, or 58% of the senate chamber turned over because of term limits. While a more detailed analysis is provided in Chapter 2, this initial glimpse at the immediate effects of term limits prompts several areas of inquiry. Specifically, what have been the effects of term limits on such measures as membership, institutional organization, and power of the legislature?

Research Questions and General Findings

Membership

Scholars speculated that the largest impact of term limits would be the increase in the number of minority and female candidates elected to office (Thompson and

Figure 1.1. Status and Service of Florida House Members, 1992-2004.

Note: The data reflects incumbency status from general election to general election and does not include those members elected in special elections. Four members reelected in 1998 resigned from office prior to being term limited in 2000. Data on the number of term limited members compiled from the National Conference of State Legislators (2005).

Moncreif 1993). Term limits would create open seats held by long-time incumbents and provide women and minority candidates an opportunity to run and win state legislative office. However, preliminary studies have shown that term limits alone will not enhance the number of women elected to office and that demographic changes are often a function of political factors, including reapportionment (Caress 1999). Bernstein and Chadha (2003) go further and suggest that women have, by and large, not taken advantage of the new opportunity structure that term limits have offered. Much

Figure 1.2. Status and Service of Florida Senate Members, 1992-2004.

Note: The data reflects incumbency status from general election to general election and does not include those members elected in special elections. Data on the number of term limited members compiled from the National Conference of State Legislators (2005).

of these changes remain to be seen. This study posits that term limits may have brought more women and minority legislators into office in Florida since they took effect in 2000, but that the numbers have not increased substantially since.

Similarly, have term limits changed the “type” of legislator that runs for office? Candidates may still be career-minded professional legislators, not idealized citizen legislators, particularly in a comparatively more professional legislature such as Florida. Political ambition has been found to still be a central characteristic of legislators entering term limited legislatures (Powell 2003). This study will also look at the career

path of term limited legislators to test if Florida legislators are playing a game of “musical chairs” and rotating back into local offices, higher offices, or even lobbying positions (Farmer, Rausch, and Green 2003).

Term limits proponents also claimed that state legislative races would become more competitive. In fact term limits in Michigan and in California have not been more competitive and have become less competitive when an incumbent is running for reelection. Further, challengers are opting to wait until a seat is open because there is more certainty that the seat will be vacated in a definable period of time (Faletta et al. 2001). This study posits that term limits may now protect incumbents to a higher degree than before the term limit enactment.

Power Structures

Term limits opponents are particularly wary of the effects on the power of the legislature. Term limits may weaken the legislature and increase the influence of the governor and executive branch. The legislature would be weakened if the leadership itself lost much of its centralized power and would be replaced by a more individualistic membership. The governor, in particular, would have more persuasive ability by picking off members one-by-one (Rosenthal 1992). Preliminary research has indeed found that to be the case (Carey, Niemi, and Powell 1998, Cain and Levin 1999).

More heavily debated is the effect of interest groups on the legislative process. Proponents of term limits claimed that citizen legislators not beholden to special interest would help rid the legislatures of their dependence on interest groups for electoral incentive (Will 1992). Others projected that there would be a greater dependence on

interest groups precisely because interest groups would not be supporting amateur candidates and instead would wield tremendous influence over who does get elected (Fowler 1992). Empirical research has found a definite shift in favor of interest groups in term limited states (Cain and Levin 1999, Capell 1996, Moncreif and Thompson 2001). While long-standing relationships between lobbyists and legislators may become non-existent, the influence of lobbyists over the legislative process may increase for their information and process knowledge, ability to get new members acclimated, and interest group money.

The effects of influence shifting to permanent staff may also increase in states with term limits, creating a greater reliance on seasoned staff to navigate through the legislative process (Thompson and Moncreif 2003). In a state as geographically large as Florida, staff in both Tallahassee and the home district may prove even more influential.

Legislative Organization

The effect on leadership seems to be a most crucial aspect of term limits. Former Florida House speaker, T.K. Wetherell claimed in 1991: “Term limits are like clear-cutting old forests. They don’t bother the underbrush much, but they’re hell on the tall timber” (Everson 1992). The speakership in Florida is a biennial position that rotates every two years. The selection of the speaker is prepared well in advance as members garner the necessary votes that will be cast, some instances four years later (Rosenthal 1998).

Bowser et al. (2003) suggest that with party leaders known in advance in Florida, most power will come from their ability to raise money, recruit quality candidates, and assist in legislative races. The pool of candidates to become speaker will most likely be party loyalists. The paths to leadership positions will be based on voices of the party loyalists who can raise money and fight for core principles of the party. Due to a limited amount of time in office, individual members will take much stronger policy stances and “grandstand” to move up in the party leadership, gain media attention, and satisfy constituents.

With the introduction of term limits, newly elected legislators in the majority party who seek to influence the chamber will seek that influence quickly and establish their strong party stances at the outset as seniority rules wane in importance. Leaders in the Florida legislatures have been historically strong and in order to keep that post strong, younger, more inexperienced members will be given vital leadership positions to groom them for the speakership (Hodson et al. 1995).

Contrary to expectations, the strength of centralized party leadership will be enhanced due to leader abilities in electioneering and fundraising, media coverage and focus, as well as experience in the legislative process. Further, the minority party has been found to be disadvantaged with declining performance since the enactment of term limits, suggesting that majority power is strengthened in term limited states (Kousser 2003).

Scope of Research

This study will look at the Florida legislature from 1992 through 2004. Term limits in Florida were enacted in 1992 and have been in effect since 2000. The state has been through two different redistricting processes during that time, in 1992 and 2002, as well as a change in majority party status from Democrats to the current Republican majority.

Florida is often considered “representative” of the nation, a microcosm of the nation politically. Florida is a swing state in presidential elections with a closely divided electorate and three separate “cultures” among the North, Central, and South Florida regions. There is a paucity of research on the state of Florida in assessing the effects of term limits. Because no two states have exactly the same laws developed in identical political contexts, it is difficult to do comparative research on the subject. This study will be a good case study that can then be used to compare other states.

The Florida legislature is classified as a professional legislature by the National Conference of State Legislatures (2005) based on staff resources, time spent working on the job, not only in legislative session, and compensation. While Florida is not considered on the same professional scale as California, for instance, it is still considered one of the more professional legislatures in the nation.

This study will use electoral data to determine if there have been demographic shifts within the Florida legislature since 1992. This data will be used to test if races have become more competitive as a result of term limits, or if incumbents have retained an advantage. Demographic shifts will also be considered with the opening of legislative seats and supposed opportunity,

In order to assess the effects of term limits on state legislative careers, member career trajectories will be analyzed to see if members who face term limits seek high office and conversely, if members also seek local office. If members continue their political careers while out of legislative office, term limits may not have the intended effect of curtailing political ambition. Interviews will also be conducted with former and current legislators and lobbyists to get their assessments of the effects of term limits on the legislative process and the influence of staff, interest groups, and the governor.

In sum, this study focuses on the electoral changes in Florida legislative races, demographic shifts in membership, legislative career paths in the post-term limits era, effects on legislative organization and operations, and finally the effect of intra- and inter-governmental influences on the legislative process.

CHAPTER II

THE CHANGING ELECTORAL ENVIRONMENT

One of the highly anticipated consequences of term limits is its effect on the electoral process. With the advent of a large number of open seats, term limits supposedly increases turnover and creates more opportunities for electoral competitiveness. Term limits proponents touted the weakening of incumbency advantage as a beneficial consequence (Will 1992; Cain and Levin 1999). However, since the implementation of term limits, recent research has not necessarily found this to be the case. This chapter will explore how term limits have affected the electoral environment of state legislative elections in Florida through member turnover, electoral competition, and campaign fundraising.

Research on Electoral Effects of Term Limits

Scholars hypothesize term limits will most profoundly affect the electoral environment, particularly the rate of legislator turnover. Researchers find most members leave the legislature within a 12-year period with higher retention rates in the senate chamber compared to the lower chamber (Moncrief et al. 1992). However, this study does not take into account term limit laws in several states that fall below a 12-year limit suggesting a much higher percentage of the legislature will be affected (Opheim 1994). In Florida, the average ten-year turnover from 1979-1989 was 83% in the House and 88% in the Senate (Benjamin and Malbin 1992). This data shows Florida legislators already faced considerable turnover in the decade previous to the

passage of the term limits law in 1992. However, the effects of turnover may be felt much more gradually over an extended period of time rather than a large number of members exiting the legislature concurrently because of term limits.

Francis and Kenny (1997) estimate that the effects of legislative turnover will be greatest during the year term limits go into effect. Overall turnover levels are predicted to be even higher, combining those leaving office because of term limits and the number of House members vacating their positions to take advantage of open seats in the Senate. However, they suggest the high rate of turnover will level off once the first wave of term limited members exit the legislature. In Maine, turnover was actually higher the election before term limits took effect suggesting that members vacated their seats to take advantage of open seat opportunities at the statewide and congressional levels (Moen, Palmer, and Powell 2005). Additionally, several studies have shown a marked drop in turnover the election after term limits took effect when the first and largest cohort of legislators had been forced out of office (see studies in Farmer, Rausch, and Green 2003).

Electoral competitiveness is also expected to increase by removing incumbency as a factor. However, Cain (1996) claims the only advantage of term limits will be regular intervals of open seats. Further, challengers will be more apt to wait until a seat is vacated, rather than challenging an incumbent (Fowler 1992). Many scholars argue that these impacts will vary across states depending on the level of legislative professionalism and term limit length (Everson 1992). Squire (2000) finds that uncontested seats are more common in state legislatures compared to U.S. House elections. This varies depending on state legislative professionalization and member

salary as well as the competitiveness of the electoral system. Members in more professional legislatures with higher pay can devote more time to their political career and more easily fend off serious challenges. Carey, Niemi, and Powell (2000a) find similar results where members in more professional legislatures with higher salaries place much more emphasis on campaigning instead of policy. In their comprehensive study of term limits, Carey, Niemi, and Powell (2000b) find newcomers elected post-term limits continue to actively campaign and fundraise with the goal of seeking reelection despite the hope of term limits advocates to turn these state politicians into “citizen legislators.”

Case studies on individual states have also provided mixed results on the effects term limits have had on the electoral process. Early research in Oklahoma has not shown any effect on competition in contests previous to term limits forcing legislators from office (Rausch 1998). However, electoral competition in California began to increase before term limits took effect with more incumbent defeats, closer races, and a larger number of candidates for office (Daniel and Lott 1997). Clucas (2004) finds that competition is higher post-term limits in both Houses in California because more candidates continue to enter the process. In contrast, Faletta et al. (2001) find little overall effect on competition in both California and Michigan. However, there is a greater incumbency advantage for those running for reelection. For instance, incumbents in Michigan are less likely to face quality challengers in elections for their last term. Further, incumbents in Michigan are less likely to lose their seats after term limits because of a stronger incumbency advantage and less serious challenges (Sarbaugh-Thompson et al. 2004).

In Maine, considered a more citizen legislature, Moen, Palmer, and Powell (2005) find an increase in competitive elections with the process also becoming much more partisan. In states where competition has increased it coincides with term limited legislators pursuing other elective offices. In Arizona, there has been an increase in the number of House members running for the Senate generating more competitive contests and greater competition in statewide elections (Berman 2004).

In Colorado, Straayer (2003) finds an increase in competition in primary elections, but only during the first election cycle term limits took effect. A subsequent study on Colorado shows no increase in competition or turnover. Further, one-quarter to one-third of all seats are uncontested (Straayer 2004). Allebaugh and Pinney (2003) similarly do not find increased competition in primary elections in Michigan (see also Sarbaugh-Thompson et al. 2004). They suggest political parties are more strategic with resources poured into seats that might alter the balance of power, including challenging vulnerable incumbents as well as open seats. Further, even with redistricting in 2002, competition increased somewhat in Michigan, but not dramatically. The effects of redistricting in term limited states can have a dramatic impact on levels of competition. The majority party in term limited states has the ability to redraw districts for party gain rather than protecting incumbent members, many of whom are forced to vacate their seats due to term limits (Schaffner, Wagner, and Winburn 2004). This can have a profound effect on lessening district competitiveness, with or without term limits in place.

While dramatic increases in competition have not largely been found, the increase of money in elections post-term limits has been more pronounced. Allebaugh

and Pinney (2003) find that in Michigan campaign costs have “skyrocketed” in post-term limits elections and attribute these rising campaign costs directly to term limits. Some of the reason why costs have risen in Michigan is because more individuals and parties are giving money (Faletta et al. 2001). Sarbaugh-Thompson et al. (2004) further qualify these results and find that even though the total amount of money has increased in the Michigan House, most of the funding is given to the few competitive races and not the many safe districts. Further, Republicans tend to outraise and outspend Democrats suggesting that an increase in funding has more to do with the majority control of the chamber and nationwide trends that support success in fundraising rather than simply term limits.

Sarbaugh-Thompson et al. (2004) also parse out exactly where this money is coming from. There has been a marked increase in the number of individual candidates contributing to their own campaigns suggesting that wealthier candidates are entering the process post-term limits. There is also an increased role of Michigan House caucus leaders raising and providing funding in races. Additionally, there has been a tremendous increase in money from lobbyists and interest groups given to incumbent legislators, especially those serving on committees of interest. The minority party also faces a disadvantage with difficulty recruiting and raising money (Farmer and Little 2004).

Looking at Florida, Schraufnagel (2004) actually finds a decrease in electoral competition after term limits. He attributes this to recruitment efforts claiming party leaders were prepared in advance with strategic candidates to fill term limited seats. Further, redistricting in 2002 provided less electoral competition and more incumbency

protection (see also Schraufnagel 2005). Additionally, Schraufnagel finds that campaign contributions have gone up since term limits took effect in 2000, especially in the Florida House. He suggests that interest groups are still very influential because of fundraising and are exercising this power to a greater degree in the post-term limits era. The effects of turnover, levels of competitiveness in both primary and general elections, and campaign fundraising will be explored to test the effects on Florida's electoral environment in the post-term limits era.

Hypotheses

H₁: Turnover in the Florida legislature will be highest in 2000 when term limits took effect, but should decline once new incumbents are seated.

H₂: Term limits will increase competition the first year of term limits in both the primary and general elections, but will subside in subsequent elections.

H₃: The number of unopposed seats will increase after redistricting because of a decrease in party competition and incumbency advantage.

H₄: Money in elections after term limits will be greater because of the increase in the number of candidates.

Data and Methods

Legislative turnover will be compared in both the House and Senate from 1992 when the term limits law was passed through the 2004 general election. Turnover is calculated as seat turnover from general election to general election, capturing those seats that were vacated mid-term and filled through special election, instead of

incumbency status at the time of the general election (see Moncrief, Niemi, and Powell 2004).

Additionally, levels of competition will be compared in both the House and Senate from 1992 through 2004. Following the model of Sarbaugh-Thompson et al. (2004), a race is considered competitive when a seat is won with less than 60 percent of the vote. While races are usually considered competitive when won with less than 55% of the vote, the 60% rule is more appropriate here because of the extent to which the districts are partisan gerrymanders. It is more likely that races will be won by larger margins and these types of races are combined into the “competitive” category. This period covers the 1992 and 2002 redistricting elections, with term limits taking effect in 2000. Both primary and general elections will be assessed, as well as the number of seats unopposed. Data is gathered from the Office of the Florida Secretary of State who is responsible for elections records at this level of government. Lastly, campaign financing totals will be studied using data from the Institute on Money in State Politics and disaggregated by seat type and political party with data available from 1998 through 2004.

Results

Turnover

What effect have term limits had on member turnover in the Florida legislature? Figure 2.1 depicts the turnover rate in Florida’s House of Representatives and Senate from the 1992 general election through the 2004 general election. As hypothesized, the number of term limited House members is at its peak in 2000 when term limits took

effect. In this first year of forced retirements, 55.8% (n=67) of House members left office with 55 members facing term limits. Due to staggered terms in the Senate, the first wave of term limits took effect in 2000, completing in 2002². In the Senate, 35% (n=11) were term limited in 2000, and 37.5% (n=12) were term-limited in 2002. Once the initial shock of term limits was felt in the House in 2000 and staggered in the Senate over the 2000 and 2002 general elections, turnover then drops dramatically. In the House, the rate of turnover drops to 25.8% in 2002 and 18.3% in 2004. The percentage of turnover in the Senate is down to a mere 7.5% in 2004 with no members facing term limits that year. Turnover in the Senate is expected to be lower in non-redistricting years because only about half the Senate body is up for reelection. However, if term limits are supposed to create less incumbency protection and greater turnover overall, it certainly is not happening in the Senate in the post-term limits era. On the contrary, for both chambers, the data suggests that members are remaining in office and running for reelection at a considerable rate.

When comparing the redistricting years of 1992 and 2002, it is clear that legislative turnover is actually higher in 1992 than in 2002. In the House, turnover was 39.2% in 1992 compared with 25.8% in 2002. And in the Senate, where all 40 members face election in redistricting years, 47.5% of the Senate body turned over in 1992 compared with 37.5% in 2002, even with 12 Senate members exiting the legislature because of term limits. This suggests that the majority party may in fact be able to mitigate some of the potential losses of incumbents and create less competitive races through the

² Every senator runs for reelection in the redistricting year, in this case, 2002 and terms are staggered every two years until the next redistricting cycle.

Figure 2.1. Turnover Percentages of House and Senate, 1992-2004.

Note: Senate turnover figures are calculated based on the number of seats that turned over out of a total of the 40-seat chamber.

drawing of “safe” seats. What is clear is that term limits have artificially created turnover most dramatically in the first electoral cycle in which it takes effect. However, turnover rates then fall considerably once new legislators are seated. The next wave of term limits in 2008 may approach similar percentages of turnover as in 2000, but then level off again in the following general election creating a cyclical and perhaps predictable pattern of higher turnover every eight years.

General Elections

What impact has term limits had on electoral competition? Presumably, if there is an increase in the number of open seat contests due to term limits, the candidate pool

for these seats would also increase. Figure 2.2 shows that the total number of major party candidates did increase in the House to its highest point in 2000 when term limits took effect for a total of 322 candidates. However, the number of major party candidates in House races in 2004 decreased to its lowest point since 1996 with only 212 candidates total. In the Senate, comparing redistricting years where all 40 Senate seats are up for election, the total number of majority party candidates is higher in 1992

Figure 2.2. Total Number of Major Party Legislative Candidates, 1992-2004.

than in 2002, even accounting for 12 members term limited in 2002. In 2004, the total number of majority party candidates is at its lowest point over this entire period with only 32 candidates. Some of this effect may be due to partisan gerrymandering in the

House and to a lesser extent in the Senate in favor of the Republican Party³. What is clear is term limits have not created a mass of candidates entering the legislative electoral process and are only prominent in years where a large proportion of seats are open due to term limits. The tendency of the candidate pool to level off in the following elections may also be indicative of a “new” kind of incumbency advantage in which incumbents run unopposed at higher percentages and potential challengers bide their time until an open seat become available.

How have incumbents fared over this period? Figure 2.3 shows the percentage of seats won by incumbents and those won by challengers between 1992 and 2004. In the House in 2000, an incumbent winning percentage of 48.3% is indicative of a decrease in the number of incumbents eligible to run for office when term limits forced the retirement of over half the House. The percentage of incumbent wins climbed in 2002 to pre-term limits figures at 75% and in 2004 to 84.2%, the second highest percentage of total seats won by incumbents over this period. Even more telling is the declining percentage of challenger wins with no challengers winning a House seat in 2004. Similar results are also evident in Senate races. In 2000, when term limits forced 11 senators from office, the percentage of seats won by incumbents is 42.9%, but no challengers won a Senate seat that year. And in 2002, when all 40 seats were up for election with 12 senators term-limited, 65% of the seats in the senate were won by incumbents and only 2.5% of Senate seats were won by a challenger. The percentage of challenger wins is much higher in 1992 compared with 2002, even though term limits

³According to qualifying reports with the Florida Secretary of State, the number of third party candidates outnumbered the number of Democratic candidates in state legislative races in 2004.

House of Representatives

Senate

Figure 2.3. Percentage of Incumbent and Challenger Wins in House and Senate General Elections.

affected 12 of the 40 seats in 2002. And as seen in the House, with the 2004 general election, 90.9% of total Senate seats were won by incumbents (all of the incumbents who ran) and no challenger won a Senate seat that year. In both the House and Senate, incumbents comprise most of the legislative body in 2004: 84.2% of members in the House and 90.9% in the Senate. While term limits have forced the turnover of a significant percentage of the legislature since 2000, those legislators who have won elections since have so far enjoyed reelection success and appear to have an easier time fending off challenges post-term limits.

Figure 2.4. Percentage of Competitive House and Senate Races in General Elections.
Note: Level of competitiveness is seat won with less than 60 percent of the vote.

Comparing the type of seat, have term limits increased the level of competitiveness, particularly in open seat contests? Figure 2.4 shows the percentage of competitive seats in the general election. In the House, the percentage of competitive races increased from 16.7% of seats in 1998 to 34.2% of seats in 2000 when term limits took effect. However, after that initial election, competition decreased dramatically with the percentage of competitive races down to 15.8% in 2002 and 14.2% in 2004, the lowest percentages over this period. In the Senate, the percentage of competitive races was much higher in the redistricting year of 1992 at 42.5% compared with 28.6% in 2000 and only 15.0% in 2002, another redistricting year. Once the second round of term limits completed in the Senate in 2002, there were no competitive races in 2004, something not seen during this entire period.

Figure 2.5 shows the percentage of competitive seats in both open and incumbent races in general election years from 1992 through 2004. In the House of Representatives, the 1996 general election has the highest percentage of competitive open seats at 61.5 percent. This corresponds with the Republican majority takeover following that election. However, in 2000 when term limits took effect, the percentage of competitive open seats is at the lowest point since 1992 at 37.9 percent of House races. Term limits may have opened seats in the House, but the level of competitiveness in the general election is still under 40 percent and dips even lower in following elections in both 2002 and 2004 to its lowest percentage at 31.6% overall. Conversely, competitiveness in incumbent seats is at its peak in 2000 at just over 30% of incumbent races. The first round of term limits in 2000 may have increased the number of quality challengers to incumbents evidenced by the dramatic increase in the

House of Representatives

Senate

Figure 2.5. Percentage of Incumbent and Open Competitive Seats.

percentage of competitive House races. The high level of uncertainty in that electoral cycle and the limited financial resources allotted to legislative candidates may have prompted more quality candidates to challenge incumbents. However, the effects of redistricting in the 2002 election drop the level of competitiveness dramatically for incumbent seats, further protecting the interests of incumbent legislators while their clock is still running.

In the Senate, as seen in Figure 2.5, competition in the general election has slowly eroded down to zero by 2004 for both open and incumbent seats. Contrast these findings with 1994 where all open seat races were competitive. This coincides with the Republican majority takeover in the Senate that year. The percentage of competitive open seats increase in 2000 to 41.7% and 38.5% in 2002, the first two rounds of term limits in the Senate, but still do not approach levels in the first half of the 1990s. Incumbent seat competition has peaked from a high of 40% in 1992 when the party transition in favor of the Republicans began to a low of 0% in 2004. Term limits have clearly not brought about a significant increase in electoral competition for incumbent races and only marginally in open seat races when a large proportion of seats are available because of term limits. Quality candidates may in fact be waiting for these Senate seats to open up instead of challenging a sitting incumbent.

Figure 2.6 supports the idea that incumbents are actually better protected post-term limits. The percentage of candidates unopposed in the general election is highest in 1998 in the pre-term limits era in both the House and Senate. This suggests challengers are waiting until term limited seats open rather than challenge an incumbent. In 2000, the percentage of candidates unopposed dropped significantly

from the election cycle previous. However, after redistricting in 2002 and the following 2004 election the percentage of candidates unopposed in the general election rises to a high of 70% in the House and 72.7% in the Senate. While term limits proponents argued more open seats would increase competition, this has not been demonstrated with redistricting mitigating electoral competitiveness to the advantage of the majority party.

Figure 2.6. Percentage of Candidates Unopposed in General Election.

Primary Elections

If redistricting is a factor in the level of competitiveness at the general election, it should also have an impact at the primary level. Seats that are drawn as partisan gerrymanders may attract more primary candidates and thus increase the percentage of

primary races that are competitive, particularly post-term limits with an increase in the number of open seat contests. Figure 2.7 shows the percentage of seats in the House and Senate with competitive primary elections from 1992 through 2004.⁴ The percentage of seats with competitive primary elections is at a high in 1992 at 40% in the House, leveling off considerably in following elections until the 2000 election where 37.5% of House seats had competitive primary elections. The increase in the number of open seats also increased the number of candidates in the primary cycle and thus numerically increased the level of competitiveness. The 2000 election not only

Figure 2.7. Percentage of Seats with Competitive Primary Elections.

Note: Level of competitiveness is seat won with less than 60 percent of the vote.

⁴ Seats with competitive primary elections are coded as such when a competitive primary from either party exists.

coincides with the implementation of term limits, but also the last electoral cycle with run-off elections. After 2000, primary candidates can now win with a plurality of the vote. The assumption could be made that more candidates would enter the primary process since a plurality vote is easier to secure than facing a run-off. However, the percentage of seats with competitive primaries drops to its lowest point in 2004 at 13.3 percent. The 2002 electoral cycle may have looked similar to 2004 had it not been for redistricting. It appears that incumbents are also protected at the primary stage.

Similar results are found for the Senate. In 2000 and 2002 when term limits took effect, the percentage of seats with competitive primary elections hovers around 20 percent. These figures are even more perplexing in 2000 where only twenty-one Senate seats were up for grabs, eleven of those open seats due to term limits. However, senators serve four-year terms and the staggered nature of these elections may play a part in the actual percentage of seats with competitive primary elections in any given cycle. Only half of the senate seats are up for election every two years while the entire senate body is up for election the cycle after the Census, most recently in 2002 and thus the number of candidates can vary greatly in these different electoral cycles. Again, it appears that even with term limits, the level of competitiveness in primary elections has not favored more competition in the primary process.

Figure 2.8 separates this data between incumbent and open seat races and the percentage of those with competitive primary elections. In the House, as expected, open seats have a larger percentage of competitive primary elections compared to incumbent seats. However, the percentage of open seats with competitive primary elections is at its lowest point in 2000 at 63.8% between the 1992 and 2000 election

cycles while a slight increase in the number of competitive primaries occurs in incumbent seats in 2000 at 12.9 percent. The effects of redistricting are quite evident in the percentage of competitive primaries in open seats in 2002 at 85.2% which drops to its lowest percentage in 2004 at 57.9 percent. For incumbent races, the percentage of races with competitive primary elections is significantly lower post-term limits. While incumbent members are being challenged in the primaries, they are not facing competitive races.

In the Senate, fluctuations in the percentage of seats with competitive primary elections are much more pronounced. Coinciding with ever-increasing Republican majorities, in 1996 80% of open seats have competitive primaries while no incumbent seats have a competitive primary. Competitive primary elections are more prevalent in open seats in 2002 at 46.2%, combining the factors of redistricting and 12 open seats due to term limits. However, in 2000 when eleven seats were open due to term limits, only 33.3% of these seats had competitive primaries. Results for 2002, then, cannot solely be attributed to term limits, but rather to redistricting. Incumbent seats in 2000 faced no competitive primaries, but increased to 7.4% in 2002 and to 11.1% in 2004. Lastly, while there were only two open seats in 2004, neither candidate faced any primary opponent and one candidate was unopposed.⁵ As in the general election findings, term limits have provided more opportunity for electoral competition at the primary stage, but is only evident when term limits first take effect. Incumbency protections are still evident particularly at the primary stage post-term limits.

⁵ Carey Baker (R), Central Florida, District 20 was elected unopposed in 2004.

House of Representatives

Senate

Figure 2.8. Percentage of Incumbent and Open Competitive Primary Elections.

Campaign Financing

What effects have term limits had on campaign financing? If term limits creates more open seats and thus an increase in the number of candidates vying for these seats, will the amount of money in legislative races thus increase? Table 2.1 shows campaign contributions from 1998 through the 2004 election cycles. In the House of Representatives, the total amount of money raised in 2000 when term limits took effect jumps from the cycle previous in 1998 from over 18 million to over 29 million dollars. This is a function primarily of the increase in the total number of candidates, up to 322 major party candidates in 2000 from 239 in 1998. The total money raised then dips downward in successive electoral cycles and in 2004 approaches pre-term limit funding. Results are similar in the Senate with almost double the total raised from 1998 at 6.7 million to over 12 million in 2000 and over 13 million in 2002. Once the first round of term limits completed in 2002, the total raised in Senate races in 2004 fell far below even 1998 figures to 4.9 million, partly due to a smaller candidate pool. In fact, total candidate numbers in 2004 in both the House and Senate dip below 1998 numbers and may then reflect the drop in total monies raised by 2004. While most of this may be attributed to redistricting and partisan gerrymandering favoring the Republican Party that occurred in 2002, it is clear that term limits alone do not consistently encourage more candidates to participate and that is clearly seen in the total campaign financing figures.

Table 2.1 also contains the median amount raised as well as the median figures for the “winner” and “loser” in electoral competition. Interestingly, while total money raised increases during the election cycle where term limits forced out many sitting

Table 2.1. Campaign Contributions, 1998-2004.

	House				Senate			
	1998 (\$)	2000 (\$)	2002 (\$)	2004 (\$)	1998 (\$)	2000 (\$)	2002 (\$)	2004 (\$)
Total raised	18,490,390	29,422,163	22,492,622	18,503,627	6,744,944	12,145,428	13,003,066	4,965,692
Median	55,694	65,392	77,186	60,901	121,003	215,937	81,040	145,086
Winner	89,151	134,136	105,591	97,718	145,110	352,592	139,512	188,684
Loser	22,573	34,955	35,010	21,552	70,863	128,975	38,533	22,598
Total # of candidates	239	322	242	212	40	48	79	32

Note: The numbers in this dataset include those candidates who actually ran for office and excludes third party, independent, and write-in candidates from data source. Data source from The Institute on Money in State Politics at www.followthemoney.org.

incumbents, the median amount raised has fluctuated as well. In the House, the median raised by the winner has far outpaced that of losers, with a ratio of 4.5 to 1 by 2004. Some of this is a function of losses in the primary cycle where fundraising continues for the winner during the general election phase. As seen in Figure 2.6, the number of candidates unopposed in the general election has significantly increased. What is clear is that losing candidates in 2004 in the House have dropped to median levels of funding that are even below 1998 figures, while winning candidates raised more funding after term limits.

In the Senate, this disparity is much more pronounced. While the median amount raised has fluctuated, the gap between the winning and losing candidates continues to expand. The winning candidates in 2000 raised a median total of almost two and a half times what was raised in 1998. These figures dip in 2002, but then increase again in 2004. Even more striking is the dramatic decrease in the median raised by losing candidates. A high in 2000 with \$128,975 raised is then followed by a large decrease in 2002 to \$38,533, likely attributed to the large increase in the number of candidates during the redistricting year. In a redistricting electoral cycle, all 40 senate seats are up for election and attract a greater number of candidates, many of whom raise very little money in comparison to incumbent and quality candidates. But it is the 2004 figure that is most interesting. While there were only 32 total candidates vying for twenty-two seats, the losing candidate median amount raised was only \$22,598 compared to \$188,684 median amount raised for the winning candidate. The winning candidates raised approximately 8.5 times more than the losing candidate in 2004. Additionally, no incumbent senators lost their reelection bid and only two open

seats were available, and neither because of term limits. It appears that fundraising in the Senate has become much more difficult for challengers and much easier for incumbents to raise larger war chests to fight off serious challengers.

Figure 2.9 parses out money raised by incumbents, challengers, and those in open seat contests. In the House, incumbents far exceed the median raised as well as what challengers raise. This is seen most clearly in 2000 where incumbents were less than half the chamber because of term limits and vacated seats. The median raised for open seats is steady over this period and does not rise significantly in 2000 mainly because of the plethora of candidates vying for the massive amount of open seats. Overall, challengers are not able to raise as much money as incumbents, and incumbents are still well-protected financially in the House.

In the Senate, the situation looks much different. The 1998 figures follow a similar pattern to the House, but change dramatically in 2000 when term limits first set in. The median amount raised in open seats in the Senate exceeds the total median raised suggesting that open seats are much more competitive in the Senate and require much more money because of the size of Senate districts. Also in 2000, challengers are on par with incumbent senators in the median amount raised. This is due to term limited sitting House members running for Senate seats as challengers not just in the general election, but also in the primary elections as well. Senate challengers do not raise as much in 2002 and 2004 and in fact the median amount raised drops off significantly. In the Senate, therefore, incumbents are still well-protected through the ability to fundraise and open seats have become major fundraising contests.

Figure 2.9. Campaign Fundraising by Seat Type.

Lastly in Figure 2.10, the total amount raised by the political parties shows the increasing dominance of the Republican Party in the ability to amass large amounts of money compared to the Democrats. Fundraising totals spike for Republican candidates in 2000 and continue to stay well above the Democratic totals that have significantly declined to their lowest by 2004. Senate Republicans have also fared much better over this period where totals are evenly matched in 1998 to increasingly larger gaps in 2000 and 2002 and still maintain an edge in 2004. Again, much of this has to do with the

Figure 2.10. Campaign Fundraising Totals by Political Party and Chamber.

partisan gerrymandering in the House and to a lesser extent in the Senate. Term limits by themselves does not appear to foster electoral competition most clearly seen in the

disparity of fundraising totals advantaging the Republican Party. Other factors, such as redistricting, majority party status, and fundraising ability must be taken into consideration.

Conclusions

In conclusion, electoral competition increased only in the first electoral cycle in which term limits were implemented. Turnover of seats has actually decreased over the period between 1992 and 2004, with the exception of the 2000 election in the House and also 2002 in the Senate. The large number of term limited members and open seats attracts more candidates overall, but does not appear to favor a significant number of competitive races, either at the general or primary level. Incumbency advantage still exists and appears stronger with incumbents facing less competitive races once they are elected to office. It appears quality challengers are waiting for open seats in which to run, particularly evident in Senate races. By increasing the number of open seat contests, term limits have increased the total amount of money in the electoral process because of the sheer number of candidates. However, as incumbency advantages increase, so does the ability to fundraise, further increasing the discrepancy between incumbents and challengers. Money has become perhaps a more important factor in races post-term limits for incumbents and candidates who ultimately win office.

CHAPTER III

IS THERE A “NEW BREED” OF FLORIDA LEGISLATOR?

Proponents advocated that term limits would purge the legislature of entrenched incumbents, most of whom were white males, providing an opportunity for women and minority candidates to increase their representation in state legislative office through an influx of open seats. Several recent studies have attempted to uncover whether this “new breed” of state legislator has emerged in a post-term limits era (Sarbaugh-Thompson et al. 2004, Carey, Niemi, and Powell 2000b). One of the main questions this research asks is whether term limits have fostered a demographic shift in favor of women and minority representation. This chapter seeks to identify what changes have occurred, if any, in the type of legislator seeking and winning election in Florida since term limits took effect in 2000.

Demographic Effects on Concepts of Representation

Hanna Pitkin (1967) discusses theories of representation based on the representative’s characteristics distinguishing between “descriptive” versus “substantive” representation. The concept of descriptive representation is based on shared demographics between elected officials and their constituency groups. In essence, does the representative “look like” a majority of the district’s constituents? This theory, as Pitkin points out, however, does not take into account substantive representation, shared ideas and philosophy espoused by the constituency and embraced by the representative, regardless of race, ethnicity, or gender. Both are important in

explaining how the “type” of legislator matters in representing minority and gender concerns. Policy advocacy through substantive representation has been found to be linked to descriptive representation in gender (Reingold 1992), as well as minority interests (Mansbridge 1999) and at the ballot box (Box-Steffensmeier et al. 2003). This chapter takes the initial step and looks specifically at descriptive representation; that is do state legislators in Florida have similar demographic characteristics that mirror the state image?

Women Legislators

Term limits proponents strongly argued that opening the door to more opportunities for women and minorities to hold legislative office would necessarily bring more representation to these underrepresented groups. Due to high incumbency reelection rates, women and minorities are not as successful winning election to the state legislature. With the advent of open seats, women, in particular, would have the opportunity to get elected at higher rates, especially in the lower chamber, where historically women have had difficulty breaking in (Thompson and Moncrief 1993). Early research conducted after term limits took effect in several states has not found such a windfall for women candidates. Faletta et al. (2001) find that in 1998, two election cycles after term limits took effect, women made slight gains in California, but had slight losses in Michigan. Carroll and Jenkins (2001) find in their six-state study of term limited House chambers in 1998 that even though the amount of women overall has remained the same, the number of women replacing women who were term limited actually decreased. Similar findings showing that women have not made substantial

gains due to term limits were also found in California (Cain and Kousser 2004), Colorado (Straayer 2004), and Ohio (Farmer and Little 2004).

It appears to be a different scenario in the states' Senates. In Arkansas (English and Weberg 2004) and Missouri (Richardson, Valentine, and Stokes 2004) women have made greater gains in the state Senate partly due to these women legislators being termed out in the House and successfully running for the Senate. In Maine, women have increased their representation in the state Senate, but are not being replaced by women at the House level (Moen, Palmer, and Powell 2005). Without a steady replacement cycle of women in the lower chamber these gains by women in the Senate may be only temporary.

Researchers find that other factors, such as reapportionment, benefit women candidates more so than term limits. Caress (1996) finds that the 1992 reapportionment election in California brought more women legislators into the fold than in the 1996 election when term limits took effect. Over a six-year period from 1990 through 1996, there has been an increase in the number of Democratic women elected to the California legislature, while the number of Republican women has dropped dramatically. The political dynamics of the state are then also important in assessing gains made by women in the state legislature.

Cross-state studies, on the other hand, have shown an increase in the number of women elected to term limited states over those without term limits by 1995, but caution that these gains may perhaps be reflective of the political context and not due entirely to term limits. Carey, Niemi, and Powell (2000b) find many of the "old-timers" were overwhelmingly male, so an increase in open seats has been somewhat beneficial

to women in term limited states in at least opening the door. However, they point out that women tend to be more liberal and fare better within the Democratic Party. The lower number of women in non-term limited states may in fact be a result of the fortunes of the Republican Party rather than a direct effect of term limits (see also Sarbaugh-Thompson et al. 2004). These findings suggest that the success of women candidates may have more to do with short-term forces and the political context, and that term limits alone may not be enough to increase the number of women legislators in state Houses.

Recruitment of women to run for legislative seats has also had mixed results in term limited states. Bernstein and Chadha (2003) find less than stellar gains for women in term limited legislatures and attribute this to the lack of women running and winning in primary and general elections. Women are less likely than men to pursue elective office in general. They receive less encouragement to run and tend to view themselves as less qualified candidates (Fox and Lawless 2004). Gender-role attitudes have been shown to have the most explanatory value on female representation in the states (Arceneaux 2001).

Much of the blame for the lack of recruiting women lies with political parties and the bias of party chairs (Niven 1998). This appears to be changing in Florida. MacManus (2005) finds that state and local party organizations have increasingly recruited women to run due to the number and influence of women in leadership and staffing positions⁶. Additionally, it is female legislators that are the most active

⁶ Florida, as of 2005 has women state party chairs in both the Republican and Democratic parties: Carole Jean Jordan and Karen Thurman, respectively.

recruiters of other women to legislative office. When women candidates are actively recruited to run to win and not just act as “sacrificial lambs,” more gains will be made by women breaking into the legislature. Additionally, open seats have created more competition with an increase in the number of quality candidates. Those deciding to run, including female candidates are more strategic and realistic about their prospects of winning (MacManus 2005).

Further complicating the state legislative picture, MacManus et al. (2006) find women are more likely to run for local office rather than the state legislature in Florida. The Florida Annual Policy Survey conducted by Florida State University between 1999 and 2003 rated the performance of local government higher than the state legislature during those years (MacManus 2005). Previous research has also suggested that female legislators are more likely found in urban areas that are within traveling distance to the state capital (Nechemias 1985). Tallahassee is located in the Panhandle, a significant distance from most areas of the state. All of these factors combined still show an uphill battle for women seeking office and achieving parity with the number of men in legislative office.

Minority Legislators

Minority candidates, on the other hand, have fared somewhat better as a result of term limits by increasing their numbers and overall percentage within the legislative body. Minority candidates in Michigan are also winning open seats previously held by white incumbents (Faletta et al. 2001). However, this finding is not uniform across all term limited states. Much depends upon the number of majority-minority districts in

the state, as well as the proportion of minorities within a state. Thompson and Moncrief (1993) suggest that minority representation will likely remain stable, noting that African-American and Hispanic legislators often come from safe minority districts and that successors are usually of the same minority group. There is also a limit to the number of seats minority candidates can take advantage of with term limits, particularly if the group is already well-represented according to their numbers in the population in general (Caress et al. 2003). For instance, scholarly work on the effects of term limits on the Maine legislature has all but ignored this topic of inquiry (Moen and Palmer 2004, Moen, Palmer, and Powell 2005).

Lublin (1997) shows a link between the number of majority-minority districts and an increase in the number of African-American and Hispanic legislators. At the congressional level, black and Latino candidates have very little success winning in districts with a majority of whites. Penning (2003) attributes African-American gains in the Michigan legislature to the redistricting process that creates majority-minority districts rather than the advent of term limits. Further, African-Americans are winning more seats in majority-minority districts once held by long-term white incumbents, although these results have only been found in Michigan (Sarbaugh-Thompson et al. 2004).

Sarbaugh-Thompson et al. (2004) qualify these electoral benefits by separating the successes of different minority groups by state. In Michigan, African-Americans have benefited from term limits, but not in California. Hispanics and Asians, on the other hand, have increased their representation in California, but not so in Michigan. However, compared to the electoral successes of minority candidates for Congress in

California, term limits have supplemented the trend in diversification of California's legislative body and are not necessarily the root cause (Cain and Kousser 2004).

Further, minority candidates not only have electoral victories in majority-minority districts, but also in districts where the voters are not of the same ethnic background as the minority candidate. Latinos have had much better cross-over than blacks with white voters and are successful in both majority-Latino districts and districts where Latinos are a minority (Carroll and Jenkins 2005). Term-limited states that have experienced increases in minority representation have benefited Hispanic candidates not only in California (see also Cain and Kousser 2004), but also in Arizona (Berman 2004).

In Ohio, many term-limited minority legislators are leaving to pursue other opportunities and minority representation has not increased at the speed in which proponents might have thought (Farmer and Little 2004). And as discussed with women candidates for state legislative office, gains, and losses, for minority candidates may have more to do with the electoral fortunes of the candidate's party affiliation than with term limits. Schaffner et al. (2004) find the process of redistricting in term-limited states much more partisan than in the past. The effect is to strengthen the majority party and provide much greater protection of incumbent legislators that will not face term limits the following election cycle. Therefore, if minority candidates are members of the majority party in power, the likelihood that their numbers will increase is more probable than when they belong to the minority party (Sarbaugh-Thompson et al. 2004). Most of these minority candidates, both African-Americans and Latinos, are Democrats; thus, much depends upon the successes of the Democratic Party in each state. While term limits may increase the number of open seats, minority candidates may in fact be

disadvantaged if they belong to the minority party. Due to redistricting, there may be only a select few seats in which party registration may be in their favor. It appears that minority candidates may benefit from the increase in open seats due to term limits, but that any study must take different ethnic and racial groups into account, as well as the party in power.

Other Variables of Interest

Aside from these demographic characteristics, researchers have often posited whether the “type” of legislator has changed as a result of term limits in such areas as age, occupation, education, and religion. Carey, Niemi, and Powell (2000b) do not find any significant changes on any of these variables comparing term limited and non-term limited states. In fact, Sarbaugh-Thompson, Thompson, and Elder (2005) only discuss age as an important variable for future research. They posit that age raises several policy and behavioral consequences with changes in different age cohorts elected to the legislature including levels of political ambition, issue priorities, and partisanship. According to the National Conference of State Legislatures, the average age of legislators in term-limited states has decreased. Cain and Kousser (2004) find that in California the average age of legislators has dropped since term limits. Faletta et al. (2001) find that in Michigan, there has been a small increase in the number of members under the age of 35 and a more modest increase in the number of members over the age of 55. Sarbaugh-Thompson et al. (2004) find that the number of legislators in Michigan over the age of 60 declined primarily because they were term-limited out of office, giving rise to much younger legislators entering office. Additionally, since term limits

have been in effect for three election cycles, more senior citizens are elected as freshman legislators reaching their pre-term limit numbers. Rosenthal (1998) also finds an increase in the number of retirees entering legislative office than in decades previous. However, a gender gap appears when assessing age with female members more likely entering legislative office at an older age after they have raised their families.

Distinguishing between chambers, the Senate has increasingly elected older members as seen in Arizona (Berman 2004). These findings are likely the result of term-limited House members winning office in the Senate. This raises an interesting question, particularly when the “experience” factor is mentioned as a negative in high turnover states with term limits. With an early finding of more “senior” legislators with life and career experience entering the legislature, how does this counter, if at all, their lack of legislative experience?

The other variables -- occupation, education, and religion -- may not vary as much as expected. State legislatures tend to be more elitist than the general population with higher education and income levels to begin with (Rosenthal 1998). There has been a shift in the twentieth century to those in the legal and business professions dominating the legislative ranks, as well as the number of state legislators who list their primary occupation as full-time legislator (Squire and Hamm 2005). In addition, Button and Hedge (1996) find very similar characteristics among black and white legislators on variables such as age, occupation, and education. Dolan and Ford (1997) also find that the “typical” female legislators come from a professional career, are more highly educated, younger, and have different legislative career paths within the legislature than did their counterparts decades earlier. Sarbaugh-Thompson, Thompson, and Elder

(2005) posit that younger legislators entering office may bring with them more educational experience due to increased educational levels as compared to older generations, but no compelling evidence yet exists to bear this out.

Research on Florida

Research conducted on Florida has not demonstrated dramatic results. Schraufnagel's (2004) study of the demographic changes in Florida's legislature from the 1999 through the 2003 legislative sessions finds no significant difference in the composition of the legislature on the variables of race, gender, age, occupation, religion, or education. Schraufnagel's data series assumes that in 2000 when term limits were implemented in Florida, we would see a dramatic change in composition. However, this does not account for what changes have been made since 1992 when term limits were enacted. For instance, many long-time legislators may have opted out of the legislature early to pursue other elective opportunities. More importantly, this analysis does not explore the changing political environment from 1992 through 2004 which saw the rise of the Republican Party in Florida and the significance this may have on the type of legislator now being elected to the legislature.

Preliminary results on the effects of gender also confirm that women have not made gains in the House post-term limits, but have increased their numbers slightly in the Senate (MacManus 2005). Women represent the majority of Florida's registered voters and tend to register as Democrats and vote, at least in presidential elections, for Democratic candidates. However, at the statewide level, women are more likely to vote for Republican candidates. Additionally, MacManus (2005) points out the parity of

Republican and Democratic women in the Florida legislature, but that Democratic women are a larger percentage of their caucus than Republicans because there are fewer Democrats than Republicans in the legislature. Therefore, we may be more likely to find women coming from primarily Democratic seats which have dwindled in number over the 1990s and even more so with the 2002 redistricting controlled by Republicans. Also, as Squire (1992b) finds, a professional legislative body is negatively correlated with the number of women legislators. More professional legislatures attract fewer women into the legislature because legislative service is considered a full-time job. This may also help explain why women have not significantly increased their numbers among the legislative ranks in Florida because of the legislature's higher level of professionalization, including time and resources devoted to service (MacManus 2005).

Florida presents a good case study to identify changes to minority representation in the legislature. As MacManus (2004) states, Florida's population resembles the diversity of the U.S. as a whole, with Hispanic and blacks cohorts actually above the national average. In the decade since term limits were enacted, the population as a whole grew by 23.5% with most of this growth in the urban areas (MacManus 2001). With this major increase in population in the urban centers, we expect to find an increase in minority representation because black and Hispanic candidates will likely get elected from urban districts as opposed to rural ones. Minorities in Florida may be more likely to make gains in the urban centers of Jacksonville, Central Florida and Tampa Bay, and South Florida. Regional differences are thus important factors when assessing minority gains.

Another important caveat concerns the party affiliation of most blacks with the Democratic Party and most Cuban-Hispanics affiliated with the Republican Party. Because the Republican Party has captured not only the Governor's office and Cabinet as of 2002, but also has firm control over the House and Senate bodies, parsing out minority candidates by party will be necessary. The region of South Florida is home to some of the most concentrated areas of blacks in Miami-Dade and Broward counties (Hill 2004). These districts, particularly in Broward and Palm Beach Counties are also heavily Democratic and will be more likely to favor African-American candidates. In Miami-Dade, on the other hand, there is a large population of Hispanics, primarily Cuban-Americans which favor Republican Hispanic candidates, at least at the state legislative level. The Hispanic population is most heavily concentrated not only in South Florida, but also in Central Florida and Tampa Bay. These include not only Cuban-Americans, but also those from South America (MacManus 2004). However, traditionally, the political power among the Hispanic community in Florida has come from Miami-Dade's Cuban population (Moreno 2004). Examining these regional differences and the effects of redistricting in the state also play a significant part in the number of minority legislators elected to office (Hill and Moreno 2002).

Cross-over by party also affects minority characterizations in Florida. The category of "black" includes not only African-Americans, but also those from the Caribbean. Additionally, while Cuban-Americans have made huge gains in the legislature, other Hispanics, mostly those from South and Central America, have seen modest gains. Cuban-Americans have kept most of their political clout due to their regional clustering in Miami-Dade (Moreno 2004). To further complicate the political

picture in Florida, many Haitian-Americans are registering as Republicans (Hill 2004) and non-Cuban Hispanics, including Mexicans and Puerto Ricans are registered Democrats (Moreno 2004). Assessing minority gains in Florida must necessarily include parsing out by party affiliation.

Additionally, will there be other demographic differences in the type of legislator elected in Florida, including age, occupation, education, and religion? Florida has historically been home to large pockets of retiree communities. However, seniors over 65 only make-up 25% of registered voters, although they turnout to vote in much higher numbers (MacManus 2004). As other term limits literature suggests, we may find more senior legislators entering office for the first time in Florida. On the other side of the spectrum, we would also expect to find younger legislative cohorts once term limits took effect because older incumbent legislators would be termed out. Contrary to previous research, MacManus (1994-95) finds that younger women in Florida are not necessarily waiting to raise their families before their entry into state legislative politics. A comparison of age cohorts will be assessed in both the House and Senate.

Looking at occupation, the typical Florida legislator does not hail from the legal profession. In the mid-1990s, lawyers were at an all-time low at 21% of the House (Morris 1997), but well above the national average of 16% (Dye 1998). Overall, other occupational differences may not be consequential. Additionally, we would not expect to find religious differences in the type of legislator elected post-term limits. Religion is highly correlated with party affiliation. In Florida, Jewish candidates tend to be associated with the Democratic Party and are mostly concentrated in South Florida.

Further, many Hispanics, mostly Cuban-American Republican legislators tend to be Catholic with heavy concentrations in Miami-Dade County. Additionally, when breaking down the Protestant category, most Democratic African-American legislators label themselves as Baptist while many Republican Protestants are Methodist, Presbyterian, and Episcopal. Any religious differences are highly correlated with these demographic and political factors. Lastly, educational differences from a decade previous would more likely be seen in younger cohorts of freshman legislators coming in due to term limits. However, as Rosenthal (1998) points out, state legislators on average tend to be more educated and significant differences are therefore, not expected.

Hypotheses

H₁: Term limits will have no significant effect on the number of women in state legislative office.

H₂: Term limits will benefit minority candidates, but gains will be explained away when taking the district make-up of race, ethnicity and party affiliation into account.

H₃: Minority gains in the legislature will be found in metropolitan areas.

H₄: Term limits have not changed legislator type via occupation, education, or religion, but there will be differences in age with larger cohorts of younger members and senior members elected to the legislature.

Data and Methods

The variables of interest to determine whether there has been a change in the type of legislator elected post-term limits are gender, race and ethnicity, age, occupation, education, and religion. Data on all of the following variables is gathered from self-reported information in *The Clerk's Manual* published every other year after the November general election. The time series included is from 1992 through 2004. Additionally, information on women candidates is compiled from the Center for American Women and Politics to compare the number of majority party female candidates each general election cycle. For comparison purposes, gender, racial, and ethnic data is compared to *The Clerk's Manual*, but not used exclusively here because special election changes in composition are not taken into consideration for this study⁷. Legislators who won election during the general election are the basis for the unit of analysis which sometimes conflicts with the publication date of *The Clerk's Manual* that includes changes from special elections.

District statistics on the percentage of registered voters by race and ethnicity and party affiliation will be assessed to see where, if any, minority gains are being made. Additionally, age categories are based on research conducted by Faletta et al. (2001) with the following categories: legislators under 35, 35-55, and over 55. Other variables will be analyzed accordingly.

⁷ In special elections post-1992 through 2004, women won 29.4% of special elections in the House and 0.0% in the Senate. Minority candidates won 35.3% of House special elections and 16.7% of Senate special elections.

Results

Women Legislators

Women in Florida have been making steady progress towards increasing their representation in the state legislature. According to the Center for American Women and Politics, women comprised only 10.6% of the entire Florida legislature in 1981. The number of women doubled towards the end of the 1980s and then fell slightly in the early 1990s. According to Table 3.1, women have slightly increased their number in the legislature in both the House and Senate post-term limits. However, the total number of women in the House has gone down from a high of 31 in 2000 to 29 in 2004. Women have made gains in the House Democratic and Republican caucuses since term limits were enacted in 1992 and these results are significant. As of the 1998 general election, women comprised 42.6% of the House Democratic caucus, an all-time high for either caucus during this period. It also appears that the number of seats held by women after the 2002 election declined slightly from 31 women to 28 women, 25.8% of the House to 23.3%, respectively. Not since the 1994 general election did women hold such a small percentage of total House seats. While the number has gone up by one in 2004, women have made the most percentage gains in the Republican caucus at 19% compared to just 8.8% in 1994. However, these numbers are still slightly lower than in the mid- to late-1990s when women were over 25% of the legislature. It appears that many of these women were term limited out and not necessarily replaced by other women legislators. Women fared much better in increasing their numbers in the Senate over this period at a high of 25.0% of the Senate chamber in 2002 after the second round of term limits and taking the redistricting year into account where all Senate seats were up for

Table 3.1. Percentage of Women Elected to Florida Legislature, 1992-2004.

General Election	Democratic Caucus	Republican Caucus	Total
House			
1992 (71D/49R)	25.4% (18)	12.2% (6)	20.0% (24)
1994 (63D/57R)	33.3% (21)	8.8% (5)	21.7% (26)
1996 (59D/61R)	40.7% (24)	11.5% (7)	25.8% (31)
1998 (47D/73R)	42.6% (20)	15.1% (11)	25.8% (31)
2000 (43D/77R)	39.5% (17)	18.2% (14)	25.8% (31)
2002 (39D/81R)	38.5% (15)	16.0% (13)	23.3% (28)
2004 (36D/84R)	36.1% (13)	19.0% (16)	24.2% (29)
Percentage Change in House	10.7% (-5)	6.8% (10)	4.2% (5)
Senate			
1992 (20D/20R)	20.0% (4)	10.0% (2)	15.0% (6)
1994 (19D/21R)	15.8% (3)	14.3% (3)	15.0% (6)
1996 (17D/23R)	11.8% (2)	17.4% (4)	15.0% (6)
1998 (15D/25R)	20.0% (3)	16.0% (4)	17.5% (7)
2000 (15D/25R)	20.0% (3)	16.0% (4)	17.5% (7)
2002 (14D/26R)	35.7% (5)	19.2% (5)	25.0% (10)
2004 (14D/26R)	35.7% (5)	15.4% (4)	22.5% (9)
Percentage change in Senate	15.7% (1)	5.4% (2)	7.5% (3)

Note: This includes those senators who are holdovers and not up for reelection

election. The women elected to the Senate post-term limits were former House members. Additionally, women's fortunes have fluctuated within the Democratic Party

due to the decline of the Democratic Party in Florida overall during the 1990s and the shift of party control in the House in 1996 in favor of the Republicans.

As of 2005, the Center for American Women and Politics reports the national average of women in state Houses is 22.5% and 23.4% for women in state Senate seats. Research in Table 3.1 shows women make up 24.2% of the Florida House and 22.5% of the Florida Senate as of the 2004 general election. The number of women in the Florida House slightly exceeds the national average, while the number in the Senate is slightly lower than the national average, though these differences are not great. According to the U.S. Census in 2000, women make up 51.2% of Florida's population, so there is a big discrepancy between the percentage of female legislators and their percentage of the population. Their numbers in the Florida legislature are then, still lacking in descriptive representation.

Additionally, these gains have been modest compared to what proponents had touted. Women cannot win if they do not run for office. Have the number of women candidates increased over this period? Similarly, how do women candidates fare in the electoral process post-term limits? Figure 3.1 shows the winning percentage of majority party women candidates in both House and Senate elections combined. What is perhaps most striking is the comparison of the 1992 general election with 2004. The number of women who ran as the majority party candidate is nearly identical with 51 women in 1992 and 52 women in 2004, yet the winning percentages are a difference of over 18 percentage points with women candidates more likely to win in 2004 than a decade earlier.

However, when looking at the 2000 election when term limits first took effect, it seems clear that while the number of women majority party candidates is at the highest peak in this dataset, the winning percentage is the least favorable at only 54 percent. A plethora of open seats tend to increase the number of quality candidates and increase the level of competitiveness (MacManus 2005) and thus may be the reason for the relatively poorer performance by women. In 2002, there were fewer women majority party candidates, but as a whole they achieved much higher winning percentages. Due to redistricting in 2002, and a decrease in the number of competitive seats from the

Figure 3.1. Winning Percentage of Women Majority Party Candidates, 1992-2004.
Note: Original data gathered from Center for American Women and Politics (CAWP), National Information Bank on Women in Public Office, Eagleton Institute of Politics, Rutgers University. Percentages calculated by Author.

previous electoral cycle as seen in Chapter Two, the high winning percentage of women at 78.7% is all the more impressive. The gains made in the following two election cycles after term limits show a much higher winning percentage in the 70th percentile suggesting that women, once elected, are more likely to retain their seats as incumbent legislators. Additionally, women appear to be strategically selected to run and ultimately win legislative office. Also, party fortunes may also play a part with Republican women, particularly in the House, making gains overall due to such variables as redistricting and Democratic women losing ground overall. These findings are exploratory and cannot directly attribute the effect of term limits to modest gains made by women in the legislature, but rather must also include political party factors.

Minority Legislators

In total, minorities, like women, have made modest gains in the legislature at only an increase of 5.8 percent of the total seats in each chamber (see Table 3.2). The percentage of blacks in the Democratic caucus has become a major component within the party. In 1992, when Florida Democrats included many conservative Anglos from North Florida, blacks made up 19.7% of the House caucus and 25.0% of the Senate caucus. With the demographic and political shift in the state that has made the Republican Party dominant in those northern conservative areas in particular, blacks now make up 44.4% of the Democratic caucus in the House and 50.0% of the Democratic caucus in the Senate including two Haitian-American legislators⁸.

⁸ Yolly Roberson (D) and Phil Brutus (D) both from Miami-Dade are both Haitian-Americans.

According to the U.S. Census in 2000, Blacks or African-Americans in Florida are 14.6% of the population. Their percentage of representation in the House comes very close to this at 14.2%. In the Senate, however, blacks are 17.5% of the total body. While black legislators have again only slightly increased their total numbers in the legislature, their growth in the Democratic caucus has become much more pronounced.

Hispanics, on the other hand, are underrepresented according to these figures. As of the 2000 U.S. Census, Florida's Hispanic population is 16.8%, while the percentage of Hispanics in the House are 11.7% in 2004, even after accounting for redistricting. Hispanic representation fares worse in the Senate at 7.5% of the chamber. Hispanics, traditionally Cuban Republicans from South Florida and specifically Miami-Dade County, had much more representation as a percentage of the House Republican caucus in 1992 at 18.4% versus 14.3% in 2004. The actual number of Hispanic seats, which now includes non-Cuban Hispanics, has increased by four since 1992⁹. The numbers are similar in the Senate. Republican Hispanics were 15% of the caucus in 1992 and are now 11.5% in 2004 even though the number of Hispanic Republican seats has remained unchanged at three seats over this period.

Term limits does not seem to directly advantage minority candidates and presents mixed results here for blacks and Hispanics. Some of these findings may be more of a result of party affiliation and political fortunes, rather than advantages. The Democratic Party in Florida has become a haven for black candidates and mainly

⁹ John Quinones (R), of Puerto-Rican descent from the Orlando area, Juan Zapata (R), a Columbian-American from Miami-Dade, Bob Henriquez (D), a Cuban-American elected from Tampa and Susan Bucher (D), a Mexican-American elected from Palm Beach.

Table 3.2. Percentage of Minorities Elected to Florida Legislature, 1992-2004.

General Election	Democratic Caucus		Republican Caucus		Total Minority Members
	Black	Hispanic	Black	Hispanic	
House					
1992 (71D/49R)	19.7% (14)	1.4% (1)	0.0% (0)	18.4% (9)	20.0% (25)
1994 (63D/57R)	23.8% (15)	3.2% (2)	0.0% (0)	15.8% (9)	21.7% (26)
1996 (59D/61R)	25.4% (15)	3.4% (2)	0.0% (0)	14.8% (9)	21.7% (26)
1998 (47D/73R)	31.9% (15)	4.3% (2)	0.0% (0)	12.3% (9)	21.7% (26)
2000 (43D/77R)	37.2% (16)	7.0% (3)	0.0% (0)	11.7% (9)	23.3% (28)
2002 (39D/81R)	41.0% (16)	5.1% (2)	0.0% (0)	14.8% (12)	25.0% (30)
2004 (36D/84R)	44.4% (16)	5.6% (2)	1.2% (1)	14.3% (12)	25.8% (31)
Percentage Change	24.7% (2)	4.2% (1)	1.2% (1)	-4.1% (3)	5.8% (6)
Senate					
1992 (20D/20R)	25.0% (5)	0.0% (0)	0.0% (0)	15.0% (3)	20.0% (8)
1994 (19D/21R)	26.3% (5)	0.0% (0)	0.0% (0)	14.3% (3)	20.0% (8)
1996 (17D/23R)	29.4% (5)	0.0% (0)	0.0% (0)	13.0% (3)	20.0% (8)
1998 (15D/25R)	33.3% (5)	0.0% (0)	0.0% (0)	12.0% (3)	20.0% (8)
2000 (15D/25R)	40.0% (6)	0.0% (0)	0.0% (0)	12.0% (3)	22.5% (9)
2002 (14D/26R)	50.0% (7)	0.0% (0)	0.0% (0)	11.5% (3)	25.0% (10)
2004 (14D/26R)	50.0% (7)	0.0% (0)	0.0% (0)	11.5% (3)	25.0% (10)
Percentage Change	25.0% (2)	0.0% (0)	0.0% (0)	-3.5% (0)	5.0% (2)

Note: In 1992, one Democratic Asian legislator was elected to the House but omitted in this table.

liberals from South Florida, dramatically decreasing in the number of Anglo legislators, other than Jewish candidates throughout the state. The Republican Party, on the other hand, has gained Anglo membership by winning seats held by conservative white Democrats and diluting the number, and perhaps influence of Hispanics in the caucus, particularly Cuban Republicans. While the number of minorities in the legislature is slowly increasing, are they replacing minority legislators in seats already held by blacks or Hispanics? Or are they winning in seats previously held by white incumbents?

Table 3.3 lists minority legislators elected post-term limits from the 2000 general election through the 2004 general election. In the legislature, there are only a handful of legislators who replaced white incumbents. In the House these include Joyce Cusack, a black Democrat from Central Florida, Jennifer Carroll, a black Republican from Jacksonville, and Senators Gary Siplin, a black Democrat from Central Florida, and Al Lawson, a black Democrat from North Florida in the Tallahassee area. Only four minority legislators in the House do not represent majority-minority districts with two of those, Ed Jennings and Jennifer Carroll, hailing from relatively “safe seats” from their parties. In the Senate, two senators, Al Lawson and Larcenia Bullard, represent non majority-minority districts, but again have an edge in the number of registered Democratic voters. With the increasing importance in party primaries due to redistricting, minority candidates such as Larcenia Bullard are able to attract enough votes to win these seats, especially with the abolition of run-off elections since 2002. Gains from Hispanics in the legislature are primarily a result of redistricting. Juan Zapata’s district in Miami-Dade became a relatively safe Republican seat, as opposed to a safe Democratic seat in place from the decade before. Additionally, the only Cuban

Democrat from Miami-Dade, Annie Betancourt was term-limited and replaced by a Cuban Republican in 2002. John Quinones, a Puerto Rican Republican from Central Florida, also increased the number of Hispanics in the House. Quinones's seat is even more interesting because the district had been redrawn from a safe Republican seat with 45.8% Republican registered voters down to 31.5%. Further, adding to Quinones's apparent advantage, the district was also redrawn from 95% white registered voters to 51% with an increase of 32.6% Hispanic registered voters. With the remainder of legislators, all but Quinones benefited more from their party affiliation and "safe" seats ensured a member of their party would be elected. These results suggest that the political fortunes and district make-up of a seat may have more to do with whether a minority candidate is able to get elected, and not necessarily a direct result of term limits.

Other Variables of Interest

As hypothesized, age is the only significant factor, but found only in the House. The number of legislators under the age of 35, however, has decreased as a percentage of the House as seen in Figure 3.2. What is more striking is that the percentage of those over 55 is at its highest percentage of the House at 35% in 2004 compared to a low of 20% in 1994. To assess where this increase may be stemming from, the number of women over 55 is included in this figure. The percentage of women over 55 in the House has grown from 25% in 1992 to 44.8% in 2004. The situation is similar in the Senate as seen in Figure 3.3. The number of legislators under the age of 35 has gone down with the

Table 3.3. Voter Statistics in Districts with Minority Legislators Post- Term Limits, 2000-2004.

Legislator	District	Year Elected	Party	Race/ Ethnicity	Region	% White Reg. Voters	% Black Reg. voters	% Hisp. Reg. Voters	% Other Reg. Voters	% Reg. Rep.	% Reg. Dem.	% Reg. Ind.
House Members												
Curtis Richardson	8	2000	Dem.	Black	North Florida	39.1	53.5	1.5	5.9	13.0	74.4	12.5
Terry Fields	14	2000	Dem.	Black	Jacksonville	32.7	63.1	0.8	3.5	14.9	76.5	8.7
Ed Jennings	23	2000	Dem.	Black	Gainesville	59.1	26.4	2.7	11.8	23.3	55.7	21.0
Joyce Cusack	26	2000	Dem.	Black	Central Florida	87.1	6.6	3.4	2.9	38.7	43.9	17.4
Gary Siplin	39	2000	Dem.	Black	Central Florida	26.6	56.8	8.0	8.6	16.6	68.5	14.9
Frank Peterman	55	2000	Dem.	Black	Tampa Bay	43.3	52.2	1.7	2.7	20.8	64.9	14.3
Arthenia Joyner	59	2000	Dem.	Black	Tampa Bay	35.1	55.1	5.7	4.1	16.3	69.1	14.6
James Harper	84	2000	Dem.	Black	Palm Beach	43.3	49.6	3.3	3.7	22.2	62.8	15.0
Matt Meadows	94	2000	Dem.	Black	South Florida	26.1	65.6	2.6	5.8	11.4	75.1	13.4
Ralph Arza	102	2000	Rep.	Hispanic	South Florida	30.4	3.7	61.8	4.1	52.1	27.8	20.2
Tee Holloway	103	2000	Dem.	Black	South Florida	8.5	66.8	20.8	3.9	14.9	71.9	13.1
Phil Brutus	108	2000	Dem.	Black	South Florida	22.8	59.0	12.6	5.6	13.0	74.1	12.9
Dorothy Bendross- Mindingall	109	2000	Dem.	Black	South Florida	7.0	63.9	25.5	3.7	18.1	71.2	10.7
Rene Garcia	110	2000	Rep.	Hispanic	South Florida	19.6	2.5	74.2	3.6	59.6	24.0	16.4
Mario Diaz- Balart	112	2000	Rep.	Hispanic	South Florida	25.0	2.8	67.8	4.5	52.4	25.5	22.1
Ed Bullard	118	2000	Dem.	Black	South Florida	34.1	33.6	27.5	4.7	27.8	54.0	18.2
Audrey Gibson	15	2002	Dem.	Black	Jacksonville	43.4	50.9	1.2	4.5	19.9	67.5	12.5
Bruce Antone	39	2002	Dem.	Black	Central Florida	33.4	51.8	6.7	8.3	20.6	64.1	15.3

John Quinones	49	2002	Rep.	Hispanic	Central Florida	51.0	8.0	32.6	8.5	31.5	44.4	24.1
Yolly Roberson	104	2002	Dem.	Black	South Florida	25.2	54.3	15.1	5.6	12.1	73.3	14.6
David Rivera	112	2002	Rep.	Hispanic	South Florida	35.1	5.2	55.4	4.7	48.8	29.3	21.8
Juan-Carlos "JC" Planas	115	2002	Rep.	Hispanic	South Florida	41.8	2.0	52.5	3.7	50.4	31.6	17.9
Marcelo Llorente	116	2002	Rep.	Hispanic	South Florida	25.6	3.7	65.6	5.0	47.1	29.8	23.1
Julio Robaina	117	2002	Rep.	Hispanic	South Florida	40.5	1.7	53.9	3.9	52.1	30.8	17.2
Juan Zapata	119	2002	Rep.	Hispanic	South Florida	40.9	5.5	50.2	4.4	45.0	33.7	21.2
Jennifer Carroll	13	2003	Rep.	Black	Jacksonville	83.9	9.2	2.1	4.7	48.2	36.9	15.0
Priscilla Taylor	84	2004	Dem.	Black	Palm Beach	40.4	53.0	3.9	3.6	20.2	65.1	14.7
Carlos Lopez-Cantera	113	2004	Rep.	Hispanic	South Florida	23.0	9.5	63.6	4.0	49.6	34.0	16.3
Anitere Flores	114	2004	Rep.	Hispanic	South Florida	38.1	4.2	53.8	4.0	48.7	32.7	18.7

Senate Members

Al Lawson	3	2000	Dem.	Black	North Florida	70.6	24.8	1.0	3.7	22.2	67.7	10.1
Les Miller	21	2000	Dem.	Black	Tampa Bay	46.5	43.3	6.5	3.7	20.0	64.2	15.7
Alex Villalobos	37	2000	Rep.	Hispanic	South Florida	31.6	3.0	61.3	4.1	50.5	29.4	20.0
Rudy Garcia	39	2000	Rep.	Hispanic	South Florida	24.9	2.7	68.0	4.3	52.8	27.3	19.9
Tony Hill	1	2002	Dem.	Black	Jacksonville	47.8	46.4	1.3	4.5	22.5	65.3	12.3
Gary Siplin	19	2002	Dem.	Black	Central Florida	47.7	24.6	19.5	8.2	27.7	52.3	20.0
Frederica Wilson	33	2002	Dem.	Black	South Florida	13.9	62.6	18.6	5.0	14.5	72.3	13.3
Larcenia Bullard	39	2002	Dem.	Black	South Florida	47.2	35.0	13.9	3.9	25.6	57.8	16.7

number of middle-age legislators decreasing from 67.5% in 1992 to 50.0% in 2004. In the Senate, those over the age of 55 are the highest percentage of the chamber over the decade at 45%. There were no women over 55 in 1992, and in 2004 the percentage of women over 55 is 55.6%. This suggests this percentage may even increase as those new legislators elected in 2000 and 2002 get older the longer they remain in the Senate. It appears that senior legislators are occupying a higher percentage of House and Senate seats than ever before. While these findings might be counter-intuitive to previous theses, Florida is home to a larger senior population and also may explain the modest increase in the number of self-labeled “retired” legislators as noted below.

Figure 3.2. Age Categories in the House.

Note: These age categories are based on Faletta et al. (2001) report on Michigan.

Figure 3.3. Age Categories in the Senate.

Note: These age categories are based on Faletta et al. (2001) report on Michigan.

None of the other variables -- occupation, education, and religion -- are significant in either chamber. This suggests that these other demographic variables are not so different accounting for both forced turnover due to term limits and the Republican takeover in the 1990s. As for occupation, the number of lawyers in the House has fluctuated from a low of 20.8% in 1994 to a high of 26.7% in 2004. In the Senate, however, those in the legal profession have decreased from 35% in 1992 to 20% in 2004. Those in the education profession have increased their representation in the House from 6.7% in 1992 to 10.8% in 2004. Contrary to other findings, the number of self-identified legislators as a primary occupation has gone down from 9.2% in 1992 to 4.2% in 2004 in the House and down slightly in the Senate from 12.5% to 10.0% over this same period. However, retired legislators and those identified as primarily

“political” consultants have gone up in the House from 4.2% each in 1992 to 7.5% and 6.7%, respectively in 2004. In the Senate, no senators were listed as retired in 1992, while 7.5% identified themselves as retired in 2004. The number of retired legislators appears to be correlated with the increasing amount of senior-age legislators in the House. And speculatively, those identified as political consultants may be masking their full-time duties as legislators with this side occupation.

While the education variable shows no significant differences over the decade, there are a slightly larger percentage of legislators in the House with graduate master’s and doctoral degrees from 14.2% in 1992 to 23.3% in 2004. In the Senate, those with graduate degrees increased from 12.5% in 1992 to 17.5% in 2004. While not significant, there is a trend toward more educated legislators elected post-term limits. As expected, religious differences are not significant. However, the percentage of members in the House that identify themselves as Catholics has grown from 16.7% in 1992 to over a quarter of the chamber at 27.5%, while the percentage of Jewish legislators has gone down slightly by 3.3% over this same period. The situation is similar in the Senate with the only noticeable increase is in the percentage of Catholic legislators from 15% to 27.5% between 1992 and 2004. The topic of previous elective experience will be explored in the following chapter to identify any differences in the background of these newly elected legislators.

Conclusions

These findings suggest that in Florida, women and minorities have made slight gains in the legislature with term limits opening seats once held by long-term

incumbents. Women in the House appear to be making the most gains within the Republican caucus and that trend is likely to continue with the super-majority status of the Republican Party in the Florida legislature. Democratic women in the House are becoming a larger percentage of the caucus, while decreasing in number overall. In the Senate, women have gained three seats between the 1992 and 2004 elections, a larger percentage gain of the chamber than in the House. However, the percentage of women in the Senate has not exceeded the national average. Term limits does not appear to have significantly advantaged women overall in increasing their numbers in the legislature.

On the other hand, women candidates are being recruited more strategically with party leaders, in particular hand-picking quality women candidates and not just “sacrificial lambs”. This may explain why women are winning seats at much higher percentages than in the past. Women candidates are more likely to win when they run post-term limits as evidenced by the 2002 and 2004 general election results. Cross-state comparisons with term-limited and non-term limited states may show a difference in whether quality women candidates will continue to be recruited and if there is a difference between these types of legislatures.

Minority legislators have also made modest gains post-term limits. Black legislators, which now include not only African-Americans, but also Haitian-American legislators are a larger percentage of the Democratic Caucus even though their actual numbers overall have only increased slightly. Black candidates have fared better in winning majority-minority seats and “safe” Democratic seats once held by white legislators. Hispanics, on the other hand, have increased their overall numbers in the

House, yet remained steady in the Senate. Hispanic Republicans, mostly Cuban-Americans, have decreased in their percentage (and perhaps political clout) in the Republican caucus over this period. Hispanic candidates are making gains outside of South Florida with the election of a Puerto Rican Republican in Orlando and a Cuban Democrat from Tampa. An increase in Hispanic representation has more to do with redistricting and the Cuban-American affiliation with the Republican Party in power in the Florida legislature. Most minority legislators are replacing other minority legislators from majority-minority districts and safe seats for their political party and it remains to be seen whether these numbers will increase significantly over the next decade. Scholars have suggested that the impact of minority legislators can have significant policy consequences (Haynie 2001) and is a subject that needs more exploration in determining key differences between descriptive and substantive representation.

With age a significant factor in the House, and the number of senior legislators increasing in both chambers, the question of experience must now be re-examined. What kind of background do these legislators have, particularly elective experience? Certainly life and professional experience contribute to perhaps a greater understanding of politics in general. If these legislators in the older cohorts have political elective experience, the “non-experience” factor oft cited by opponents as a detriment to the process may need to be revised. This is a central question that the next chapter will attempt to tackle.

CHAPTER IV

THE CAREER PATHS OF STATE LEGISLATORS

In 2000, term limited state legislators were first forced from office in both the Florida House of Representatives and Senate. One of the motivating factors of the term limits movement had been to get more “citizen” legislators elected and rid the legislature of career politicians. Most of this dissatisfaction was directed at Congress, but the Florida initiative also applied to members of the state legislature. This chapter seeks to find whether term limits have indeed “kicked the bums out” or if those seeking and attaining office are still politically ambitious. This chapter focuses on three key questions: Are Florida legislators elected post-term limits entering office as “citizen” legislators with little or no previous elective experience? What effect has there been on the average turnover and tenure of members pre- and post-term limits? Lastly, once legislators leave office, either due to term limits or resignation, do they continue on a political career path, elective or non-elective?

Recent Research of Career Path Decisions in Term-Limited States

Reforming the legislatures through term limits was touted as a way to create more opportunities for citizens to serve. Long-serving members were considered professional politicians no longer serving the interests of the citizenry at large. By forcing long-time incumbents out of office, political ambition and careerism would be curtailed. However, this idea that the average “citizen” would now be occupying legislative seats has not had the intended effect. In Michigan, there has been a marked increase in the number of

House members with prior political experience post-term limits (Sarbaugh-Thompson et al. 2004). Earlier research on both Michigan and California similarly find those winning open seat contests are not necessarily political amateurs (Faletta et al. 2001). Moncrief, Squire, and Jewell (2001) find a clear relationship that those with political elective experience are more likely to run for open state legislative seats in comparison to challengers. Many members who have held elective office have experience raising money, tapping political connections, and the ability to organize an efficient campaign strategy. This data suggests that instead of attracting successful non-politicos to state legislative office, those that have prior elective experience hold the advantage (see also Cain and Kousser 2004).

Further, those with previous elective experience are more likely to run for another political office once they are term-limited (Powell 2003). Even before empirical evidence surfaced in the mid- to late-1990s when term limits began to take effect, researchers suggested that legislators who invested a considerable amount of time in the expertise of governance will opt to stay in the “business of governance.” Incoming legislators who exhibit progressive ambition will not likely serve the length of their allotted term, but rather jump at opportunities to seek higher office (Copeland 1992). Indeed, competition for U.S. House seats has increased in states with term limits compared to those without term limits. Legislators in term limited states are more likely to seek higher office or retire after only two terms (Maddox 2004b). Legislators are not waiting until their maximum limit has been reached, but tend to vacate their seats after two election cycles, on average (Powell 2000). In fact, Sarbaugh-Thompson et al. (2004) find that newcomers elected after term limits were enacted were more

likely to run for other offices when their term expired. In Colorado, the vast majority of members facing term limits planned to stay in political careers, including running for political office, lobbying, and work in the executive branch.

Moncrief, Niemi and Powell (2004) find that turnover is related to the length of term limits and state opportunity structure. For example, there is a strong relationship between term limits and greater interchamber movement. There is a significant increase in the number of House members seeking state Senate seats in term-limited states. This has been evident in California where 90% of senators in 2001 had held elective office in the House (Cain and Kousser 2004).

The choice to leave early seems to vary by the type of legislature. Heberling and Leland (2004) find that those in term-limited professional legislatures with higher pay, longer sessions, and more staff tend to wait longer on average to retire or seek other offices. Conversely, Powell (2003) provides conflicting evidence that legislators in professional legislatures see politics as a career and are more likely to resign early when opportunities present themselves. Florida is considered a semi-full time legislature partly because of the short 60-day legislative session and lower pay combined with higher number of staff (National Conference of State Legislatures 2005). Many legislators have full-time jobs in addition to their legislative work. Thus, the effect of term limits on individual career choices is more uncertain.

Recently, the hierarchical political career ladder has been rerouted with the advent of term limits. For those who are politically ambitious, state legislatures traditionally serve as stepping stones to higher office at the congressional level. However, members forced out of their legislative seats don't often see Congress as a viable option where

there are no term limits in place and high incumbency reelection rates. Instead, local office has become another avenue for prolonging political careerism, often with higher pay and no threat of term limits (Tothero 2003). MacManus (2006) finds the average voter in Florida considers local office more prestigious than state legislative office. In Florida, there are 1,191 local governmental entities including county governments, municipal governments, school districts, and special districts (United States Census Bureau 2002). And through the end of this decade, the annexation of unincorporated areas and creation of new cities will further increase the number of local elective offices in Florida. Due to the sheer volume of local elective positions, seeking office at the local level may be a more feasible option for those wanting to stay in public life. Additionally, term-limited legislators still influence policy through not only higher and lower elective offices, but also through non-elective political positions, including the state executive branch and lobbying (Maddox 2004a).

Political Ambition

Based on these findings, this study posits that some of those entering the state legislature will display what Schlesinger (1966) called “progressive ambition”. Those with progressive ambition will seek to move up the political ladder and continue on a political career path. Schlesinger’s base assumptions are that ambitious politicians are the norm and shape their political careers assessing their reasonable chances at winning other offices. Legislators in term-limited states can no longer display “static” ambitions, making state legislative office a career in itself. Finally, there are also those with “discrete” ambition who seek to serve in office and then retreat back to private life. It is

members with discrete ambition that term limits proponents hoped to attract to state legislative office. If state legislative members are entering office with previous local elective experience, under Schlesinger's theory, they are already displaying progressive ambition. And if these members are leaving office and seeking other elective offices, they are not actors with discrete ambition who go quietly back to "civilian" life.

Other studies have confirmed this idea that all legislators, particularly at the federal level have progressive ambition and will take risks to run for higher office when there is a more likely chance of winning (Rohde 1979, Abramson, Aldrich, and Rohde 1987). Strategic politicians are calculating in their decision to run for office when political conditions are favorable (Jacobson and Kernell 1981). In Florida, the "resign to run" laws enacted in 1977 force state legislators (and those in local offices) to vacate their seats to run for other elective positions. An assumption can be made that state legislators who resign to run will be strategic in their decisions. Members who are term-limited, however, may not be able to take advantage of ideal political situations in which to run for other offices. Therefore, those that resign to run would likely be more successful in advancing their political careers than members forced out of office due to term limits.

Schlesinger's study of political ambition is based on an upward-moving opportunity structure to seek statewide office or seats in Congress based on the number and size of a state. While Florida has grown immensely since his 1966 analysis, so, too have opportunities at the local level. Members can no longer indefinitely remain in state legislative office until an opportunity opens up to move to higher office, so local elective office provides a likelier chance to remain in political life. Squire (1988)

qualifies the member opportunity structure by the type of legislature. In his typology, there are three distinct types of legislatures: career legislatures in which legislators remain in their seats for the length of their career, springboard legislatures that serve as conduits to higher office, and dead-end legislatures that do not promote longevity within the legislature and are often short-lived. In term-limited states like Florida, there is no longer a career legislature in place. The question posed here is not what type of legislature Florida has become, but how it has impacted the political careers of those elected to the body. Have term limits provided state legislative members with a springboard to higher office, or local office as Tothero (2003) suggests? Or have political careers in the state legislature stalled and become the last stop for legislative members?

Hypotheses

Based on these findings, the following hypotheses are proposed here:

H₁: Legislators entering state legislative office in Florida will have more previous elective experience in the post-term limits era.

H₂: Legislators who vacate their legislative seats before their allotted 8 years are up will run for other elective offices.

H₃: Legislators with progressive ambition will run for political office at all levels of government.

H₄: Legislators will continue to occupy non-elective political positions once out of state legislative office.

Data and Methods

This chapter will first examine the pre-legislative careers of all members of the Florida House and Senate from 1992 through 2004 as self-reported in *The Clerk's Manual* published after each general election. This data will compare members who have previously held elective office, including an analysis of the type of elective experience. This will serve as a basis for comparison of those elected in 1992 when the term limits initiative was passed through 2004, four years after term limits took effect.

Tenure figures are obtained from *The Clerk's Manual*. Tenure for each legislator is calculated as the total number of years served in the chamber, consecutively and non-consecutively at the time of the general election. Due to the interest here in political ambition, for those members that resign to run for other elective office or vacate their seats to take political appointments, the average number of years served will be calculated. Looking to reasons why members vacate their seats, a study of special elections post-1992 will be examined to test whether term limits foster an increase in resignations to run for other offices.

The data selected for legislative career paths include members from the 1995-1996 sessions through 2003-2004 sessions who vacated their legislative seats prior to the 1996 general election through the 2004 general election. This is due to data collection restraints. The only readily available information concerning candidates for higher office is found through the Florida Secretary of State's website beginning with the 1996 general elections. Additionally, those who run for local office file through the county Supervisor of Elections offices, totaling to 67 different county offices in Florida. Information can accurately be obtained beginning with the 1996 elections. The sample

size in the House of Representatives is 153 and the Senate sample size is 45. There were 13 House members defeated for reelection and 7 in the Senate that are not included in this analysis of post-legislative careers. Specifically, the data include those who decided to resign to run for elective office, those that were forced out of office due to term limitations, and those who retired. This chapter will look at the success rate of those running for office, as well as what type of elective office they are running for. Lastly, this chapter will examine what type of post-legislative career, political or otherwise of these same members who have exited the legislature post-1996. Examining the career paths of former members will provide us with information on the political ambitions of those entering and leaving office to see if term limits has indeed brought in more “citizen legislators”.

Results

Previous Elective Office

The first phase of the legislative career path necessitates a look at previous elective experience of House and Senate members. If, as advocates suggested, term limits would open the door to non-careerist legislators we would expect to find members with less elective political experience, particularly in 2000 and after. In fact, we find the opposite case. Figure 4.1 shows a marked increase in the percentage of both House and Senate members with previous elective experience. In 1992, a redistricting year, 22.5% of House members had previous experience in elected office compared to a high of 37.5% House members in 2000, the year term limits took effect. The results in the

Figure 4.1. Percentage of House and Senate Members with Previous Elective Experience.

Senate are even more striking. After the 1994 elections, 55.0% of Senate members held previous elective office. In 2002 when the second phase of term limits took effect because of the nature of staggered terms, 92.5% of Senate members held previous elected office. It appears that more legislators who have previous elective experience are winning seats in the legislature and becoming a larger percentage of their chambers. Table 4.1 shows what type of previous elective experience House members have from 1992 through the 2004 elections. In the House, there is a steady increase of those with previous elected experience. Increasingly, the legislature is being populated with members who have held local office. In 1992, only 19.2% had experience at the local

Table 4.1. Previous Elected Experience of House Members.

General Election Year	Previous Elected Office				Total
	None	House	Local Office	Senate	
1992	77.5% (93)	3.3% (4)	19.2% (23)	0.0% (0)	100.0% (120)
1994	72.5% (87)	5.0% (6)	22.5% (27)	0.0% (0)	100.0% (120)
1996	70.8% (85)	5.8% (7)	23.3% (28)	0.0% (0)	100.0% (120)
1998	68.3% (82)	5.8% (7)	25.8% (31)	0.0% (0)	100.0% (120)
2000	62.5% (75)	2.5% (3)	33.3% (40)	1.7% (2)	100.0% (120)
2002	66.7% (80)	0.0% (0)	32.5% (39)	0.8% (1)	100.0% (120)
2004	65.8% (79)	0.0% (0)	33.3% (40)	0.8% (1)	100.0% (120)

level, while 33.3% had local experience in 2004. Those with previous House experience, members who left the House and came back at a later date has become non-existent in the post-term limits period. Interestingly, there have been three members of the Florida Senate that were elected to the House since 2000¹⁰ The bulk of those with experience come from local government positions, including former mayors, city council members, and county commissioners.

In the Senate, members with previous elective experience, particularly those coming from the House make up an increasing percentage of the chamber as shown in Table 4.2. In 1996, only 37.5% had experience at the House level. Some of this can be explained by the partisan shift in the Senate and legislature as a whole. Republicans

¹⁰ Former Sens. Mario Diaz-Balart (R) and Matthew Meadows (D) were elected to the House in 2000; Don Sullivan (R) won a special election in 2004, but did not run for reelection in November 2004.

Table 4.2. Previous Elected Experience of Senate Members.

General Election Year	Previous Elected Experience			Total
	None	House*	Local Office	
1992	37.5% (15)	47.5% (19)	15.0% (6)	100.0% (40)
1994	45.0% (18)	40.0% (16)	15.0% (6)	100.0% (40)
1996	45.0% (18)	37.5% (15)	17.5% (7)	100.0% (40)
1998	37.5% (15)	50.0% (20)	12.5% (5)	100.0% (40)
2000 *	27.5% (11)	60.0% (24)	12.5% (5)	100.0% (40)
2002	7.5% (3)	82.5% (33)	10.0% (4)	100.0% (40)
2004	7.5% (3)	85.0% (34)	7.5% (3)	100.0% (40)

* One Senate member, Gwen Margolis, was a member of the Senate (and former Senate President) until 1992, elected again in 2000 and reelected 2002, 2004.

Note: These figures also include Senators who had local elective experience prior to entering the House.

began winning Democratic seats and had only won a clear majority of Senate seats as of the 1994 elections, and a majority in the House in 1996. However, as of the 2004 general election, 85% of senators had previous experience in the House. Many former House members are running for Senate seats either due to term limits or resigning their House seats early when an open seat becomes available. Alternatively, the number of those coming directly to the Senate from local offices is diminishing. In 1996, 17.5% held previous local office only before entering the Senate, while in 2004, only 7.5% held only local office. In total, 92.5% of senators in 2004 have held elective office. This suggests that the Senate is becoming a body of very experienced politicians, particularly in the state legislative process through time spent in the House. The implications of this trend and its effects on the legislative process will be discussed in a

later chapter. This data also suggests that term limits in Florida have not necessarily brought with them inexperienced “citizen” legislators. And as further research shows in this chapter, they are not checking their political ambitions at the legislature’s door.

Turnover and Tenure in Legislative Office

How long are members staying in office and what has the effect been on tenure?

Table 4.3 shows the mean and median tenure of House and Senate members. In both chambers, the highest average tenure is after the 1998 elections, the last election before term limits took effect. In the House, the average number of years served as of November 1998 is 5.5 and in the Senate the average is 6.8. In the House in 2000, that average dips to 1.8 years and a median of 0.0 years previously served in the House. In the Senate in 2002, when the second wave of term limits took effect, the average number of years is 2.4 with a median of 2.0 years.

However, how different are these figures compared to previous years? With the Republican takeover of the Florida House and Senate, many new members entered the chambers without previous experience in that body. In 1992, a redistricting year, the average number of years served in the House is 4.5 with a median of 2.9 years. The Senate is somewhat similar in this regard. In 1992, the average was 4.3 years with a median of 1.7 years, even with the 4-year term in the Senate compared to two years in the House. As of 2004 in the Senate, that average has exceeded the 1992 figure with a mean of 4.1 years served and a median of 4.0. These figures suggest that once the initial shock of term limits and turnover took effect in 2000, the high incumbency reelection rates and lower turnover evidenced in the 2004 general elections increased

Table 4.3. Average and Median Tenure of House and Senate Members.

House	Mean (in years)	Median (in years)	Standard Deviation
1992	4.5	2.9	5.2
1994	4.7	2.0	4.9
1996	5.7	4.0	5.2
1998	5.5	5.4	5.2
2000	1.8	0.0	2.6
2002	2.2	2.0	1.7
2004	3.2	4.0	1.9
Senate	Mean (in years)	Median (in years)	Standard Deviation
1992	4.3	1.7	5.9
1994	5.7	2.0	6.2
1996	6.5	4.0	6.4
1998	6.8	6.0	7.0
2000	3.3	2.0	3.2
2002	2.4	2.0	2.6
2004	4.1	4.0	2.7

Note: Tenure figures obtained from the *House Clerk's Manual*. Tenure is calculated as total years in the chamber, consecutively and non-consecutively where applicable.

the amount of average experience of the legislative chamber. However, those with longer institutional memories will not persist past eight years in office, most especially profound in the House. While the average tenure may increase over the next few election cycles, the second wave of term limits to come in 2008 in the House and also 2010 in the Senate may once again show a marked decrease in the collective legislative experience within each body.

According to these figures, many long-term legislators continued in their legislative positions as evidenced by the percentage of turnover post-term limits and average tenure after the 1998 elections. The effects of term limits and an increase in open seats brought this average tenure down to less than one term served and the second lowest turnover in the House and lowest turnover rate in the Senate during this period. The bulk of legislators appear likely to stay in their seats until their time has expired, while

others leave to run for other offices, retire, or are defeated. What, then, do legislators do once they are out of office?

Post-Legislative Career Paths

How many legislators are likely to fulfill their full 8 years in office? Are legislators going to vacate their seats early to run for other elective offices? Special elections called due to midsession vacancies are often the result of voluntary retirements to run for elective office or to take appointive positions (Hamm and Olson 1992). Figure 4.3 shows an increase in the number of special elections in 1999, when legislators were in their last term of office. Most vacated their seats to run for other political office, while some left due to ethical reasons¹¹ Research on California also shows a marked increase in the number of special sessions primarily because of the pursuit of elective or appointive positions (Cain and Kousser 2004). Whether this trend will continue remains to be seen, but it is clear that legislators facing expulsion will leave in order to run for other elective and appointive opportunities.

Table 4.4 shows the post-legislative decisions of House and Senate members who left office before the 1996 general election through the 2004 general election. This data contains the political track record of those House and Senate members who sought elective office immediately following their term. This table looks at members who were term limited and those that resigned early to run for elective office. Those that resigned also include legislators who vacated their seats due to appointment to elective offices. It

¹¹ Some of these include Rep. Willye Dennis (D) and Sen. Alberto Gutman (R) who resigned for ethical violations in 1999. The special election to replace Sen. Gutman was held in January 2000.

Figure 4.2. Reasons for Legislative Vacancies in House and Senate, Post-1992.

is hypothesized that term limited members will continue to run for other political offices, either higher or lower office. This is demonstrated here. In the House, 57.5% of term-limited members ran for elective office. While House members can no longer run for their legislative seats, they do run for other seats, including the state Senate. In fact, those who resigned to run for other political offices were largely successful in winning those seats. Those who resigned to run for federal office, specifically the U.S. House were by and large able to win those seats. Former House members were most likely to run for state Senate seats and by a margin of 3:1 were elected as state senators. Lastly, many of those that ran for local office were very successful in getting elected back home. This suggests that a majority of term limited members and those facing

term limits continue to run for office and further their elective careers in the post-term limits era. Those House members that resigned to run for other political elective offices spent an average of 4.2 years in the legislature before exiting their seats. This number excludes those that were in the legislature prior to 1992. So, in effect, many former

Table 4.4. Post-Elective Campaigns Immediately Following Service in Legislature, 1996-2004.

Elective Office	Chamber			
	House		Senate	
	Term Limited*	Resigned to Run	Term Limited**	Resigned to Run
Federal				
Elected	0	7	1	4
Defeated	5	3	1	2
Statewide				
Elected	0	1	1	2
Defeated	2	2	4	4
State Legislature				
Elected	15	21	1	0
Defeated	11	7	0	0
Local				
Elected	8	8	5	3
Defeated	1	2	1	1
Total Ran for elective office	42 (57.5%)	51	14 (60.9%)	16
No immediate run for elective office	31 (42.5%)	NA	9 (39.1%)	NA
Total	73	51	23	16

These figures also include legislators who resigned during their term due to appointment to elective office.

* In the House, of those term limited legislators, 63.0% ran for office as of November 2004.

** In the Senate, of those term limited legislators, 69.6% ran for office as of November 2004.

legislators from the House are spending an average of two terms before running for another elected position, less than half of their allotted time. Additionally, of those House members that sought higher office either at the federal or statewide level and were unsuccessful, 9 out of 12 subsequently ran for local office.

In the state Senate, several senators have found both federal and local offices are viable and successful propositions. While more difficult to run at the federal level due to both a higher incumbency advantage and more quality challengers, local office appears to be an attractive option for those who want to continue political elective service. In the Senate, 60.9% of term limited members ran for elective office, including many at the local level. With no term limitations in place for the U.S. Congress, coupled with a high incumbency advantage, senators who want to continue with their political careers opt for a safer bet at the local level where they are already well-known and have a base of volunteers and fundraising dollars at their disposal. Similar to the House, 3 out of 11 former Senate members ran for local office after a defeat for higher office. Many former members are continuing to run for elective offices in subsequent races and local office is often an easier avenue to win elections.

Lastly, the current political positions of former House and Senate members as of 2005 are shown in Table 4.5. These include not only term-limited members and those that resigned to run or were appointed to political positions, but also those that “retired” early (prior to term limits ending their tenure) from the legislature. This data looks at members who are in elected office, as well as non-elected political positions. Many former House members are elected officials at the local, state, and federal levels at a total of 43%. Those who have returned to private sector jobs or retired are 40.4% of

former members. These civilian numbers include those in education, legal practice, and private business, an important distinction made by Powell (2003). The number of lobbyists and/or advocates composes 12.6% of former House members. The current career paths of former senators and their percentages are quite similar to the career paths of former House members. Former senators who are now elected officials total 45%, and 40% are in non-political positions. Also similarly, 12.5% are lobbyists and/or advocates. Florida state law does require a two-year hiatus from the legislature before registering as a lobbyist. Those that left the legislature in 2004 may indeed register as lobbyists beginning with the 2007 legislative session¹². The influence of interest groups on the political process and the implications of former state legislators becoming lobbyists will be discussed in a later chapter¹³.

Those that resigned early for appointive positions, all with the exception of one took positions in the executive branch at the state level¹⁴. With the election of Republican Gov. Jeb Bush, several Republican state legislators were tapped to executive positions. Much of this depends on the party of the governor. Legislators only realistically have the opportunity to receive appointments to the state executive branch when they are of the same party as the governor. In Florida, Republicans have the majority of the Florida House and Senate by wide margins as of the 2004 election and if the Republicans keep

¹² These include two former House members, Rep. Gaston Cantens (R) and Rep. Manual Prieguez (R) who do government relations work and are likely candidates to register as lobbyists when they are eligible for the 2007 session.

¹³ In the House, 3 of 13 members defeated for reelection are registered lobbyists; in the Senate, 1 defeated member is a lobbyist.

¹⁴ The other former representative, Jerry Paul was chosen for a position in President Bush's administration.

Table 4.5. Current Positions, Elective and Non-Elective of Former House and Senate Members, as of January 2005.

House	Term-Limited	Resigned (to run or appointed)	Retired	Total
Lobbyist/Advocate	15.3% (11)	5.5% (3)	20.8% (5)	12.6% (19)
Elected Official	38.9% (28)	65.5% (36)	4.2% (1)	43.0% (65)
Executive Branch (state and federal)	1.4% (1)	9.0% (5)	0.0% (0)	4.0% (6)
Civilian/Retired/NA*	44.4% (32)	20.0% (11)	75.0% (18)	40.4% (61)
Total**	100.0% (72)	100.0% (55)	100.0% (24)	100.0% (151)

Senate	Term-Limited %	Resigned (to run and appointed) %	Retired %	Total %
Lobbyist/Advocate	10.0% (2)	18.7% (3)	0.0% (0)	12.5% (5)
Elected Official	35.0% (7)	68.8% (11)	0.0% (0)	45.0% (18)
Executive Branch (state and federal)	5.0% (1)	0.0% (0)	0.0% (0)	2.5% (1)
Civilian/Retired/NA*	50.0% (10)	12.5% (2)	100.0% (4)	40.0% (16)
Total***	100.0% (20)	100.0% (16)	100.0% (4)	100.0% (40)

*This includes those in education, legal practice, private business (see Powell 2003).

**There are two former House members who are deceased.

***There are 5 former Senate members who are deceased or jailed.

control of the governor's office in 2006, is it likely that many term-limited members will also take non-elective political positions in the state bureaucracy. As the data shows, may members at least attempt to continue in political life as elected officials or in positions behind the scenes.

Conclusions

It appears that those holding state legislative office in Florida's post-term limits era have not, by and large, been the typical "citizen" legislator. Many now come into office with previous elected experience and run for political office at the end of their state legislative career. Besides holding political office prior to their tenure in the legislature, others may be former legislative staff, party operatives, or campaign consultants that would also have an edge in winning elections and navigating through the legislative process. Further research in this area may show that political experience, whether elective or non-elective, has become a prerequisite before entering legislative office.

Additionally, the policy effect of legislators entering the Florida legislature with progressive ambition may provide benefits to the constituency. Those in more professional legislatures aiming for higher office are more responsive to constituency concerns (Maestas 2000). Further research may also show that projects sent to the home district may also increase as future candidates for local office use their clout at the state level to "bring home the bacon". With the possibility of higher membership turnover every eight years, long-term, the lack of collective experience may not be beneficial to the policy-making process. Institutional memory may be lost inside the chamber most profoundly affecting the legislative business in the House. Many in the state Senate as of 2004 were former House members, some that have served in the House for 16 years or more. The combined experience will not likely ever be repeated once these senators are termed out. It would appear that the House has become a stepping-stone to office in the state Senate and may provide the Senate with more

political prowess because of the amount of legislative experience former House members bring to the process.

While there is not a single case of a term-limited legislator from 1992 through 2004 leaving the same chamber, staying out a few years and running again for the same chamber, it is allowed under Florida's term limit law and may be something to watch in the future. Already, there have been three former state senators whose next step was the state House. Legislators are also resigning in large numbers from the House of Representatives and Senate to run for office when viable and attractive options become available. There has been an increase in the number of special elections just prior to term limits taking effect and appears to be an ever-increasing trend, post-term limits. Many legislators are thus vacating their seats early to run for other elective or appointive offices.

The data presented here show that as term-limited members are forced out of office, many are opting to run for higher office, as well as local office. However, the success rate is not as necessarily strong for term-limited members as one might have predicted compared to those who resigned to run based on strategic reasons. The upward trend seems to be successive runs for office at either the legislative level, higher office, and for local office. Term limited members are not by and large going back to non-political life without a fight. Many run immediately after their term expires or later when conditions appear better suited for them to run. As mentioned in Table 4.4, as of 2005, 62.2% of former House members and 69.6% of former Senate members (those who weren't defeated) ran for political office. Legislators demonstrating progressive ambition are finding perhaps more competitive elections for higher office with a greater

pool of candidates running for a limited number of seats. Those unsuccessful at attaining higher office are considering local office as an attractive option. Further research might look at the effects of gender of those running for local office. Women may opt to stay closer to home and seek sometimes higher paying, safer electoral options at home.

While the Florida legislature is no longer a career option, it is not quite a dead-end position either. Those that are not successful winning political office, or those who do not run at all, are still considering other non-elective political careers. Since Gov. Jeb Bush took office after the 1998 general election, Republican legislators now had a reasonable chance at careers in the state executive branch and several were appointed to high level positions, including Cabinet-level positions. Others, such as former House Speaker, John Thrasher have chosen lucrative careers as lobbyists and activists. For those who are no longer involved in political careers, many continue to tangentially serve the public in other ways. While approximately 40% of members who exited the legislature voluntarily or through term limits leave active political life, several continue to serve on executive boards appointed by the governor or represent local governmental entities at the local level.

While many former legislators have been “sent home” to civilian careers, more have not. A majority of former legislators have become executive branch officials, lobbyists, and elected officials at all levels of government. And even some that have returned to non-political careers, as evidenced by Table 4.5, it is not for the lack of trying to win elective office. While competition for legislative seats doesn’t seem to have the same vigor as when term limits first took effect as seen in chapter two, an indirect effect may

have created more competition, or at least more candidates in primaries and general elections for higher office, including the state Senate and U.S. House, something to be explored in future research.

More research needs to be conducted as time passes to determine the career trajectories of those who recently left office and will be leaving in the next few sessions. The research suggests here that legislators, particularly those that are term-limited may wait until the next general election to run for higher office, particularly the state Senate when seats become open. The data here cannot address some of legislators that left in 2004, but anecdotally there is evidence to suggest that is the case. This preliminary look at legislative career paths in Florida is a first glance at how term limits have affected the ambition of individuals in state legislative office.

CHAPTER V

THE IMPACT ON THE LEGISLATIVE PROCESS

The term limits movement that began in the early 1990s to limit the terms of Congress had its most profound impact on the state legislatures. Currently, fifteen states have term limits laws on the books and by the 2006 general elections term limits will have taken effect in thirteen states (National Conference of State Legislatures 2005). The impact this has had on the legislative process has produced mixed results, partly dependent on the level of professionalization of the state legislature. This chapter will explore the current research on how term limits have affected the legislative process on leadership, committees, and the work of each chamber individually in conducting legislative business as well as interchamber relations.

Legislative Organization and the Impact of Term Limits

Power of Leadership and Party Caucuses

The effect of term limits on the legislative body has provided mixed results, particularly the effects on legislative leadership. With any cross-state comparison, leadership, caucuses, and committees are structured very differently across state legislatures, chief among these the size of the majority and the number of members in the chamber (Francis 1985). There is added difficulty when comparing term-limited states including the varying term lengths anywhere from six to twelve years maximum and whether legislators are barred from service in consecutive versus non-consecutive years and whether there is a lifetime ban.

One of the first major attempts at comparing term-limited and non-term limited states was conducted by Carey, Niemi, and Powell (2000b). Through interviews with legislators in term-limited and non-term limited states, legislative leaders are perceived as significantly weaker in states with term limits than those without term limits. The power to dole out favors and to sanction members is not as powerful because many legislative leaders and members themselves will be termed out in the near future, if not the next election (see also Carey, Niemi, and Powell 1998). Similar results were found in Colorado with leaders losing clout to the governor and legislative lobbyists (Straayer 2004). In Arizona, Berman (2004) attributes the weakening of legislative leadership to the lack of control over the party caucus.

With experience and expertise severely diminished under term limits, scholars theorized that a lack of expertise would most strongly affect legislative leadership including the “training ground” from which leaders develop (Cain and Levin 1999). Inexperienced leaders have not been provided the time to fully comprehend complex rules of governing and policy-making, but also tend to lack the capacity to organize effectively (Cain 1996). This is evidenced in Missouri where inexperience is affecting the leadership’s ability to conduct legislative business through committee work and weaker deliberations on the floor (Richardson, Valentine, and Stokes 2004). In Maine (Moen, Palmer, and Powell 2005) find that one-term speakers have difficulty doling out favors and the consequence is that rank-and-file members often don’t follow lame duck leaders.

In California, however, Cain and Kousser (2004) do not find a reduction in power of the legislative leadership, even though the tenure of leaders has been

shortened. Kousser (2005) finds that in term limited states, leadership tenures are relatively short with a vast majority lasting two sessions or less occurring across chambers and differences in majority parties.

Malbin and Benjamin (1992) predicted that leadership turnover would be very high and members in term-limited legislatures would not allow for strong party leadership because of the difficulty in managing a majority coalition to get elected to leadership, contrary to the national trend in the 1980s and 1990s that saw the tenures of speakers rising (Freeman 1995). While most states still have an apprenticeship for future leaders coming up from the ranks, more professional legislatures are placing increased emphasis on members who get involved in campaigning for the caucus (Freeman 2004). The path to leadership is now based on fundraising ability coupled with an advanced selection process (Bowser et al. 2003). Even in Maine, known more as a “citizen legislature,” leaders rise through the ranks through political means, instead of solely on merit. Whereas demonstrated policy expertise and consensus building was a prerequisite for ascension to leadership, political gamesmanship now outweighs other considerations. Committee chairmanships are no longer a path to leadership (Moen, Palmer, and Powell 2005).

Scholars find that because of the increased role of leadership in caucus elections, the power and influence of leadership has actually increased under term limits. Leaders are spending much more time fundraising than they have in the past and take on this role much earlier in their careers (Farmer and Little 2004). These newly-elected legislators in a post-term limits era owe their political livelihood to the party leaders that provided resources and financial support. This can be helpful or detrimental to a

candidate, particularly those members that vote against the interests of the caucus (Sarbaugh-Thompson et al. 2004). Further, Kousser (2003) finds that majority party leaders have increased their power in getting legislative priorities passed with minority party members faring worse than before term limits. This suggests that while leaders may not have as much control over reward and punishment, they are still accomplishing the priorities of the majority party at the expense of the minority party.

Florida has historically had a powerful speaker. The selection process is hotly contested and begins years before the speaker is formally elected. The position has also been traditionally a one-term speakership with great discretion and authority over legislative and operational procedures. Scholars have suggested that speakerships in term limited states may soon resemble that of Florida (Hodson et al. 1995), but so far the only case where this is found is Arkansas (Bowser et al. 2003).

In order to run for the speakership or Senate presidency in Florida, the candidate must get a coalition of member support and are officially considered the speaker-designate or President-designate once they accumulate a majority of votes in the caucus. The positions are extremely powerful because the leader completely controls the entire organizational structure from committee assignments to the allocation of staff and resources for both the majority and minority parties (Colburn and deHaven-Smith 1999). The leader also controls all phases of the legislative process- where the bill goes, and whether and how it gets to the floor for a debate (Morris 2001). Chamber leaders have retained this power post-term limits because traditionally rank-and-file members do not rally against the priorities of the leader, understanding that turnover is just the next election away (Dye 1998).

It is in the caucus where the business of the legislature has moved in Ohio¹⁵ and where leadership has become more powerful. Instead of conducting most of the legislative bargaining and work through the committee system, much of the work is now being done behind the scenes in the caucus (Farmer and Little 2004). It appears that the effect of term limits on leadership depends on the type of legislature and what norms and procedures were in place before term limits took effect. Legislative leaders who had greater latitude in exercising power in their chambers before term limits were in place have not experienced a lack of influence; rather term limits have provided the opportunity for an increase and centralization of power in the hands of majority party leaders.

Influence of Committee Chairs

Sarbaugh-Thompson et al. (2004) parse out the meaning of leadership and stress there are large differences in the perceived influence of party leaders and committee chairs. Legislators elected post-term limits are more apt to name a party leader and leaders within the caucus than committee chairs. They cite a combination of institutional changes in response to term limits and the lack of chair experience for the loss of control over the legislative process. Power has become centralized with legislative leaders and the governor giving orders to committee chairs and other lower level caucus members. Committee chairs exercise the will of leadership and have less autonomy over work and less continuous service in the same chair. Chairs have also

¹⁵ According to the National Conference of State Legislatures, the Ohio legislature is in the same category of professionalization as the Florida legislature based on amount of legislative work, district size, size of staff and compensation (October, 2005).

become less important in terms of being primary resources of information, particularly due to increased levels of partisanship.

Members are more interested in making their mark quickly, rather than concentrating on institutional rules and norms during the committee process (Moen, Palmer, and Powell 2005). In California, the decline of expertise and gatekeeping functions by committee chairs has allowed more poorly crafted policy to make its way to the floor, instead of being vetted properly in committee (Cain and Kousser 2004). Sarbaugh-Thompson et al. (2004) find that a lack of procedural knowledge not only affects work in committee, but also requires heavy “scripting” by leadership once legislation gets to the floor. Further, among the rank-and-file there is a loss of institutional memory and often a duplication of bills. In Arizona, legislators with previous elective experience prior to their arrival at the state legislature are often chosen as committee chairs and are perceived to have more influence and knowledge of the process (Berman 2004).

Leaders are orienting new members more quickly and providing increased opportunities for leadership (Peery and Little 2003). Some of these include key committee assignments. Carey, Niemi, and Powell (2000b) suggest that despite the loss of experience and policy expertise of termed out legislators, committee chairs may now be replaced with talent instead of seniority. Peery and Little (2003) find that a few term-limited legislatures are reducing the number of committees due to the lack of knowledge and expertise and a decrease in the number of qualified legislators to fill these positions. However, Kousser (2005) demonstrates that despite the advent of term limits, the committee system has actually remained relatively stable and has not been

significantly revamped in conjunction with or response to term limits. Prior to term limits, Freeman and Hedlund (1993) found differences in the function of committees in professionalized legislatures with frequent committee change, partly in response to pressures by members who seek reelection. With reelection considerations largely diminished, it is perhaps not surprising that committees have not changed as dramatically as might have been predicted.

In Florida, the locus of decision-making has varied between chambers. While both party leaders and committee chairs have traditionally been important in the decision-making process in the Senate, party leaders have been the strongest force in the House (Francis 1985). When Republicans took control of the House in the 1997 session, they created a council system with various committees under each jurisdiction. These seven councils replaced the Democratic model of twenty-four standing committees the year before (Francis and Williams 1998). Instead of creating committees and subcommittees to satisfy member requests as was customary under the Democratic majority for decades previous, the Republican councils were largely created to accomplish their agenda in key policy areas. For instance, each council has its own appropriations committee allowing each council more authority over policy rather than a separate, more powerful Appropriations Committee.

Coinciding with term limits is the lack of collegiality and the more partisan nature of the process. Malbin and Benjamin (1992) thought term limits would “intensify individualism” because legislators would no longer worry about long-term strategies and consequences on their positions in the legislature. Cain and Levin (1999) find a lack of civility and cooperation across party lines in California due to term limits,

as well as a loss of long-term policy considerations. Rader, Elder, and Elling (2001) find that since time and opportunities are limited there is not as much incentive to build relationships across party lines. In Michigan, friendships among newcomers are largely based on geography or ethnic similarities leading to more homogenous cohorts dividing the legislature. Those new to the legislative process seek commonalities when making new alliances. Partisanship is much more rampant post-term limits, suggesting cross-party alliances will be fewer and a less collegial body (Sarbaugh-Thompson et al. 2004). Cain and Kousser (2004) find the California legislature has become much more partisan, but do not consider it a result of term limits. Hill and Moreno (2002) similarly find that the Florida legislature in the 1990s was already becoming increasingly partisan. Any effect of increasing polarization must take national trends into account, including those seen at the congressional level when assessing the impacts of term limits.

Some states have implemented orientation programs for new members to provide them with an opportunity to learn procedures and get to know veteran legislators, as well as to train new staff. The program in California is entitled the C.A.P.I.T.O.L. Institute. The training program includes sessions on the committee system, budget procedures, writing bills, and resources available to facilitate legislative work. Many of the legislators find getting to know more experienced senior legislators is the most valuable aspect of the program (Cain and Kousser 2004). Maine has a somewhat similar program run by the nonpartisan staff with help from the National Conference of State Legislatures to implement and improve its programs. Each caucus also has developed its own programs, some of which include tours of the state and

mentoring programs for rookie legislators to mentor veteran legislators (Moen, Palmer, and Powell 2005).

Power has concentrated within leadership for policy decision-making in the House. Party and caucus leaders in states where they have been institutionally strong will remain so, including reliance on electioneering and fundraising abilities of leaders. Rank-and-file members have a loss of institutional memory and increased duplication of bills and issues. Gate-keeping power of committees and committee chairs has waned and procedural expertise has dropped. On the floor of the House, the lack of procedural knowledge necessitates heavy “scripting” by leaders. Lastly, the minority party has lost influence in passing or amending bills.

Relationship Between Chambers

One of the most significant unintended consequences of term limits is the marked shift in favor of the more experienced Senate. Most senators have institutional knowledge because of their experience as House members. The Senate, usually a more collegial body, now has more collective experience than the House and a greater understanding of how the legislative process works, a distinct advantage in accomplishing their priorities (Carey, Niemi, and Powell 2000b). The Senate body has become the “repository for the remaining institutional memory of the legislators themselves” (Moen, Palmer, and Powell 2005). “The lower House is where lawmakers learn their craft, and the upper House is where they practice it” (Cain and Levin 1999). In the Florida Senate, as of the 2005-2006 sessions, 83% have previous elective service

in the House. This provides a distinct advantage to the Senate body in negotiating and passing preferred legislation, particularly to Senate majority party leaders.

Michigan legislators who transitioned through term limits considered this shift in favor of the Senate as one of the most important implications of term limits. Adding to this was the perception that tensions were increasing between the chambers in the realm of policy-making, as well as electoral tensions between term limited members of the House challenging incumbent senators (Sarbaugh-Thompson et al. 2004). Sessions can become more heated when House members run against the incumbent for Senate seats, sometimes even within their own party (Carey, Niemi, and Powell 2000b). The Senate appears to have gained a procedural advantage over the House in term-limited states due to their increased levels of expertise.

In sum, much of the term limits research has provided mixed results precisely because state legislatures have different traditions, norms, and procedures that will be affected differently with the advent of term limits. In the case of Florida, leadership will likely continue to be powerful because of the strong nature of these positions in the past. Committee chairs will only be as powerful as the Speaker or Senate President wants them to be. The work of the legislature has become more difficult due to the lack of policy and procedural expertise among the membership. Control has become centralized within the leadership to further guide legislative priorities. Lastly, the Senate has become more influential because of their experience in the legislative process.

Hypotheses

H₁: Leadership will gain influence by centralizing power in an already strong Speaker of the House and Senate President.

H₂: Decision-making will be centralized in the party caucus.

H₃: Committee chairs will lose influence after term limits.

H₄: Power will shift to the Senate because of more experience compared to the House.

Data and Methods

The primary data source for this chapter is personal interview data collected in 2005. There are a total of 11 in-depth interviews. Out of the 11, ten are current or former legislators and one is a veteran legislative lobbyist. Those interviewed include 8 current or former legislative leaders, 3 of whom are former Speakers of the House, executive branch leaders including a former lieutenant governor, and three former legislators turned lobbyists (see Appendix 1 for a comprehensive list). Approximately 30 former and current legislative leaders and lobbyists were contacted to schedule in-person interviews from all around the state. Interviewees were selected based on their former experience and current involvement in the governmental process to assess legislative effects pre- and post-term limits. Current members serving in the legislature were selected according to their experience in legislative leadership. Newcomers to the legislative process were largely excluded because of the lack of institutional memory with which to compare the process pre- and post-term limits. Each interview was approximately 30 minutes in length with several lasting beyond that time frame. A

standard set of questions was used in each interview with alternate questions used depending on the experience of the interviewee (see Appendix 2 for a listing of questions). Qualitative data is used to assess effects on the legislative process to more accurately describe the current effects of term limits.

Other data in this chapter include tenure data of leadership and leadership paths as well as a comparison of committee chair experience pre- and post-term limits. Tenure data and information regarding legislative leadership paths is obtained from the *Florida House Clerk's Manual*. The path to legislative leadership is established through media reports. Quantitative data supplements the findings through the interview process.

Results

In general, most of the interviewees said that term limits, by and large, did not have a positive effect on the legislative process. Term limits has created a severe lack of institutional memory, not just among the rank-and-file, but also within legislative leadership and committee chairs. Many cited that term limits removed good legislators and didn't necessarily make better public policy. However, most also agreed that term limits did bring in fresh blood and a surge of new ideas and approaches, a main goal of the term limits movement. But most claimed these advantages outweigh the disadvantages. Some of the harshest critics of term limits are former Democratic leaders:

Current Senator and Former Senate President Gwen Margolis (D): I've been elected for 31 years and I've gone through lots of processes, but term limits have

been probably one of the most destructive processes that I've seen in political life.

Former House Speaker T.K. Wetherell (D): Well I think term limits (and single-member districts) probably did more to change the face of the Florida legislature than any two things that happened in my lifetime or will happen in the future. It narrowed the constituency. It narrowed the time the person serves. Hence, you don't have the broader experiences and I don't think that's particularly good.

Former House Minority Leader Lois Frankel (D): I don't think term limits is a good idea... And you can compare it to any profession. I mean would you ask a doctor to retire after their 8th year practicing medicine or a lawyer after their 8th year of practicing law, or a plumber?

However, several former Republican leaders also feel that term limits has not been particularly beneficial to the process:

Lobbyist and Former House Minority Leader Curt Kiser (R): I didn't support term limits. I didn't think they were necessary. I thought they were going to be bad. The feeling that I got that the public was upset at Congress, not the state legislature.

Lobbyist and Former House Member Peter Dunbar (R): [Term limits] has made several significant changes in my opinion, not any of them really for the better... The biggest problem of all to me is simply the people of Florida lose because they don't get the best of the best people they send there. They're out before they have an opportunity to give that.

Former Lieutenant Governor Frank Brogan (R): First of all I have an inherent fear that term limits are a lazy man's politics... The sad fact of life is it's taken out some very good people, people who are doing a great job who would continue to do a great job.

While most suggest that term limits have presented several disadvantages, almost all concede that it has brought in fresh blood and new approaches on a regular basis. Those who support term limits most fervently are more likely to be in the legislative body:

Speaker-Designate Marco Rubio (R): I don't buy into this whole term limits is the worst thing that's ever happened to the world arguments, I mean I just don't. I think you can learn to be a good legislator very quickly if you're there for the right reasons... sometimes you become enamored with the process more than with the policy and that's when it becomes problematic.

Senator Mike Fasano, former House Majority Leader (R): I think it [term limits] has changed it [the legislative process] in a positive way... you get fresh ideas, fresh blood, people who are not part of the bureaucracy if you will. People who have not just constantly gotten reelected and reelected and lost touch with their constituents back home... And that's why I supported term limits because I don't think anyone should be a career politician. I think they should be a career public servant.

All agreed the most significant effects of term limits have been on legislative leadership, particularly in the House. Figures 5.1 and 5.2 show the tenure of the Speakers of the House and Senate President, respectively. The tenure is noted as the number of years of legislative service in that chamber just prior to taking the leadership position. Figure 5.1 shows the tenure of Florida speakers beginning in 1978 with Hyatt Brown who had only 6 years of experience in the House prior to becoming speaker. Legislative experience of House speakers continued to increase until 1998 when Republican John Thrasher assumed the speakership and was term-limited out of the legislature with the 2000 election. While not unprecedented for speakers to have only served 6 years prior to their tenure, it certainly has not been the norm in recent decades. The majority of speakers had 8 years or more experience in the House before assuming the speakership.

Figure 5.2 shows the tenure of Senate Presidents from 1980 through the 2004 elections. Because senators in Florida can potentially serve a total of 10 years due to redistricting and staggered terms, the maximum tenure of a Senate president is 8 years.

Senate President John McKay after the 2000 elections had served 10 years in the Senate and was officially term limited in 2002. In 2002, when the second round of term limits took effect in the Senate, there is a dramatic decrease in the short tenure of Jim King when elected Senate President. King was able to garner enough support for the Senate presidency partly due to term limits. King's tenure in the House for just over 13 years

Figure 5.1. Tenure of Florida Speakers from 1978-2004.

Note: The tenure figure is calculated by how many years of prior service a speaker held at the official election for speaker during organizational session.

and his long-standing relationships with many former colleagues helped launch his successful bid for the Senate presidency after serving for only a two and a half years.

However, the tenure of Senate presidents and the number of years served in the Senate

Frankel: I think in terms of leadership the term limits has probably has its greatest effect. Because for the regular rank-and-file because there was always that turnover anyway, it's not that big a deal but you have a few people who usually make really the key decisions in the legislative body. And you want them to be experienced and you want them to be your best and your brightest.

The offices of the Speaker of the House and Senate President in Florida have traditionally been very powerful positions. The leaders make all committee assignments, staffing and hiring decisions, as well as more mundane tasks such as allotting legislative office and parking spaces. With term limits, the powers allocated to top leadership have centralized decision-making:

Wetherell (D): The speaker and [Senate] president have probably become more powerful because the pecking order of the members is 8 years and you're out so you don't have as much opportunity to challenge that leadership as you've had in the past.

Some interviewees claimed some of this had to do with leadership's electioneering function:

Margolis (D): House members are... manipulated and unfortunately with leadership funds and things people are kind of hand-chosen, bought and paid for... It's always the leader's point of view because they paid for the campaign.

Speakers are now more heavily involved in selecting and promoting their chosen candidates in open seats and lobbyists often look to the incoming speaker to guide them in choosing whom to support:

Dunbar: [W]e have in one sense been a little bit more fortunate than a lot of offices because most of that comes from Marco Rubio, the incoming speaker going here's my guy, here's my guy.

Thrasher: You're going to have to travel the state, you're going to have to support candidates from various parts of the state. You're going to have to raise money which I think has gotten out of hand, but be that as it may, it's part of the job...

In fact, the path to leadership has more profoundly changed the system since term limits took effect. Traditionally, Florida has selected a future speaker well in advance (see Hodson et al. 1995). This process has become even more tenuous with members running for speaker before they have even cast their first vote. Although speakers and Senate presidents are officially voted as the next leader by their caucus a year prior to taking the leadership post, new members gear up from the day of their election plotting a run for leadership six years down the road. Table 5.1 shows the progression of speakership races and the timeline when the race was declared "over" in the media. This table begins with John Thrasher, the second Republican speaker after Daniel Webster. Thrasher's run for the speakership was much closer to his assuming office because the Republicans had only taken over the majority in 1996. It is clear that once Republican majorities kept increasing since the 1998 elections, coinciding with term limits taking effect in 2000, the run for the speakership has steadily increased in the time between the race essentially being declared "over" and when the speakership would be assumed. Much of this depends upon the pool of potential candidates for the speakership and how contentious the race becomes. While running for speaker and designating leaders well in advance of their official election to leadership is nothing new to Florida, it is evident that potential speakers are establishing their run for the speakership at the starting gate. Since Johnnie Byrd, who assumed the speakership in 2002, speaker-designates are waging their campaigns in at least their first or second

Table 5.1. Finality of Speakership Races.

Speaker (or designate)	Speakership Race “called” by media	Legislative term	Years prior to assuming speakership
Thrasher (1999-2000)	April 1997 ^a	3 rd term	1 ½*
Feeney (2001-2002)	April 1997 ^b	3 rd term**	3 ½
Byrd (2003-2004)	March 1999 ^c	2 nd term	3 ½
Bense (2005-2006)	September 2002 ^d	2 nd term	2
Rubio (2007-2008)	November 2003 ^e	2 nd term***	3
Sansom (2009-2010)	February 2005 ^f	2 nd term	3 ½
Cannon (2011-2012)	July 2005 ^g	1 st term	5 ½

* Rep. John Thrasher’s race for the speakership was truncated because Republicans had won the majority of the House after the 1996 elections.

** Rep. Tom Feeney’s term is non-consecutive years in the House. He served in the House from 1990-1994 when he left to run for Lieutenant Governor in 1994 and won a special election to the House in April 1996. He was in his third full term when he was selected speaker-designate.

*** Rep. Marco Rubio was elected in a special election to the House in January 2000 and was in his second full term when he was selected speaker-designate.

^aPendleton, Randolph, “Thrasher in Line for Top House Job,” *Florida Times-Union*, 27 April 1997, sec. Metro.

^bGriffin, Mike, “Feeney in Line to be Speaker,” *Orlando Sentinel*, 27 April 1997, sec. Insight.

^cCapitol Bureau, “Fall Arrival Being Fitted for 2002 House Leadership Robes,” *Sarasota-Herald Tribune*, 28 March 1999, sec. B.

^dBridges, Tyler, “Rep. Cantens Halts Campaign to Become House Speaker,” *Miami Herald*, 12 September 2002, sec. B.

^eDunkelberger, Lloyd and Gary Fineout, “Lawmaker Quits Speakers Race, Calls it a ‘Wake-up Call,’” *Sarasota-Herald Tribune*, 14 November 2003, sec. B.

^fGomez, Alan, “Domino Won’t be Speaker in 2009,” *Palm Beach Post*, 9 February 2005, sec. A.

^gKennedy, John, “House GOP Plans Ahead for 2011 Speaker,” *Orlando Sentinel*, 26 July 2005, sec. B.

term and wrapping it up very early on in their legislative careers. The most recent case of freshman House member Dean Canon successfully “winning” the speakership within only 8 months in office and one legislative session under his belt has further pushed the run for speaker farther and farther ahead of the game:

Book: Never before, never before... Bense is current speaker, Rubio is speaker-designate, Sansom is speaker-designate behind him, and Dean Cannon is speaker-designate behind him. You've got the next seven years planned out of 8-year term limits. I cannot believe we have not finished the first full year of these guys and gals being in office and they've already selected the speaker out of that class.

Kiser: We've seen each year since term limits the time frame move up faster and faster for that freshmen class to elect a speaker from their class. This last one broke all records. I mean we're just in awe these guys still don't even really know in our opinion what these guys are made of. Are they really speaker quality, have you seen them in some tough tested issues, and have they handled it right, have they treated people fairly, have they made the best statemenslike decisions for the state? Who are the people around them that are probably going to be their top lieutenants that are also going to play a major role in how that House is governed?

Dunbar: The one sphere of influence that I do see that term limits forces upon everybody quickly it started just after new members got elected when the process began and now extends to the election cycle like what we're in right now and the quest to grab the brass ring of the presiding officer in either House is now you can't afford to wait that 20 years and rise to that cream or 18 or 12. You've got to know before you conclude your 8 years that you've got that opportunity so the debate begins before you're even elected to the legislature. And you will see today people who think they want to be the presiding officer you know 4 terms from now already going I'm going to be speaker and I'm gathering pledges and oh by the way you haven't been elected yet. How can you do that?

Thrasher: I guess that's one of the major changes... they're starting to run for speaker now before they even cast their first vote. At least I had cast some votes. I had hopefully demonstrated a little bit of leadership on the floor, in committees and all that and had something to evaluate. Whereas some of these folks now coming in, hey I want your pledge for speaker for 8 years, for 6 years from now that's a pretty tough thing to do, I think.

Several expressed reservations that potentially bad choices for the speakership and Senate president could result when little is known about a potential leader's qualities. Some pointed to the example of Speaker Johnnie Byrd (2003-2004). He was only one of a very few members in his class who could have been considered for speaker. Some, who spoke off the record said that sitting members had expressed disappointment because they were not given ample opportunity to assess his leadership qualities before the ultimate decision was made. Others echoed these sentiments:

Fasano: [T]here are some concerns of having term limits and I don't mind saying that one of them was... the example of Speaker Johnnie Byrd where he had very little opposition to become speaker, in fact no opposition and he was one of only four or five people in his class. With... 6 years some people would argue that's not enough time to get enough experience and education and all that is needed to be speaker of the Florida House of Representatives... It depends on the individual.

Book: Johnnie Byrd became speaker-designate of the House after he was there 4 years. He had never served on the appropriations committee. He didn't have an understanding of the inner workings of the body. It's a direct result of term limits. He became speaker and it was a disaster.

Frankel: I mean there's something to be said about having experience so now you have a situation where it used to be a speaker served 14, 16, 18 years sometimes before someone had to be speaker of the House for example. Now you can speaker of the House you know by your 4th term or your 3rd term... Because of term limitations, there was a very very limited group of people who would then be in a position to be speaker. It used to be very competitive and you'd have a wide group and that particular year you had a very small group... It was slim pickings and this guy turned out to be a disaster.

Some of what hindered Speaker Byrd's effectiveness in office was due to the fact that he was running for the U.S. Senate during his tenure as speaker, something also directly affected by term limits and the need to pursue other elective offices:

Thrasher: Speaker Byrd... I think complicated his time as speaker because he was running for higher office and made it known early on and I think that was a difficult thing and made it a difficult time for him and made it a little harder to manage, if you will, the process particularly as it related to the Senate and the relationships there.

However, it is very difficult to challenge a speaker-designate once he or she has been brought into the fold:

Book: What happens is if you [the legislature] designate, then you get brought into the leadership- who dare challenge the leadership? Somebody comes along and challenges and it's like the old cliché, if you're going to shoot them you better shoot to kill them because they're going to live to come back and bite you. You better be prepared to take the guy or the gal out with one shot...because if you don't and you challenge a leader your office will be in the parking garage and you'll be lucky if you get bathroom privileges.

Wetherell: I mean you have people running for speaker when they're a freshman... So if you're an incoming freshman you've got one shot at it because they've already lined it up for the next six years. The only time you've got is your last session that you potentially could even be speaker assuming the pecking order stays and the chances of a freshman figuring that out at that stage of the game- one of these people in the seniors, juniors, sophomore class is going to have figured it out by then so this incoming class of freshmen probably has no chance short of a rebellion and at some point that will occur.

The race for leadership has also changed within the Senate as well. However, the Senate norms were to wait until closer to the Senate president-designate term would begin before selecting their next leader. That has perhaps more profoundly changed under term limits:

Book: The Senate has almost always traditionally waited to the last 6 months to a year to elect their next presiding officer. Let's see we got [Senate President] Lee, [President-designate] Pruitt, [President-designate-designate] Villalobos, and we're in the process of designating the next one after that... they prided themselves in not doing those silly things that the House did.

Table 5.2 shows the finality of Senate president races from the first outright Republican President with a Republican majority in the Senate as of the 1995 sessions, Jim Scott. His successor, Toni Jennings is the first senator to serve two full-terms as Senate president in modern Florida history. While no races were “called” prior to the year or year and a half before the assumption of the Senate presidency, that has also slowly changed in the Senate echoing the run for speakership in the House. Sen. Jim King won the Senate presidency in December 2001 while in a three-way race against Sen. Tom Lee and Sen. Dan Webster. Lee made a deal giving Sen. King the presidency beginning in 2002 with the promise that Lee would be president in 2004 (Saunders 8 December 2001). Sen. Webster wasn’t officially nuzzled out of contention until after the 2002 legislative session when the team led by King and Lee successfully won a redistricting battle that all but ensured Lee’s ascension to the Senate presidency (Bridges 15 March 2002). While King is somewhat of an exception with his run for the Senate presidency in only 2 and ½ years in the Senate, one future leader, Ken Pruitt concluded his run at leadership 4 years before assuming the Senate presidency, and only in his second year in the Senate. This was due largely to his alliance with Senate President King and Senate President-Designate Lee to once again “muscle out” Sen. Dan Webster for the presidency (Peltier 26 August 2002). Like King, Pruitt spent 10 years in the House before entering the Senate. The challenge to the Senate presidency appears to be more contentious than even in the House. The race for the 2009-2010 has become very heated with Sen. Alex Villalobos “winning” the Senate presidency in November 2004, only to be replaced by Sen. Jeff Atwater in February 2006 (Kleindienst and Kennedy 10 February 2006). This experience of House members

Table 5.2. Finality of Senate President Races.

Senate President (or designate)	Sen. Pres. Race “called” by media	Legislative Year (Sens. elected to 4- year terms)	Years prior to assuming Sen. Presidency
Scott (1995-1996)	May 1993 ^a	17 th	1 ½*
Jennings (1997-2000)	April 1995 ^b	10 th	1 ½**
McKay (2001-2002)	May 1999 ^c	8 th	1 ½
King (2003-2004)	December 2001 ^d	2 ½***	1
Lee (2005-2006)	June 2002 ^e	6 th	2 ½
Pruitt (2007-2008)	August 2002 ^f	2 nd	4
Atwater (2009-2010)	February 2006 ^g	4 th	2 ¾ ****

* Sen. Jim Scott’s race for the Senate presidency was truncated because Republicans evenly split 20-20 with the Democrats after the 1992 elections and won the majority of the Senate after the 1994 elections.

** Sen. Toni Jennings was Senate president for two terms.

*** Sen. Jim King won a special election to the Senate in March 1999.

**** Sen. Alex Villalobos was “declared” the winner of the Senate presidency race in November 2004 for the 2009-2010 term. He has since been replaced by Sen. Jeff Atwater.

^aBranch, Karen, “Broward Lawmaker Emerges as GOP Senate Pick,” *Miami Herald*, 28 May 1993, sec. Local.

^bKleindienst, Linda, “Senate Democrats Pick Wexler as Leader,” *Sun-Sentinel*, 12 April 1995, sec. Local.

^cWallace, Jeremy, “Republicans Pick McKay for Senate President,” *Bradenton Herald*, 1 May 1999, sec. Front.

^dSaunders, Jim, “King in Line for Senate Throne Republicans Vote to End Controversy,” *Florida Times-Union*, 8 December 2001, sec. Metro.

^eKennedy, John and Bob Mahlburg, “GOP Senators Revive Battle for Leadership,” *Orlando Sentinel*, 23 June 2002, sec. Local & State.

^fPeltier, Michael, “Pruitt Running Hard for Senate President in 2006,” *Vero Beach Press Journal*, 26 August, 2002, sec. A. Pruitt had no viable opposition to the Senate presidency for 2006.

^gKleindienst, Linda and John Kennedy, “Atwater Claims Enough Votes to be Senate Chief,” *Sun-Sentinel*, 10 February 2006, sec. Local. James, Joni, “Senate’s First Cuban-American President Likely in 2008,” *St. Petersburg Times*, 17 November 2004, sec. B.

migrating to the Senate in ever-increasing numbers, bringing with them their experiences in the House have made the process of selecting Senate presidents a much longer race and early into their Senate tenures.

Florida has always had an advance selection system in choosing future speakers of the House and planned out years in advance under Democratic rule. However, the path to leadership is no longer about building a reputation for hard work in committees, but rather through efforts made to advance the party and its agenda:

Feeney: Democrats... understood that in order to get to be speaker there was a step-by-step approach in a long ladder. You had to establish some credentials on expertise in specific matters. So you would, for example, if you chose education as an area to specialize in you had to establish over a period of 2 or 4 or often 6 years that you were credible and capable of understanding the complicated nuances of legislation. And then you had to move up and show that you could chair a subcommittee or an important committee and then eventually in order to be speaker you typically had to serve some time 8 or 10 or 12 years into your service as either appropriations chairman or rules chairman or both... What is happening nowadays is people are running for speaker before they develop any particular expertise at all to the extent they gain a reputation it's more amongst colleagues in their class and maybe one class above them. They often are running for speaker in their freshman session so instead of demonstrating skills and achievements for 4 or 6 years legislatively, they are forced to get out there and gather votes and support much earlier.

Dunbar: [I]nstead of learning the process by working hard in your committee, learning how to chair your committee, understanding how the rules work, helping your colleagues on the House floor move their issues... negotiating points of compromise you end up coveying up right underneath the preceding leaders and let them mentor you along...

Book: The legislature supposedly abolished leadership funds years ago. Leadership funds are alive and well. Leadership funds are not only alive and well but it's a major part of what we do in any campaign cycle.

Frankel: Now really the raising of significant amount of money in Florida in legislative races... really almost a criteria to being the party's leader is to be able to do that... I think with term limits... there's going to be turnover of a seat, everyone's going to turnover within at least 8 years and some sooner...

Margolis: What happens is when you arrive in the House you're already running for speaker. You want to be the spokesman for the class you know and you want to organize them and that's what they do the person who gets very active in the organization part of it and the party part of it is the one that usually ends up speaker and then they kind of make deals for you know well I have one more term so I'll do it this time and then you do it and then I'll get all my people to support you.

While Democratic races for the speakership had been multi-year races built on coalitions with factions in the Democratic Party, the race for Republican leadership had not started out that way:

Feeney: That sort of factional deal-making is not nearly as important in the House today and it certainly hasn't happened over time. I mean Webster/Thrasher didn't run as a team. Thrasher/Feeney didn't run as a team. Feeney/Byrd didn't run as a team.

Additionally, the way upcoming legislative leaders are oriented has also changed since the Republicans took over the majority of the legislature, particularly in the House and because of the ever-increasing advanced selection of speaker-designates. The next three speaker-designates have bundled themselves together as a leadership team (Troxler 24 January 2006). Upcoming leaders are being brought into important leadership positions and are a part of decision-making :

Book: [Speaker Bense] brought [Speaker-designate] Rubio in and Rubio's been part of all the decision making and all of the planning which will help make a difference during the Rubio speakership and he's already brought [Speaker-designate-designate] Sansom in and they're going to bring Dean Cannon in so that they have a better training ground for the leadership as they come into the House.

These leadership coalitions that have developed creating "mini-coalitions" in the House:

Brogan: One of the other things that term limits has done is to require the forging of early coalitions... It's become a necessity because people come and go so quickly now that you have to begin immediately upon arrival in Tallahassee if you have any aspirations of leadership of forging your coalitions from the get go. This has more formalized the process... you're now instead of negotiating with the leadership you're negotiating with multiple leaderships in order to get your public policy to move through.

Legislators currently in office pointed to term limits as the main reason why they were not only able to get into the legislature, but also have the opportunity to rise to leadership positions much more quickly:

Fasano: If you didn't have term limits, you could have deals being made for 20 years out of who's going to be the next speaker of the House or the next president of the Senate. If you didn't have term limits people whether they be a freshman member of the Republican Party or the Democratic Party you know they might never make it to a leadership position. ... that's what's great about term limits, you have that ability to move up the ladder very quickly and get into leadership and make a difference before you leave office.

Rubio: I think clearly it has given an opportunity for a bunch of people to get into public service that otherwise would not have, for example myself. I would never have become speaker in 4 or 5, 6 years. Maybe that's not necessarily accurate but it certainly would have been harder for me to get into the legislature had it not been for term limits, there's no doubt about that.

The creation of committee "councils" under Speaker Dan Webster after the 1996 elections in which Republicans took control of the Florida House has established a "training ground" for new members:

Thrasher: [T]he major changes we did was create councils, basically large and broad areas of public policy where we then put various committees under... because of term limits, frankly, you were able to select maybe the 8 or 10 strongest people to head those councils and then people under them in their various jurisdictions... it worked well for us I think, it really did, particularly given the fact I had some experienced members, but I think also because it was a good training ground for some for the members coming up who were there.

The lack of legislative experience from the top down has affected the way leaders select their top lieutenants. This is even more apparent with the selection of lieutenants in 1998, the term before term limits took effect and in 2000 when term limits forced senior legislators from office:

Thrasher: [In 1998] I had a very a good leadership team to pick from both members who I was elected with who had now been there 6 years and were ready to do their last two years as well as those who had been there before... The advantage I had was there were a lot of senior people and so I had the benefit of that.

Feeney: The simple analogy I like to use as a football fan is that going from the system of no term limits to a term-limited system is an awful lot like comparing the pro system to the system at a college football program. I mean, you try to recruit if you're a college coach at the top competitive levels a couple good people who can play quarterback or running back or wide receiver on any given year. Some of those people may turn out to be pleasant surprises and some may turn out not to be leaders at all. But you have to develop a bench when people are in their first year, their freshman year and start developing expertise because in 2 or 3 seasons, or terms as the case may be, those folks are going to be leaders at the state level.

It's this rotation every two years that some point to as hindering the legislative process because of the loss of institutional memory:

Kiser: Some of the key positions in the legislature like Appropriations and Rules in the past where we've had really good people, someone has been chairman of Appropriations for like 6 years in a row. They've been Rules Chairman for 4 or 5 or 6 years in a row. That stability really helps the system run better... And just on the luck of the draw some of those years you're going to have people that may not be really that good but yet they're in there because that class feels like they've got to have someone from their class in those key positions whereas when the pressure's off on term limits to where you might have a longer term, you can easily say well you know that person was so good as chairman of Appropriations last term I'm going to keep him on as my chairman. It makes the system work better.

Controlling the rank-and-file can also be a difficult process with term limits looming. In the legislative session prior to term limits taking effect in 2000, former House Speaker John Thrasher claims term limits hindered the motivation process somewhat:

Thrasher: I think the only disadvantage I had my two years was the fact that so many people were leaving and there might have been an attitude in some not to be as maybe work as hard or be as focused as they might have been had they been continuing on in the legislature.

The term following the 2000 election which saw 63 freshmen members of the House had the opposite effect on legislator motivations:

Feeney: They certainly didn't have very high expectations in terms of "well I've got to pass this bill this year." All of these folks came in knowing that as long as they got reelected would have at least 8 years to pursue their goals, their jobs, their most important proposals for their districts. In a lot of ways I had fewer hungry mouths to feed of experienced members that had legitimate time pressures to get things done now or never than say somebody like John [Thrasher].

Additionally, controlling the rank and file who often have other political career aspirations and goals that may not be in line with leadership has presented itself to a greater extent in the term limits era:

Thrasher: I think I counted when I started out my 2nd year as speaker, about 14 of my House members who were running for the Senate, maybe more than that... And so I early on in my session I called all of them into my office, every one of them. Not individually, but as a group. And I even knew who they were running against they were running against each other so and the whole purpose of that was to let them know that while I was proud of them that they were seeking higher office or additional office in the Senate that I did not want them to lose sight of what we were trying to accomplish in the House of

Representatives and did not want them to get their personal agendas in the way of those big issues that we were trying to look at.

The problem of a lack of institutional memory affects the way leadership performs in the caucus and on the floor. Members no longer have time to learn the intricate and sometimes complicated rules of legislating and are out of office by the time they grasp the process:

Brogan: You used to have the luxury of being able to sit on that back bench for years and learn it as you go, on the job training. The luxury's not there anymore. You've now got this awesome responsibility to learn that process much more quickly from the time you arrive in Tallahassee than you did before.

Kiser: The bulk of them about the time they're really beginning to understand this whole picture on how all the state government works and should work together they're in their last term. And while that's good that they're at that stage they've got all these legislators now behind them that are in the stages they were when they came in where they don't understand all that stuff.

Dunbar: Members don't learn the rules the way they once did and that also contributes to your inability to be effective at times. I think when I served I could look around the House and I could see well almost always amongst senior members and that's probably two terms or longer of spheres of influence and you could have a skill set.

Debate on the floor has become less important in deciding votes on legislation:

Margolis: [T]here's very little debate, everything is worked out... If you're part of the group that works out things it's good. But everything is worked out well in advance.

Wetherell: But the real problem that I've seen in that whole thing is the members... haven't been there as long so they're not as well-versed on a given issue so the debate on the floor has become more limited and it's almost always scripted. And in my day, you had probably the best debate was in the back room as you set up what the calendar was going to be.

Kiser: A strong chairman will make sure that a committee is run right, that good legislation gets to the floor when it's ready. We've had examples of legislation going to the floor where it wasn't ready. It had to be sent back to committee and that's embarrassing. We've had situations where on the floor it wasn't handled very well. Parts of the bill didn't make sense. The sponsor of the bill couldn't answer questions. Well, that meant the committee didn't do enough of its work. This has also affected how the minority party operates on the floor:

Frankel: That was very interesting and what a difference it makes because for me as the leader, with almost all new members I had to lead the counter-discussion on every single issue because I had the experience and the knowledge. That's something you don't really want to do. You want to divvy up the debate the responsibilities.

This has come to a great disadvantage to the minority party in attempting to pass or obstruct legislation: Term limits also profoundly affected the minority party, especially in the House:

Frankel: When you're in the minority like we were so significantly, you're just making speeches... Probably the reason you would see a minority party getting less done is because so much of the legislature is based on relationships... If you've been in the legislature with a Republican for 10 years or 12 years, a friend and they're probably in leadership, you've got somebody who you can go to help you get some of your stuff done. When you're coming in and you're a rookie, a rookie Democrat, who is your relationship with? You have a relationship with nobody. And it's very hard for you to get anything done.

Dunbar: I think it's particularly difficult on the minority... they never get a hold of the rules and they never get a chance to do it before they're out the door.

Because of the power of the speaker, the minority party is already institutionally at a disadvantage:

Kiser: [A] minority leader to be effective has to have control of his members or her members... They get the worst offices in the capitol. They get the least amount of money for staff. They don't get to hire any experts on their staff... if you don't have these other little tools, they just pull your teeth out on you. You don't have anything to sink into.

The minority party tends to fare much better in the Senate where it's a smaller body and a more collegial atmosphere:

Margolis: I mean everybody knows exactly what I do and how I say it and what I'm going to say on the floor. If something happens to pass that I don't like so I mean they know. Because they know I'm very articulate, they'll [the leadership] work it out with me... I mean you have to know you're going to be embarrassed if I don't like something they know I'm going to embarrass them on the floor and they don't like it. There's just so much you can do but people are not going to vote for something that's going to embarrass them.

This inexperience is also transferred to the committee process. Table 5.3 shows the average tenure of committee chairs on the money and procedural committees in the House and Senate. These committees include appropriations, ways and means, and rules¹⁶. In the House in both 1992 and 1994 when the Democrats controlled the chamber, the median tenure of fiscal and procedural chairmen is 10 years of legislative service prior to assuming the chair's position. When the Republicans took over the House in 1996, the median tenure decreases to 4 years experience likely because of the many newly elected Republican legislators were relatively inexperienced. In 1998, the median tenure doubles to 8 years with many of those experienced members being term limited out the following election cycle. With the advent of term limits in 2000, the median tenure of these committee chairs drops to 6 years and 4 years experience respectively in 2002 and 2004.

The median tenures in the Senate do not vary as much as in the House. In 1992 when the Republicans and Democrats were split evenly in the chamber many long-time

¹⁶ Because the incoming leader of each chamber has the authority to revamp standing committees and subcommittees, the names of the committees may vary, but their function remains essentially the same for these purposes.

senators from both sides of the aisle were appointed chairs of these important committees. This is reflected in the median of 10 years experience after that election. However, when Republicans took over a solid majority after the 1994 elections, the median tenure remains at 4 years for the rest of the decade and post-term limits with the exception of 1996 which increases to 6 years median experience. This lack of

Table 5.3. Tenure of Fiscal and Procedural Standing and Subcommittee Chairs.

Election Year	House		Senate	
	Average (in years)	Median (in years)	Average (in years)	Median (in years)
1992	9.71	10	9.41	10
1994	8.75	10	6.57	4
1996	6.44	4	8.57	4
1998	9.02	8	8.44	6
2000	4.67	6	5.14	4
2002	3.64	4	4.00	4
2004	4.60	4	4.25	4

Note: The committees include standing appropriations, tax, and procedural chairs as well as appropriations and rules subcommittee chairs.

experience within the Senate chamber is somewhat surprising given the longer term lengths of senators compared to House members. However, this table only includes experience within the Senate body only and not combined legislative experience, something that will be explored later in this chapter. While the possibility existed that more experienced legislators would occupy these most important committee chairmanships before term limits, there is now a maximum number of years experience each legislator may have, at least consecutively, that those interviewed pointed out as a major flaw in the system:

Wetherell: There were people who served 10 years or 12 or 14 and there's some that served 2 or 4 so you had a better mixture of tenure if you would and just because you'd been there 14 years didn't mean you were going to be speaker. I mean you had Hyatt Brown or Lee Moffit or somebody like that that had been there 2,4,6 and got there. But you also had people like a Herb Morgan who was an appropriations chairman for 6-8 years and really understood the state budget. Then you people like myself or others James Earl who worked in subcommittees for 4-6 years and maybe understood an element of it today you can't get that expertise. You don't have time to wait. You say by god, I want to be speaker I'm going to be appropriations chairman I've got to do it today. And you're not ready. I mean it takes at least 2 terms to begin to understand the intricacies of a budget and how bonding effects capital gains or whatever I mean it's just complicated.

Kiser: So it's the things that I saw that were not good for the process is running a committee particularly on tough issues whether it just be the administration of handling the committee and making sure that all the important legislation gets heard early making sure that staff is prepared in all their review of important legislation is done in a timely fashion so that when you get to committee you've got all the answers, you've got all the amendments things that need to be done, things that you need to avoid just making sure that the committee room runs smoothly that people get recognized that the proper protocol the proper process is used that takes a while. Not everybody catches on to that real fast and we've seen now committee chairmen in their second term chair a major committee and didn't know how to run the committee... if the chairman's green they won't even know what they don't know yet.

Because of term limits, each "class" now feels the need to acquire power and dole out the top committee assignments leading to rotation every two years. This lack of institutional knowledge can also translate itself into lack of collegiality, particularly in committees:

Dunbar: How am I going to understand how... [Democrats] understand something if I'm not sitting in the committee table listening to the debate and understanding it and then also understanding there are times when we will agree and there are times when we disagree and how to make all of that work. And if you don't have a little bit of time to digest that you won't learn how to navigate the process in that protocol level below the rules.

The experience factor becomes very important when term limits causes turnover, but not as much as the Senate. The Senate has more experienced members, but one senator still found it an important transition:

Fasano: [F]or my staff and I coming from the House to the Senate we already had that experience and the understanding and the education about how everything runs around here. But in our first year... it took us a whole year before we understood the whole process so you lose a year right off the bat.

Margolis: In the Senate people work very well together because there's only 40 people and you have to keep going back to the same people so it really works very well... It's who knows the tricks better and if you haven't done it and you haven't seen it you don't know exactly what's going to transpire and you have to know how to do things. It's as simple as that. It's a different kind of process now.

Figure 5.3. Median Legislative Tenure of House and Senate Fiscal and Procedural Standing and Subcommittee Chairs.

Note: The committees include standing appropriations, tax, and procedural chairs as well as appropriations and rules subcommittee chairs.

Figure 5.3 shows the experience of committee chairs in the House and Senate on the money and procedural committees. Senate legislative experience in this figure is calculated as the total number of years spent in the legislature including both House and Senate experience. The Senate has a further advantage with double the amount of legislative experience compared to House members. More Senate members are coming from the House which wasn't necessarily the case in the 1990s when many more senators began their legislative careers in the Senate. Many senators were elected straight to the Senate without necessarily having legislative experience (see chapter 4). Now, the fact that many Senate members have previous elective experience from the House is further evident in the experience of committee chairs.

Relationship Between the Chambers

There has been a marked shift in favor of the Senate. While collectively senators have always had more legislative experience than House members, term limits has made the difference in experience much more pronounced:

Frankel: The Senate's always been the more experienced body but now obviously because of term limits that's definitely the case... you don't have anybody in the House who's going to have been there more than 8 years unless they were someone like me who came back. Then you will have in the Senate people who may have been there 8 years in the House and now they're going to be in the Senate. So you could almost have double the amount of experience in the Senate than in the House.

Fasano: [T]hat experience coming over from the House is just tremendous because you can... just take right off in the Senate knowing what the process is already knowing the do's and don'ts as a freshman member... But the good thing for the House is having members in the Senate who were in the House- they understand and appreciate what goes on in the House... we're able to work

together because we were in their spot at one time, we were in their position at one time.

Brogan: People who are in the House look at the Senate and they know based on term limits exactly which seats will now automatically be open and when. And so they line up their ducks while they're doing time in the House because they know that their next step is going to be down to the Senate. And if you look down the Senate roster you will find an inordinate number of people who moved from the House to the Senate that was their jump-off point to the next phase.

Thrasher: I think you'll see very few people actually elected to the Florida Senate that had not probably served in the House... It gives the Senate a kind of a feeling of superiority I think in terms of experience, and knowledge and all that but at the end of the day I still think the House is electing very bright capable people... the good thing about the House is you've got so many members that there's always going to be some who have more experience than the others where in the Senate they're all kind of about the same.

Sessions have become combative in years following the implementation of term limits, including the session after the 2000 election when term limits brought a flood of new faces to the Florida legislature. The legislative sessions of 2001 and 2002 were extremely contentious between the House Speaker Tom Feeney and Senate President John McKay. Feeney explains his leadership during that time as follows:

Feeney: In the Senate about more than half of the members tend to have legislative experience from the House. So you have a fairly deep pool of members that are fairly well-experienced... I had 63 of 120 members who were freshmen when I was speaker of the House. [I]t was important for me as a House member, jealous of House prerogatives that we not be taken advantage of or were run over by a more experienced group of senators at any part.

Rubio: The state Senate is still a reflection of pre-term limit mentality and I don't mean that as a criticism, just as an observation. The state Senate is the place where all the former state representatives went so they still remember what it was like. They're much more institutionalized in their thinking. House members are much less so in that regard and so that's created tension between the two chambers.

Kiser: Well to some extent it heightens the tensions between the two bodies. Because you already have a little bit of an imbalance in that the Senate having more seniority usually and having a few perks that the House members don't have. For example, senators get to pass they have to approve all of the governor's appointments at a certain level so that the senators already have a little bit of an institutional leg up on the House. Then you have the effect where term limits probably effects the House more than the Senate. It puts them at even more of a disadvantage and any time you do that you've created a little more tension between the two bodies in how they work things out and that just makes it a tougher job to do.

Former Senate President, and current Senator Gwen Margolis stressed that session breakdowns are really a function of individual leaders:

That's only because of leadership is combative and so they create a scenario that makes them combative. It shouldn't be that way. You know there's enough to say prayers over without having leaders fight. They're better off being somewhat tunnel-vision and moving forward.

Part of the acrimony in recent years may be due to the lack of personal relationships formed over time. Legislative leaders no longer have a strong base from which to work from. This is evident in the sessions immediately preceding the effect of term limits:

Thrasher: The Senate president and I had been friends for 20 years prior to the time I became speaker and so we had a very good relationship, friendship. You know a lot of times in leadership, it's not the two leaders sometimes that get in the way of things, it's their lieutenants. And you have to kind of let those things kind of rise to the top and then you make decisions.

Dunbar: The confrontational approach I do think is very much a part of more experienced members who feel like it is their prerogative to know what the right public policy is or the rationale behind what you're trying to do ask it and do not go blindly into the tent. And you find that much less in the House.

Some combativeness between the chambers is simply a reflection of the differences in the nature of the two chambers. The House being a much larger body is

organized differently than the Senate and the House tends to be much more partisan in nature:

Margolis: In the Senate people work very well together because there's only 40 people and you have to keep going back to the same people so it really works very well. In the Senate they're always much more progressive in their thought processes, it's a small body.

Thrasher: I think that you sense it from the Senate, probably always have, there's a little more deliberation down in the Senate and everybody kind of is an island to themselves and are not bound by leadership as much as the House is and all those kind of things.

The smaller size of the Senate body also lends itself to more individual influence, even across party lines:

Fasano: In the Senate, because there's 40 of us you have so much more impact on decision-making, on policy-making... Over here it's not even close to being as partisan as it is over in the House and the Senate is not and there's no need for it and there's 40 of us so you're going to meet up with the person who you may have voted against their bill in committee somewhere along the road where in the House that's not going to happen as often.

Book: The Senate will always have somewhat of an advantage over the House. Look, when you manage 40 people versus 120 people you're going to have an advantage. When you had a more collegial body if you will which is what you get out of the Senate, the politics just change.

It appears that while the Senate already enjoys an institutional advantage over the House, the experience levels of Senate members in comparison to House members further advantages the Senate body post-term limits. With a smaller and more collegial body, senators with legislative experience from the House better understand policy and procedures and how the legislative process works to accomplish their priorities. More contentious sessions between legislative leaders in both chambers are likely to continue

because the opportunity to develop long-term relationships and long-term policy goals do not readily present themselves in a post-term limits atmosphere. Those with more experience in the Senate chamber can more easily work the legislative process to their benefit.

Conclusions

Term limits has significantly impacted leadership from how they are selected to how they operate and control their caucus and chamber business. This is particularly evident in the House where leadership has been most profoundly affected. Power has been centralized within the speaker and Senate presidency, even more so than in the past. While the speakership and Senate presidency in Florida have traditionally been very powerful positions, they have become even more so with the vast amount of inexperienced members who look to leadership in decision-making. Centralization of power is concentrated in the hands of leaders and up-and-coming leaders. The run for leadership is one of the most important changes since the advent of term limits. Freshmen members are running for the top post as soon as they win their first election. The chance for poor leadership to emerge is more than a possibility and can affect the way the House operates and to a lesser extent in the Senate. This trickles down to the top lieutenants as well. Particularly in the House, classes now find it necessary to select not only a speaker from their incoming class, but also legislators for the top leadership and committee posts. The lack of continuity in leadership and committee chairs in both chambers effects institutional memory in each body and often leads to a lack of understanding on the policy-making process.

There has also been a shift in the relation between the Senate and House.

Besides the institutional differences that have also existed, including a four-year term, the Senate is at a greater advantage in the legislative process because most Senate members have had experience in the House. Senators understand the intricate rules, procedures, and protocol more than more inexperienced House members. This has led to more contention between the chambers, particularly among leadership who have their own future political ambitions. These changes to the legislative process in Florida post-term limits have been significant in the way the chambers operate and how they interact with each other that will likely continue in post-term limits era.

CHAPTER VI

INTRA- AND INTER-GOVERNMENTAL INFLUENCES

Term limits was promoted as a way to give the government back to the people, to citizen legislators who would then presumably make independent decisions on behalf of their districts. Proponents especially sought to limit the influence of interest groups on the legislative process, particularly as it pertained to congress and the myriad of special interest money and gifts that had become synonymous with corruption in Washington. This spilled over to the state legislatures as well and the perception of long-time incumbents cozying up to lobbyists and an indifference towards their constituency. But when there is an influx of experienced legislators, who then fills the void in the power vacuum created by term limits? This chapter will explore the influence of staff, the executive branch, and interest groups on the legislative process in a post-term limits era.

Intra-Governmental Influences

Staff

Peery and Little (2003) find a significant power shift away from legislative leaders and in favor of the governor, bureaucracy, courts, and staff. They find that one way legislative leaders have responded to the lack of legislator knowledge in areas of policy and procedures is to increase the amount of staff. In Arizona, legislators ranked staff as the most important resource with partisan staff exercising the most influence over policy decisions (Berman 2004). Partisan staff in Missouri was also considered

more influential (Richardson, Valentine, and Stokes 2004), as well as staff in Colorado (Straayer 2003). Cross-state comparisons similarly find that staff is considered to hold more influential positions in term-limited states compared to non-term limited states (Carey, Niemi, and Powell 2000b). Staff has the institutional memory and does much of the research and preparation of policy, a critical function for the operation of the legislature (Moen, Palmer, and Powell 2005).

This finding is not uniform across term-limited states, however. In Michigan there has not an increased reliance on staff for policy decisions (Sarbaugh-Thompson et al. 2004). In Ohio, the turnover of legislators has coincided with turnover of staff, especially partisan staff (Farmer and Little 2004). Some of the turnover may have to do with funding cuts as seen in Michigan (Sarbaugh-Thompson et al. 2004) and California (Cain and Kousser 2004).

Florida has one of the highest amounts of staff to legislator ratio in the country at 11.9 (Kousser 2005). Legislators are allotted staff resources for both the Tallahassee and district offices. Staff in Florida has traditionally been powerful due to their policy expertise in key areas and their considerable knowledge of the legislative process. Senate staffers have been somewhat less partisan than House staff with turnover levels much higher in the House (Colburn and deHaven-Smith 1999). This is perhaps due more to differences in the norms in each chamber. Along with increased influence of the Senate vis-à-vis the House, Senate staff may be more influential because of their primary consultative role. The influence of partisan staff has by and large increased, but may be tempered with higher levels of turnover. Nonpartisan staff are influential because of their policy and procedural expertise, as well as institutional memory.

Intergovernmental Influences

Influence of Interest Groups

There is much less agreement on what effect term limits have had on interest groups and lobbyists. Proponents of term limits argued that they were necessary because interest groups were too influential over the legislative process (Niven 2001). Opponents of term limits suggested that term limits would have the opposite effect: lobbyists would fill a legislative void that was sure to come (Capell 1996). If legislative power weakened, the job of a lobbyist would prove to be more difficult. Without long-term relationships, lobbyists would need to get “votes on individual pieces of legislation... retail rather than wholesale.” Capell also predicted that interest groups would actually become more involved in candidate recruitment and campaigning to fill voids left by weakened party leadership. Additionally, Capell suggests that lobbyists will spend more time explaining the process than before.

Lobbyists in term-limited states see the loss of knowledge to be most profound in more professional legislatures (Moncrief and Thompson 2001). Because of this lobbyists are changing the way they operate in the process. Lobbyists report spending more time on creating coalitions and communicating with legislators (Thompson and Moncrief 2003). This has also been the case in Ohio (Farmer and Little 2004). While it is surmised that interest groups would gain advantages because of their policy expertise, in Maine there has been no real change in influence precisely because the lobby corps is already powerful. Term limits has further advantaged large firms with the resources necessary to continue building new relationships (Moen, Palmer, and Powell 2005). Malbin and Benjamin (1992) theorized just that: interest groups will adapt to changing

circumstances with larger firms possessing more resources to continue to be successful, especially in election campaigns. In Missouri, lobbyists are meeting legislators much sooner and most during their run for legislative office (Richardson, Valentine, and Stokes 2004). In California, ideology is used to determine how corporate PACs allocate their money in a campaign, but political party identification has also become an important factor to use as a proxy for power in the chamber when things such as committee assignments are much less certain (Gordon and Unmack 2003).

Much of this literature on the impact of term limits on interest groups cannot be generalized due to differences in state culture, formal structure, campaign finance laws, and level of professionalization (Thompson and Moncrief 2003). While Carey, Niemi, and Powell (2000b) find no systematic differences in influence of lobbyists in term-limited versus non-term limited states, veteran legislators in Arizona suggest lobbyists have too much power over the newcomers, including bringing bills back years later when there is little institutional memory left (Berman 2004). Sarbaugh-Thompson et al. (2004) find that legislators in Michigan are relying much more on lobbyists to help make key policy decisions. In California, legislators are using lobbyists to draw up more legislation than before term limits (Cain and Kousser 2004). The work of lobbyists has changed with term limits, with much more time spent building relationships, communicating with legislators, and involvement in campaigns and fundraising. Whether the influence of interest groups has increased differs by state, term limits have advantaged larger firms who can marshal the resources to accommodate the new way to lobby in term-limited legislatures.

Power of the Governor

The shift in favor of the executive in relation to the legislature is one of the most noticeable and widespread effects of term limits. In one of the earliest cross-state studies comparing term-limited with non-term limited states, Carey, Niemi, and Powell (1998) found the strongest effect to be the increased influence of the governor after term limits. In Michigan, the governor is perceived as the most influential actor in the legislative process primarily because the governor controls the agenda (Sarbaugh-Thompson et al. 2004). The governor can more easily centralize policy-making power. The governor is at a particular advantage because of the availability of information and expertise within the state executive branch and bureaucracy at the governor's disposal (Carey, Niemi, and Powell 2000b). In Maine, legislative members enter the legislature with a lack of knowledge on complex issues. The executive branch takes the lead on policy and has given the governor the upper-hand despite the fact that the governor faces term limits as well (Moen, Palmer, and Powell 2005).

Cain (1996) predicted that term limits would most profoundly alter the balance of power between the legislative and executive branches where competition exists. Much of this, he points out, however, depends upon the formal constitutional powers granted to the governor. Further, term limits disadvantages less professional legislatures even more due to the lack of resources comparable to the governor (Carey, Niemi, and Powell 2000b). Inexperienced legislative leaders who cannot effectively bargain with the governor cede much of their agenda (Kousser 2005). The weakening ability to bargain, as well as a decline in oversight of the executive branch by the

legislature, has also been seen in California, a state that has considerable resources in comparison to the governor (Cain and Kousser 2004).

Malbin and Benjamin (1992) suggest that it is actually in the governor's interest to have strong legislative leadership to be able to bargain with a few key leaders, instead of building coalitions with several legislators on different issues. In Colorado, governors have gained influence simply because they have gained the trust of legislative members (Straayer 2003). However, the influence of the governor may be varied, depending on the level of service the governor has had in public office and the experience of other political actors in the process (Sarbaugh-Thompson et al. 2004). Finally, Carey, Niemi, and Powell (2000b) suggest that the governor may remain influential because of the governor's appointment power, a "carrot" to use with term-limited legislators seeking to stay in public life. The governor has become one of the most influential actors in the legislative process because of term limits. While most governors are term limited, the resources available to them through the executive branch provide the governor with a distinct advantage in accomplishing priorities and bargaining ability.

In sum, the influence of staff will be dependent upon their use in decision-making. Inexperienced legislators will likely rely more heavily on staff for their knowledge of the legislative process. Additionally, lobbyists will also become more important to newly elected members for their institutional memory and process knowledge, including many former legislators turned lobbyists. Lobbyists will have changed the way they operate with much more involvement in the campaign process and fundraising and selecting potential leaders early. Lastly, the governor has become

more influential in the process with the ability to centralize decision-making and agenda formation compared to the legislature.

Hypotheses

H₁: Legislators will rely more on staff to navigate through the process post-term limits.

H₂: Lobbyists will be more influential as important sources of information to legislators.

H₃: Lobbyists will alter the way they lobby legislators and increasingly lobby staff.

H₄: The governor will gain influence over the legislative process post-term limits.

Data and Methods

Data for this chapter is both quantitative and qualitative. Staff turnover levels have been provided by the Florida Legislature Office of Human Resources to determine if staff have remained constant or are turning over just like members are turning over. Secondly, this chapter will also look at the type of permanent staff that is turning over in the legislature. Looking at the influence of interest groups, the number of former legislators who are registered lobbyists will also be assessed. Lastly, the use of the governor's veto power will be used to look at gubernatorial influence on the legislative process. As in the previous chapter, interviews with current and former legislative members, executive branch officials, and lobbyists will be included.

Results

Staff

Almost all of the interviewees when asked first to provide their general observations of term limits invariably point to the increased influence of staff, the governor, and lobbyists on the legislative process. Experienced practitioners of the process are a hot commodity in the world of legislative politics. Finding those with both institutional memory and extensive knowledge of often complicated legislative procedures become quite valuable to newcomers to the legislature. With a large cohort of inexperienced legislators descending upon Tallahassee after the 2000 elections, legislators had a greater reliance on staff to help them navigate through the often complicated process of legislating:

Brogan: It really takes time to learn the process and I think by virtue of that fact, coupled with a great turnover of people (because that's what term limits was created to do), the people who are constant are staff. They not only know the issues, they know the process better than most anybody that is elected to public office in Tallahassee... the people who are there everyday, most of whom were there before term limits and are there still and will be there when the next group of fresh faces come in, they know that process like the back of their hand and therefore they have become more important to the process, not less important.

Frankel: I think the staff is probably much more influential because members don't know what they're doing.

Dunbar: [S]taff becomes more powerful because they have longevity and they do understand the protocols of how to move things when amendments are appropriate the little things that aren't written in the rule book but are protocols of the process- they've almost always been there and it will help you navigate through the process if you understand what those are. So it's empowered staff significantly.

Margolis: Term limits have created a situation where staff and lobbyists have more to say than elected officials. And they're the ones with institutional knowledge and elected officials are novices.

Figure 6.1. Size of Florida Legislative Staff.

Note: Data source from the National Conference of State Legislatures.

Figure 6.1 shows the growth and decline in the size of legislative staff in Florida between 1979 and 2003. While temporary session-only staff size has remained relatively the same, the size of permanent staff has grown considerably over this period to just under 1,900 staff in 1996 before the Republicans took over the House. In 2003, the size of staff has gone down to 1,650, primarily because of streamlining under the Republican majorities. While the size of permanent staff has grown over time, there has been an increase in the amount of staff turnover since term limits were first implemented in 1992. Figure 6.2 shows the total turnover in permanent staff, both

Figure 6.2. Permanent Partisan and Non-Partisan Staff Turnover Figures, 1993-2005.
Note: Data provided by the Florida Legislature, Office of Human Resources.

partisan and non-partisan, and the number of members' staff between 1993 and 2005¹⁷. Turnover increases over the 1990s in step with the Republican takeover of the Senate in 1994 and the House in 1996. Particularly after the 1996 election, there is a sharp up tick in the amount of turnover in these professional staffs most evident in 1998. The amount of turnover remains relatively high in comparison to the early 1990s. Much of this has to do with the election of so many new members to the legislature. Each legislator selects both district and Tallahassee staff and makes staffing hires for their offices. The majority of positions that turned over in 2000 through 2005, with the exception of 2003, are found in the offices of House and Senate leadership and

¹⁷ Actual position titles are only available from 2000 through 2005.

individual members. While at first blush, this level of turnover may signal less experienced staffers, it may be the case that staffers are reassigned based on the election of new members to the process. This data cannot address that issue here, but is a good topic for future research. Further, the importance of these personal staffs should not be overlooked in the ultimate decision-making process. The partisan legislative staff is certainly chosen for their expertise, advisory roles, or both.

Several current and former legislators worry that lawmakers rely too heavily on staff to make decisions and guide them through the process, rather than learning the process first-hand:

Feeney: Staff ought to lay out the options, the advantages, the disadvantages, they ought to talk to you about the history of what's been tried and succeeded and what's tried and failed but ultimately, policy making should be done by elected representatives.

Dunbar: The system is geared in an amendment process, staff preparing amendments and things of that nature because people never pick up that skill set. Members don't learn the rules the way they once did and that also contributes to your inability to be effective at times... But how do you accomplish your objective? You don't learn the rules the way you once did so staff has been empowered.

Rubio: I think staff is like any other bureaucracy. They'll try to fill whatever void or vacuum there is. And they'll try to push and it's incumbent upon members as policy-makers to push back, but that's a function of leadership. Leadership has to define what the role of staff is, professional staff should be, and create those barriers and boundaries. It's much less a function of term limits; it's more a function again of personalities.

Margolis: If you don't understand what happened in the past when you try to build then you just don't know what the results are going to be, you don't have the knowledge, you don't have the foresight. And unfortunately, that makes the lobbyists a lot more powerful. And it makes staff more powerful and I don't like that. I think people prefer elected officials making decisions based on what they know about their constituents.

The difference in staff clout even between chambers is also an important distinction:

Rubio: Anybody who really would be honest with you about the process will tell you the staff in the Senate is much more powerful than it is in the House for different reasons. Some senators have up to 80-90 bills. They don't even know what's in their own bills; they have no limit on the amount they can file and there's one senator for every three House members so each of these bills has to have a companion. But the Senate staff is very powerful.

The type of staff member employed post-term limits has also changed:

Wetherell: The staff has become more political appointments at all levels.

Margolis: [Lobbyists] always try and garner a relationship with leaders and chairmen of committees... They try and make recommendations on who should be on the committee...and they spend a lot of time lobbying staff which didn't happen before. So staff became very important.

This data shows that staff is more heavily relied on for their process knowledge and to some extent in the decision-making process. Personal staff in particular becomes much more valuable to members in some cases as trusted "advisors". Many expressed concern that staff has become too powerful, that members are leaving the decision-making up to staff and are not making decisions independently as term limits proponents had hoped.

Interest Groups

There is a greater reliance on lobbyists, many of whom are former legislators themselves to work through the process. Table 6.1 lists the 70 former legislators who are registered as lobbyists in 2005. Of those, 21 former legislators left legislative office in 2000 or after. This is an extraordinary number considering that former

Table 6.1. Former Legislators as Registered Lobbyists, 2005.

Lobbyist and Party Affiliation	Chamber Served	Legislative Service	Employment
Legislators Post-Term Limits			
Joe H. Arnall (R)	House	1988-2000	Independent
Randy J. Ball (R)	House	1994-2002	Executive Office of the Governor
David I. Bitner (R)	House	1992-2000	Independent
Janegale M. Boyd (D)	House	1996-2000	Florida Association of Homes for the Aging
Rudolph K. Bradley (D)	House	1994-2000	Public Service Commission
John Carassas (R)	House	2000-2003	Independent
Lawrence D. Crow (R)	House	1994-2002	Independent
Gregory A. Gay (R)	House	1992-2000	Independent
John A. Grant, Jr. (R)	House/Senate	1980-2000	Independent
Carole A. Green (R)	House	1998-2004	Department of Elder Affairs
Chris Hart, IV (R)	House	1998-2002	Independent
Betty Holzendorf (D)	House/Senate	1988-2002	Independent
James "Jim" W. Horne (R)	Senate; *Comm. of Edu. 2001-2004	1994-2001	Independent
Jerry Louis	House	1994-2002	Independent
Maygarden (R)			
Jerry Melvin (R)	House	1968-2002	Independent
Richard P. Mitchell (D)	Senate	1998-2002	Independent
Luis E. Rojas (R)	House	1988-2000	Duane Morris LLP
James A. Scott (R)	Senate	1976-2000	Tripp Scott
	*Pres. 1994-1996		
Ronald A. Silver (D)	House/Senate	1978-2002	Independent
John E. Thrasher (R)	House	1992-2000	Southern Strategy Group
	*Speaker 1998-2000		
Carlos L. Valdes (R)	House	1988-2000	Trade and Transport Council
Legislators Pre-Term Limits			
Michael I. Abrams (D)	House	1982-1994	Akerman Senterfitt
Joe Allen (D)	House	1976-1986	Independent
J. Keith Arnold (D)	House	1982-1998	Independent
Dick J. Batchelor (D)	House	1974-1982	Independent
Samuel P. Bell (D)	House	1974-1988	Pennington Law Firm
Bobby L. Brantley, Sr. (R)	House	1978-1986	Shutts and Bowen LLP
James K. Brodie (R)	Lieu. Gov. 1987-1991		
	House	1980-1982	Department of Veterans' Affairs
Scott W. Clemons (D)	House	1990-1998	Independent
Linda C. Cox (D)	House	1976-1982	Independent
John R. Culbreath (D)	House	1967-1978	Independent
Talbot D'Alamberte (D)	House	1966-1972	Independent
Miguel DeGrandy (R)	House	1989-1994	Miguel DeGrandy, PA
Tim D. Deratany (R)	House/Senate	1978-1990	Independent
Fred R. Dudley (R)	House/Senate	1982-1998	Independent

Peter M. Dunbar (R)	House	1978-1988	Pennington Law Firm
Pat C. Frank (D)	House/Senate	1976-1988	Hillsborough County Clerk of Court
Ralph H. Haben, Jr. (D)	House	1972-1982	Independent
	*Speaker 1980-1982		
Robert C. Hartnett (D)	House	1966-1974	Independent
Don Hazelton (R/D)	House	1970-1978	Independent
S. Curtis Kiser (R)	House/Senate	1972-1994	Holland and Knight LLP
Dexter W. Lehtinen (D/R)	House/Senate	1980-1988	Independent
Elvin L. Martinez, Jr. (D)	House	1966-1997	Office of the State Attorney
H. Lee Moffitt (D)	House	1974-1984	Independent
	*Speaker 1982-1984		
Luis C. Morse (R)	House	1984-1998	Independent
Sandra B. Mortham (R)	House	1986-1994	Independent
	*Sec. of State 1995-1999		
Carl Ogden (D)	House	1968-1988	Independent
R. Dale Patchett (R)	House	1976-1990	Independent
Ken Plante (R)	Senate	1967-1978	Independent
Van B. Poole (R)	House/Senate	1970-1982	Independent
Debra A. Prewitt (D)	House	1994-1998	Independent
Robert R. Reynolds (D)	House	1978-1984	Independent
Barry S. Richard (D)	House	1974-1978	Greenberg Traurig
Ronald R. Richmond (R)	House	1972-1984	Independent
Ramon Z. Safley (R)	House	1988-1998	Pennington Law Firm
Dixie N. Sansom (R)	House	1984-1992	Canaveral Port Authority
George H. Sheldon (D)	House	1974-1982	St. Thomas University School of Law
Arthur M. Simon (D)	House	1982-1994	Independent
Tom Slade (D/R)	House/Senate	1962-1963; 1966-1970	Independent
Charles R. Smith (D)	House	1978-1992	Independent
James Harrison "Jim" Smith, Jr. (R)	House	1978-1982	Independent
Lawrence J. "Larry" Smith (D)	House	1978-1982	Independent
	*U.S. House 1983-1992		
James Harold Thompson (D)	House	1974-1986	Independent
	*Speaker 1984-1986		
Karen Lee Thurman (D)	Senate	1982-1993	Independent
	*U.S. House 1992-2003		
Jim K. Tillman (R)	House	1967-1974	Independent
Jack N. Tobin (D)	House	1982-1998	Independent
Robert D. Trammell (D)	House	1986-1996	Independent
Donald L. Tucker (D)	House	1966-1978	Independent
	*Speaker 1974-1978		
James L. "Jim" Watt (R)	House	1978-1986	Caldwell and Pacetti
Thomas K. "T.K." Wetherell (D)	House	1980-1992	Florida State University
	*Speaker 1990-1992		

Note: Data compiled from *The People of Lawmaking in Florida*, published by the House Clerk's Office, 2005.

legislators must wait for two years after leaving office before they can officially lobby and thus this does not include legislators who left office after the 2004 general elections. Those that left after term limits took effect in 2000, 15 were officially term limited. The party split is interesting as well. Republicans do hold solid majorities in both chambers and that is also reflected in the 16 former Republican members who are lobbyists. In contrast, the 49 members who left legislative office prior to 2000, 29 are Democrats- former members of the party that held majorities in both chambers for almost all of the 20th century.

Of all the former legislators, 47 (67.1%) are independent lobbyists who on the whole represent numerous clients. Twelve are members of large firms including Pennington Law Firm which employs 3 former legislators, 2 of which are shareholders- Sam Bell (D) and Peter Dunbar (R). Nine work for governmental agencies, including executive branch positions at the state level while 2 represent universities. This list includes 6 former speakers of the House and 1 Senate president, as well as 2 former secretaries of state, a former commissioner of education, and one former lieutenant governor. This vast amount of experience makes these former legislators very valuable to newcomers to the legislature. But there are also many long-time lobbyists that have been around the process and these influential people are also important to the newly elected legislators because of their longevity and extensive knowledge:

Book: But to some extent the power has shifted to the lobbyists especially those like myself who have been there for a couple of decades and have all the institutional knowledge. The members rely on us more than they rely on their staffs to give them the institutional answers as to why this hasn't happened or why this has happened; why this didn't change and why that did change, etc., because we've got that knowledge. Most of the staff has been in the process of

turning over in the last several years through the drop program and the like that it has created this huge void.

Feeney: Not only do you want competence in the House, but you want the House to be able to hold its own with a sophisticated and experienced lobbying corps...

As mentioned with long-term staff, lobbyists also have been in the process long before term limits and therefore have influence on the process:

Margolis: There's plenty of longevity in lobbyists. I mean the lobbyists that I started with 31 years ago are still there. Believe me they're still there. And their kids are there. And they're being taught by their fathers... that's exactly what's happening. The lobbyists are still there and the members are not.

And it is not just process knowledge that becomes important in the world of lobbying post-term limits:

Dunbar: There's another phenomenon... that individual lobbyist with an individual relationship as opposed to knowing how to work the process in a broader advocacy role are now very well-paid and very much a part of the process if the person they happen to be close to rises to one of these positions of power. And so in that sense the legislature is very much different.

Dunbar goes on to explain why many term-limited legislator and staff are leaving the legislature to enter the private sector and lobbying:

[I]t's very important to be close to that one individual or two or three individuals that control your issue or control the process so if you're now aligned with the incoming speaker you probably can make a lot of money if you leave.

Lobbyists say individual legislators are important either as leaders, committee members representing special interests, and in selecting whom to support in open seats.

Dunbar: I want to know who's going to be elected in 2006... we're all trying to find the people in '06... that will remember us... either because we took the time to help teach them, the time to help financially... go door-to-door for people.

Book: I've been to pick leadership early and ride them. Ray Samson's a guy I was helping, didn't know he was going to be speaker, didn't ride him to be a speaker, rode him because I felt like he was going to be a very good lawmaker that he would achieve a reasonably high level position in the process. He would rise to be a chairman of a good committee. He would rise to be a player when deals get cut. So a lot's luck of the draw that you pick right... oftentimes we'll here from a lawmaker who's supporting somebody for their seat because they've either decided to run for something else or they've been termed out.

Term limits has also affected how interest groups lobby. Creating a relationship with an individual legislator on a case-by-case basis has become much more important:

Dunbar: It's [term limits] empowered people like me significantly in my current role in the private sector. I now can create a relationship early on in the process with someone who has not that background- there's nobody in the process to mentor them because they're in and out so fast. So the role of a good lobbyist is also significantly that influence has significantly increased in my opinion.

Frankel: A lobbyist would develop a relationship with a legislator where they would know them for years and years and years and that was their go-to guy... It's a very quick friendship now. You've got to find somebody and make sure you've got the right guy or woman, but you don't have the old-timers like you used to, you could depend on to get something into a bill, get something into a budget.

Rubio: The people who complain the most about term limits are lobbyists because they don't have their buddies that have been there for 15 years... The fact term limits means they have to constantly be creating new relationships and have to constantly be learning the system it creates a lot of complaints. And any time they can't get something done, they'll complain, "well this is a function of term limits. This is because these inexperienced people don't know what they're doing." Translation is: they're not meeting with the success they've met in years past and as a result they're blaming that on term limits and on people they don't have relationships with or can't influence as easily as they did their buddies that were there for 15 years before.

Not all agreed that lobbyists have gained as a result of term limits:

Kiser: If anything, in quite a lot of cases, they're ignoring lobbyists and saying well you guys don't know everything. Just because that's the way you guys did it back then doesn't mean we have to do it that way.

The change in leadership selection as discussed in the previous chapter has also affected the lobbying process:

Brogan: You can no longer just lobby with the speaker and feel as though your issue will move forward. You have to lobby with the *speakers* of the House: the one you've got and the 3 you will have for the next 6 years if you want to feel really comfortable that your issue is going to move that current session. And so it's actually created a different approach to the lobby effort as well.

Overall, many current and former legislators lamented the process of new legislators relying on both staff and lobbyists to make decisions on their behalf:

Fasano: [B]ecause of term limits you have more of staff and special interest lobbyists... who have a little more ability to do things their way which is a concern of mine and a concern of everyone's because nobody but the elected official should be making that decision of what policy should be set.

Feeney: There are some clear downsides: the lack of experience, the loss of institutional memory, the relative loss of power to the government bureaucracy to the experienced lobbyists and even to your own staff are all downsides.

Thrasher: Well everybody says that because people have less experience and they aren't there as long that lobbyists and staff tend to have more authority over or have more power I guess and exercise more power because the members themselves don't understand the issues as well and all that. You know that's a function and I think it always has been a function of how hard the members really want to work... The problem I have is when members rely totally- without using their own initiatives to not understand an issue- and rely totally on what somebody tells them, staff person or a lobbyist for that matter. I hope members are there to represent the people that elected them and use their own good judgment and instincts to come up with good public policy.

In sum, lobbyists have become more influential because of their process knowledge and institutional memory. Many are former legislators themselves. Lobbyists are also influential because of their continued involvement in campaigns and fundraising. Lobbyist support of an incoming leader goes a long way in gaining the trust and the access to members of the legislature. This is most evident in their input in the decision-making process among leadership and to a lesser extent committee chairs and legislative staff. Lobbyists will continue to make an impact on the legislative process post-term limits with a continued influx of new and inexperienced members.

Governor

Term limits took effect in Florida in 2000 and has not yet seen a change in the governor's office making it difficult to accurately assess what effect term limits have had on the power of the governor. But all of the interviewees agreed that Gov. Bush has been one of the strongest governors in Florida state history, partly due to the lack of experience in the legislative body created by term limits during most of his tenure. When the governor was first elected in 1998, the Republicans had held a slim majority in the House of Representatives the election cycle previous and increased their ranks following the 1998 election thanks in part to the governor's coattails. The Republicans in the Senate had taken the majority after 1994. This created an unprecedented unified Republican government and made Gov. Bush a very powerful leader of his party and in accomplishing the agenda:

Thrasher: We had a tremendous amount of enthusiasm for the agenda that we were interested in working with the governor, working with the Senate so there

really wasn't a problem there... I accomplished all the things that I wanted to accomplish from the agenda that I had laid out and a lot of that was compatible with what the governor wanted and the Senate.

Another reason Gov. Bush was so successful in passing his priorities through the House after the 2000 elections was the Speaker of the House:

Feeney: As you're a speaker and trying to get your agenda passed, in my case, vis-à-vis the governor, we were on the same page most of the time. I was Jeb's running mate in 1994 I might have had a much different problem if I had had a governor who's goals were hostile or mutually exclusive to mine... A Democrat who wanted to undermine me would have been able to go promise certain things or threaten certain things. I'll veto your project. That's not the way Jeb operated but a lot of that was because we were on the same page 90+ percent of the time.

Things were much more combative with the Senate in the 2001-2002 sessions. The Senate with a more experienced body has challenged the governor more in recent years:

Rubio: Jeb Bush is an extraordinarily gifted imposing individual, intellectually imposing and who had a clear vision in Tallahassee and a vision of what he wanted to accomplish. That made him very powerful. Not to mention his pedigree, the fact that he had run four years earlier, had been the de facto ideological leader of the Republican Party for four years before he was even elected governor. That's not going to be the case with the next governor. Traditionally, governors in Florida are not powerful. The legislature's much more powerful. And I think you'll see the pendulum swing a little bit back towards that.

Wetherell: When I was in, the legislature was extremely powerful and really controlled the purse strings, the oversight, etc. and the administration was really just a tool of how to administer the legislature's wishes quite frankly. With Bush's election we have a much more stronger executive branch. Agencies have become stronger. They've become much more political.

Dunbar: Jeb Bush has been the most empowered governor in relation to the legislature that I've seen in my 40 years around the process... particularly among the freshmen House members, who have no prior service and they are of the party of the governor and the governor is very popular, they're going: "I'm

following the governor on this.” So some of that may be the personality of the governor, the phenomenon of the time, but also a longer serving member, 8 or 10 years is not going to be bullied or demanded to do certain things. They’re going to go “explain to me how it works. Why is this the right thing to do” and I don’t think those questions are probably asked as much today in the House in particular as they once were.

Gov. Bush’s influence on the process has been particularly acute in the House and has become less so in the Senate in recent years:

Kiser: Jeb has been the strongest governor in this century in the last 100 years... He’s put more power under the governor’s office institutionally, particularly with the House I mean if Jeb says “no,” the House says “no.” Jeb says “yes” House says “yes.” And the Senate try as it might with some pretty good and in their own right strong people they’ve gotten rolled over by Jeb in the House and it’s usually a question of well, yes something is going to pass on that because Jeb and the House want it. The question is how much will the Senate give him? Not that the Senate will stop it but, how much will the Senate end up giving him out of it. So to that extent the governor has been very, very dominant and the legislature has been much weaker as an institution than the executive under his term.

Wetherell: The Senate has been a little bit more inclined to challenge the governor. But still they’ve acquiesced pretty much to what he wanted. The House has totally acquiesced.

The former Lieutenant Governor under Gov. Bush, Frank Brogan pointed to the inherent authority of the governor’s office in shaping public policy and that there should be no surprise that Gov. Bush has taken this authority and run with it:

Brogan: The governor’s office before and since is always a catalyst role. It is always looked to as sort of by the members of the legislature they have to look to the governor’s office because the governor is the one person elected by the majority of people in the state. Therefore whether they are of your party or not you’ve got to look to the governor’s office in terms of being a major philosophical sea buoy because they represent the majority of the people of the State of Florida who voted. And so you can’t discount them by saying well he’s

the other party so I don't care what the governor thinks. The governor's office carries a tremendous amount of authority.

In order to determine what if any power shifts have taken place vis-à-vis the governor's office in relation to the legislature, Table 6.2 shows the percentage of bills vetoed by the governor over a 22-year period from 1983 through 2005. Clucas (2003) used this admittedly imperfect measure of gubernatorial power in assessing term limit effects in California. He hypothesized that the governor would be less likely to exercise the veto power post-term limits because the inexperienced legislature would be more likely to give in to the governor's demands. However, he finds no clear pattern to support or reject this argument, but does show the extremes in the use of the veto power. The sessions just prior to term limits taking effect the governor had the second lowest number of vetoes over almost a 30-year period. However, the sessions following the implementation of term limits show the third highest number of vetoes. As Table 6.2 shows, there is no distinct pattern of increasing gubernatorial power *per se*, but it does follow the same trend that Clucas (2003) finds. Gov. Jeb Bush, with a unified legislature in 2000, the session just prior to term limits taking effect that November, exercised the second lowest veto percentage over the period from 1983-2005. However, the percentage of vetoed bills increases after 2000. In contrast, in 2005, Bush exercised the highest veto rate over the 22-year period. Additionally, the number of line item vetoes of general appropriations bills has also increased with Bush's tenure and he certainly has exercised the highest number under unified government during this period. In fact, there are no line item vetoes in the 1980s. While the exercise of the veto is not a

Table 6.2. Bills Vetoed by Governor, 1983-2005.

Legislative Year ^a	Partisan Control	Bills Vetoed ^b	Veto Rate	Number of Line Item Veto
1983	Unified	11	2.01	0
1984	Unified	16	2.81	0
1985	Unified	12	2.32	0
1986	Unified	3	0.63	0
1987	Divided	14	2.46	0
1988	Divided	21	3.63	0
1989	Divided	21	3.65	0
1990	Divided	18	3.46	0
1991	Unified	18	4.00	2
1992	Unified	26	6.86	2
1993	Divided	16	3.64	1
1994	Divided	15	2.95	1
1995	Divided	28	5.01	1
1996	Divided	12	2.14	1
1997	Divided	16	4.00	1
1998	Divided	17	3.10	3
1999	Unified	10	2.01	3
2000	Unified	7	1.40	5
2001	Unified	15	3.80	4
2002	Unified	16	3.81	1
2003	Unified	22	4.91	1
2004	Unified	22	4.35	3
2005	Unified	37	9.51	4

Note: Data provided by the Florida Legislature, Office of Legislative Services.

^aLegislative year includes regular and special sessions for calendar year.

^bBills include general and local bills.

proxy for political power, it does appear that the governor is more willing to wield the veto post-term limits.

Those interviewed agreed that the influence the next governor will have after the 2006 elections will pale in comparison to Gov. Bush's profound sphere of influence:

Book: In my personal opinion, Jeb is the most powerful governor we have ever had. He's the most powerful governor we will ever have because there is no

way that the legislature will ever allow another governor to have the power that this guy has had... And no governor will ever be able to get away with ignoring the legislature and the judicial branch of government the way this governor has.

Part of the dominance of Gov. Bush has been the fact that he never served in prior political office and had no legislative experience with which to understand the negotiating process:

Fasano: Truly, the governor's office and the governor himself he learned this, but it took a couple of years you have to work with 120 members and 40 members, 160 all together. But you have to work directly in coming up with compromises, coming up with what's going to happen in the end, coming up with an end game. You know an end game where we know what's going to happen here. It has to be done with leadership... The governor can't go to a freshman member and say this is what I want to do. The governor has to go to the president of the Senate, the speaker of the House and his or her leadership's team and say let's work out the differences here so we can come up with a final product. So the governor I think it took him a couple of years to realize that and reason why? Well, the governor never held an elective office before he became governor. Whereas as many of our governors were either in the House or the Senate or in some other elected position, have dealt and worked with the legislature before.

Much of the influence of the governor will depend upon personality and political and legislative experience in dealing with the legislative body post-term limits as well as the party of the governor. It is clear the governor has an advantage in negotiations with the legislature, particularly if leadership is in lock-step with his agenda and more combative if it is not. This is most clearly seen with the Senate. A more experienced body is more willing to take on the governor, but even their attempts have been limited. It remains to be seen what power a new governor will yield after the 2006 elections.

Conclusions

It is evident from those interviewed that staff, lobbyists, and the governor have all gained influence and importance in the legislative process. The longevity and process knowledge of both staff and lobbyist have become valuable to members at least as sources of information and in some cases as key decision makers. Staff turnover has been relatively high in the legislature in comparison to the early- to mid-1990s. Many of these positions are personal staff to newly elected members. However, data on the exact classification of a staff position is only available in detail from 2000 on which makes comparison difficult with pre-term limits figures. What the data do show is that members bring along trusted “advisors” to staff their district and Capitol offices. Additionally, some of these staff may be linked with former House members elected to the Senate body who made the step to the other chamber with them. Future research may find that turnover may not be additions of new people to the process, but rather a shifting of positions.

Lobbyists continue to be important players in the legislative process post-term limits, not only for the campaign funding they provide, but also as experts in the policy-making process. Many influential lobbyists were former legislators themselves who not only understand how the process works, but also what the legislator needs to hear. The trend of term limited legislators going into the private sector of lobbying does appear to continue although the full effects of this in comparison to prior “generations” of members may not be conclusive until the next major round of term limits takes effect in 2008. Additionally, the two-year lag time in between exiting the legislature and registering to lobby may delay the full effects even more.

The influence of the governor, and in particular, Gov. Jeb Bush has seen an immense increase in power since term limits took effect. The leadership in the House of Representatives has become a strong advocate for Bush's policies and the Senate, while more likely to challenge the governor, has largely given into the governor's priorities. Some of these findings point to the more inexperienced House, especially among the Republican ranks who usually agree with the governor's policies and follow his lead on most issues. In comparison, the more experienced Senate body does not acquiesce to the governor's demands like the House. However, aside from the issue of term limits, the power of the governor also lies in the person sitting in the governor's office. Many suggested that the new governor to take office in 2006 will likely not hold the same power as Bush has had over the legislative process. It will be interesting to see if a new governor will continue to wield legislative power or if the legislature will assume more of its legislative authority in years to come.

Overall, the influences of institutional actors in the form of staff, lobbyists, and the governor have all increased under term limits consistent with findings in other term limited states. This trend appears likely to continue with new cohorts of legislators entering the process.

CHAPTER VII

CONCLUSION

In this diverse state with cultural, regional, and political differences the voters of Florida overwhelmingly passed term limits into law in 1992. The decade of the 1990s and the early 2000s witnessed significant changes in Florida state politics: the Senate and House turned from Democratic majorities to Republican super-majorities; Governor Jeb Bush was the first Republican reelected since Reconstruction; and the passage and implementation of term limits of state legislators. These impacts on Florida politics cannot be understated and any study looking at term limits in Florida must take these changes into account. This study has assessed several effects of term limits on Florida's state legislature. The following is a summary of the findings of this study.

Chapter 2 examined the electoral effects of term limits over the period of 1992 through 2004. Electoral competition appears to be most pronounced in 2000 when term limits first took effect. Open seats are often hotly contested races, particularly in this era of term limits with incumbents winning reelection by large margins. Quality challengers are likely to wait until a seat opens up within a definite amount of time rather than challenge a term limited incumbent. Term limits has only created greater competition when those seats are vacated. Each electoral cycle varies in the amount of open seats and consequently the competition varies and is not a constant. Incumbency advantage still exists, most evident in the amount of money given to incumbents compared to challengers. Fundraising has increased in the post-term limits era with a plethora of open seats and incumbents amassing greater war chests. Term limits has not

leveled the playing field for an ordinary citizen to successfully win a seat in the legislature.

Chapter 3 finds little evidence of demographic changes attributed to term limits. Women and minorities have made slight gains in the legislature since the term limits law took effect in 2000, while the only other significant variable, legislator age has increased over this time. Overall, the number of women in the legislature has only nominally increased and likely has more to do with political party affiliation, rather than simply creating open seats. In addition, more quality women candidates are being strategically recruited and supported by the political parties evidenced by the increase in their winning percentages. Minority legislators have had more success winning seats traditionally held by long-term Anglo incumbents. However, minority legislators may only be able to maximize a certain number of seats in majority-minority districts where they have the most success. Additionally, the high correlation of race and ethnicity with party affiliation may actually be a function of district make-up and redistricting rather than simply term limits.

Chapter 4 focused on the career paths of term limited legislators and the direction they take once out of office. Those both entering and exiting the legislature are not the typical “citizen” legislator as term limits proponents may have hoped. Many have previous elected experience and a clear progression from local office to the House to the Senate is emerging. In particular, the Senate body is composed almost exclusively of former House members. It is this experience factor that may benefit the policy preferences of senate members over the more inexperienced house. Besides running for higher office, term limited legislators are opting for local office back home.

Those who don't continue in an elective political career do tend to stay in politics as executive branch officials and lobbyists.

Chapter 5 described the changes to legislative leadership and committee chairs as well as the changing relationship between the House and Senate chambers. The most significant change has been in the race for leadership, both Speaker and Senate President. Freshmen members have begun lining up votes for leadership during their first terms. The limited number of choices for speaker in the first election post-term limits in 2002 brought about a failed leadership in Speaker Byrd. Hence, decisions on leadership are being made sometimes without regard as to how effectively they will perform as leaders. Power has been even further centralized within the legislative leadership in both chambers. Legislators with little experience look to leadership for decision making. There has also been increased turnover in committee chairmanships and committee chairs are even more beholden to leadership and tend to toe the line on issues important to the Speaker or Senate President. Relations between the House and Senate have been more contentious with senators gaining the advantage in procedural knowledge.

Chapter 6 shows the impact of intra- and inter-governmental actors in the legislative process; namely, staff, lobbyists, and the governor. All three have gained influence over the legislative process, particularly in guiding new members along. Many former legislators forced from office because of term limits have entered the world of lobbying and are particularly influential in the legislature. These lobbyists have the procedural knowledge from many years in the legislature and often provide significant sources of funding in legislative races. The governor has largely gained the

most influence because of term limits, especially in the more inexperienced House. However, these gains may be due more to the persona of Governor Jeb Bush and not necessarily that of term limits.

Future Research Questions

One element for future consideration is how term limits have affected the way legislators do their work. Because legislators have a limited amount of time to serve in office, is there still an “electoral connection” as Mayhew (1974) suggests? Do legislators continue to conduct their political business with the goal of reelection? And when legislators are in their last term, is “election” to another office an important consideration in their political behavior? Similarly, have term limits changed how legislators interact with their constituencies? Does constituency work continue to be an important component? In essence, what do legislators now spend their time doing in the post-term limits era?

It will be interesting to see the effects of turnover in 2008 when the freshmen legislators elected in 2000 are term limited out of office. This is particularly applicable in the House where over half the membership turned over in that single election year. Will there be greater than normal turnover? Or will legislators have left office to take other opportunities? Future research may look at the effect of seasoned politicians in some cases reentering the local political scene and what effect that has on the recruitment of quality candidates for state legislative office. Similarly, will we have a situation where formerly term limited members return to legislative office after a period of time lapses? Nothing in the law prevents term limited legislators from running for a

seat in the same chamber in the future after their initial 8 years are up. While it is unlikely that we will see this in any great number, there are a few veteran legislators that have returned to legislative office, though to date none have previously left office due to term limits.

One interesting finding that deserves more exploration is the balance of power between the House and the Senate chambers. With a more experienced body of members in the Senate, almost all of whom have experience serving in the House, what advantages have Senators been accorded in terms of public policy? There is anecdotal evidence through the interview research that senators who understand legislative procedures and protocol better than perhaps even House leadership can gain passage of favorable bills. This was most notably seen in the changing of the school funding formula used throughout the state, one of Senate President Jim King's priorities in the 2004 legislative session. What effect will this have on legislative business and will the Senate become a more "powerful" chamber in comparison to the House?

As for external influence, it is the change in governors in November 2006 that may ultimately show how much power the governor has gained vis-à-vis the legislature. All interview subjects when asked about the change in the governor's office say that the new governor will not have the power and persona that Jeb Bush has had. Since he has been the only governor since term limits have been implemented, it is hard to say what power another person in the office will wield. Will there be shift back in favor of the legislature emboldening the power of leadership further?

Time will tell how term limits have changed the membership of the legislature, both how they get there and who is ultimately successful. The procedural changes in

how legislation is processed and who has influence over the process will continue to be seen as new legislators enter the legislature in this era of term limits in Florida and will remain an interesting area of inquiry.

The Impact of Term Limits in Florida

Have term limits impacted the Florida legislature as proponents had intended? If the goal was to increase electoral competition, it has worked, but conditionally. Term limits has forced long-term legislators from office capping time served to 8 years and creating an increase in turnover. Greater competition for these open seats has been the consequence. However, because incumbent legislators have a predictable timetable of tenure in office, incumbents are now enjoying larger margins of victory and quality challengers are waiting their turn when the seat eventually opens up. Legislators are reelected at higher rates than in the decade previous to the implementation of term limits largely due to redistricting. Incumbents are now more often unopposed, in both the primary and general elections. The voters' desire to force out long-time incumbents has been successful, but at the cost of greater incumbency protections while in office.

Overall, term limits has not brought about major changes in the type of legislator elected post-term limits. Proponents argued an obvious consequence would be a greater number of historically "disadvantaged" candidates elected to office, particularly women and minorities. There has not been a significant increase in the number of women elected to the state legislature post-term limits. The number of women in the Florida legislature still remains relatively low comparable to other states, both term limited and non-term limited. Minority legislators have fared better in winning seats with either a

majority or plurality of minority voters, but their numbers in the legislature appear to have leveled off.

Alternatively, the main thrust of proponents of the ballot initiative in Florida was to open seats held by long-term Democratic legislators and create more opportunities for Republican candidates. Republicans now hold super-majorities in both chambers. However, the tide may have been turning in the Republican Party's favor during this period and happened to coincide with term limits and solidified by redistricting. Legislators in the Republican-controlled chambers have even debated a ballot initiative to increase the term limit length from 8 to 12 years, but ultimately gave up that quest in 2006 (Bousquet, 6 May 2006).

Another main argument for term limits, both at the state and congressional level was to rid the legislative bodies of career politicians and get back to electing citizen legislators. Term limits proponents touted the principle of rotation in office- to serve in government and go back home to the trade or profession you came from- not to make politics a career. This has largely failed. Term limits has not created this "citizen legislator" class. Once they leave office, legislators are still interested in political careers either in higher office or in the case presented here, back home in local office. Many former legislators who ultimately "retire" from political elective office do so because they lose a race for another office, not because they feel the need to go back to private life. And as evidenced in this study, many also choose to remain in the political sphere as lobbyists or in the bureaucracy actually perpetuating a "political" class.

Further, newly elected legislators have more elective experience as local officials coming to the House or as House members going to the Senate. Those who are

most successful getting elected have made political connections, are able to fundraise, and likely translate their experience to a win at the ballot box. Even if the average citizen is able to get elected, the organization of legislative business has centralized power in the legislative leadership in both chambers and makes it difficult for new legislators to accomplish their priorities. And it is the inexperience factor that has given rise to the influence of external actors.

The increase in power of staff, lobbyists, and the governor is not that surprising, given the inexperience of the legislative membership. Term limited members looking to continue with a political career and either not wanting another elective office or unsuccessful at winning elected political office will likely stay in the game as legislative lobbyists and will remain important in the process because of knowledge and money. Contrary to what proponents thought would happen, lobbyists and special interests certainly have not “lost” influence in the legislative process. Some argue that lobbyists have actually gained the most influence because of term limits.

Lastly, term limits proponents ultimately thought the legislature would benefit from fresh faces and new ideas and certainly not weaken the legislative branch. However, the power of the legislature vis-à-vis the executive has shifted in favor of the governor. The legislature, particularly the House has all but acquiesced to his demands. While Bush has been one of the most powerful governors in Florida history, the institutional advantages of the executive branch and an experienced bureaucracy will likely continue to outmatch the more inexperienced legislative branch.

In sum, the success of the term limits movement has been to ensure legislative turnover. The movement has not been successful in providing more “citizen”

legislators nor getting rid of career politicians in the process. Opening legislative seats has created more opportunity for change, but the impact on public policy remains to be seen. Term limits has certainly created more unintended consequences than proponents had envisioned.

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