

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HJR 249 Repeal of Constitution Revision Commission
SPONSOR(S): State Affairs Committee, Civil Justice Subcommittee, Drake and others
TIED BILLS: HB 251 **IDEN./SIM. BILLS:** SJR 362

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 1 N, As CS	Jones	Poche
2) State Affairs Committee	22 Y, 0 N, As CS	Moehrle	Williamson
3) Judiciary Committee			

SUMMARY ANALYSIS

Florida voters can amend the state Constitution by approving an amendment originating from one of five sources: the Legislature, the Constitution Revision Commission (CRC), the Taxation and Budget Reform Commission, a citizen initiative, or a constitutional convention. The Constitution requires that the CRC meet every 20 years. The CRC has authority to propose to voters a revision of all or any part of the Florida Constitution. In the 2018 general election, seven proposals from the CRC were placed on the ballot.

The joint resolution proposes an amendment to the Florida Constitution that, if approved by the voters, will abolish the CRC.

The joint resolution has a nonrecurring fiscal impact on the Department of State for the publication of the proposed constitutional amendment in newspapers of general circulation in each county and for publication of booklets or posters with the amendment language for the supervisors of elections.

The joint resolution, if passed by the Legislature, would be considered by the electorate at the next general election on November 3, 2020. If adopted at the 2020 general election, the resolution would take effect January 5, 2021.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature to appear on the next general election ballot. If placed on the ballot, the Constitution requires at least 60 percent voter approval for passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The Florida Constitution is the charter of the liberties of Floridians.¹ It may be amended only if the voters approve an amendment originating from the Legislature, the Constitution Revision Commission (CRC), the Taxation and Budget Reform Commission (TBRC), a citizen initiative, or a constitutional convention.²

The Florida Constitution was revised extensively in 1968 by three joint resolutions proposed by the Legislature and approved by the voters. The revisions included establishing the CRC as a means of proposing constitutional revisions to the voters, and the requirement that it convene once every 20 years, beginning in 1977. Three CRCs have convened, in 1977-1978, 1997-1998, and 2017-2018.³ The CRC has authority to propose to voters a revision of all or any part of the Florida Constitution.⁴

The CRC is composed of the following 37 members:

- The Attorney General.
- Fifteen members selected by the Governor.
- Nine members selected by the President of the Senate.
- Nine members selected by the Speaker of the House of Representatives.
- Three members selected by the Chief Justice of the Florida Supreme Court.⁵

The Governor must appoint a chair from among the 37 members.⁶ The CRC's task is to examine the Constitution and decide which, if any, amendments to propose to the voters. The amendments must be submitted to the Secretary of State at least 180 days before the next general election.⁷ In turn, the amendments must be submitted to the voters at the next general election held more than 90 days after submission to the Secretary of State.⁸ To become effective, an amendment must be approved by at least 60 percent of the votes cast on the measure.⁹ If an amendment's effective date is not specified, it is effective the first Tuesday after the first Monday in January following the general election.¹⁰

Effect of Proposed Changes

The joint resolution proposes amending the Florida Constitution to abolish the CRC. The joint resolution does not change the other methods to amend the Constitution - through a legislative joint resolution, the TBRC, a citizen initiative, or a constitutional convention.

The joint resolution must pass each chamber with a three-fifths vote before it may be placed on the ballot. Thereafter, it must be approved by at least 60 percent of the electors voting on the measure. If approved by the voters, the joint resolution will take effect January 5, 2021.

B. SECTION DIRECTORY:

Not applicable.

¹ *Browning v. Florida Hometown Democracy, Inc., PAC*, 29 So. 3d 1053, 1064 (Fla. 2010) (internal citations omitted).

² Art. XI, Fla. Const.

³ CRC, History, <http://flcrc.gov/about/history.html> (last visited Feb. 13, 2019).

⁴ Art. XI, s. 2(c), Fla. Const.

⁵ Art. XI, s. 2(a), Fla. Const.

⁶ Art. XI, s. 2(b), Fla. Const.

⁷ Art. XI, s. 2(c), Fla. Const.

⁸ Art. XI, s. 5(a), Fla. Const.

⁹ Art. XI, s. 5(e), Fla. Const.

¹⁰ *Id.*

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Article XI, s. 5(d) of the Florida Constitution requires publication of a proposed amendment in a newspaper of general circulation in each county. The Division of Elections must advertise the full text of the amendment twice in a newspaper of general circulation in each county where the amendment will appear on the ballot. The Division must also provide each supervisor of elections with either booklets or posters displaying the full text of each proposed amendment.¹¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The mandates provision applies only to general laws, not a joint resolution to amend the Constitution.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

¹¹ S. 101.171, F.S.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 13, 2019, the Civil Justice Subcommittee adopted one amendment and reported the joint resolution favorably as a committee substitute. The amendment deleted a reference to the CRC within article XI, s. 5 of the Florida Constitution.

On March 14, 2019, the State Affairs Committee adopted an amendment and reported the joint resolution favorably as a committee substitute. The amendment deleted a reference that a proposed amendment to the Constitution must be submitted to the electors at the next general election that is held more than 90 days after the effective date of the joint resolution proposing the amendment.

This analysis is drafted to the committee substitute as approved by the State Affairs Committee.