

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 251 Constitution Revision Commission

**SPONSOR(S):** Drake, Brad

**TIED BILLS:** HJR 249 **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 1 N	Jones	Poche
2) State Affairs Committee			
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 (TBRC), a citizen initiative, or a constitutional convention. The Constitution requires that a CRC be established every 20 years. The CRC has authority to propose to voters a revision of all or any part of the Florida Constitution.

HJR 249 proposes amending the Florida Constitution to abolish the CRC. Sections 101.161, 112.3215, and 286.035, F.S., contain references to the CRC.

HB 251 implements the repeal of the CRC, if approved by the voters by the next general election, by removing all references to the CRC in sections 101.161, 112.3215, and 286.035, F.S.

The bill does not appear to have a fiscal impact on state or local government.

The bill is effective contingent upon HJR 249 or a substantially similar amendment being approved by the next general election, in which case the bill is effective when HJR 249 or the similar amendment is effective.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

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 (TBRC), a citizen initiative, or a constitutional convention.<sup>1</sup> The Constitution requires that a CRC be established every 20 years. The CRC has authority to propose to voters a revision of all or any part of the Florida Constitution.<sup>2</sup> In the 2018 general election, seven proposals from the CRC were placed on the ballot.<sup>3</sup>

Recently-filed HJR 249 proposes amending the Florida Constitution to abolish the CRC. Currently, various statutes refer to the CRC or establish CRC processes:

- S. 101.161, F.S., which refers to the CRC in the context of requirements for constitutional measures and ballot summaries;
- S. 112.3215, F.S., which includes within the definition of "agency" the CRC for lobbying purposes; and
- S. 286.035, F.S., which authorizes the CRC chair to employ personnel and incur official expenses, and which directs state and local agencies to assist the CRC.

##### Effective of Proposed Changes

HB 251 implements the repeal of the CRC by repealing s. 286.035, F.S. in its entirety, and by amending ss. 101.161 and 112.3215, F.S., to remove all references to the CRC within those statutes.

The bill is effective contingent upon HJR 249 or a substantially similar amendment being approved by the next general election, in which case the bill is effective when HJR 249 or the similar amendment is effective.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 101.161, F.S., relating to referenda; ballots.

**Section 2:** Amends s. 112.3215, F.S., relating to lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.

**Section 3:** Repeals s. 286.035, F.S., relating to Constitution Revision Commission; powers of chair; assistance by state and local agencies.

**Section 4:** Provides a contingent effective date of the date HJR 249 or a substantially similar amendment is effective.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

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<sup>1</sup> Art. XI, Fla. Const.

<sup>2</sup> Art. XI, s. 2, Fla. Const.

<sup>3</sup> Constitution Revision Commission, CRC Office – Press Release, <http://flcrc.gov/Media/PressReleases/Show/1099.html> (last visited Feb. 14, 2019); *Detzner v. League of Women Voters of Florida*, 256 So. 3d 803 (Fla. 2018) (removing Revision 8 from the ballot).

2. Expenditures:

None.

**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 bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Not applicable.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**