

**The Good, the Bad, the Uncertain:  
The 2017-2018 Florida  
Constitution Revision Commission**

Carol S. Weissert, Ph.D.  
Director, LeRoy Collins Institute  
Florida State University  
September 29, 2017



1997-1998 Constitution Revision Commission



Gov. Chiles greets 1997-1998 Commission Member J. Stanley Marshall



# PARTNERSHIP FOR REVISING FLORIDA'S CONSTITUTION

*Educate, Engage, Empower*

## THE CONSTITUTION REVISION COMMISSION

 **CITIZENS' GUIDE**  **VIDEO**

 Partnership for Revising Florida's Constitution  
284 likes

 Like Page  Share

 Partnership for Revising Florida's Constitution  
43 mins

More than any other political process in Florida, it is vital for the citizens to be informed, engaged and skeptical when our state's constitution is being changed

# Partnership for Revising Florida's Constitution

- League of Women Voters of FL

- Florida Bar

- Florida League of Cities  
Florida Press Association

- Leadership Florida

- Florida Philanthropic Network

Bob Graham Institute

Florida TaxWatch  
NAACP Florida

Florida Chamber  
Foundation

# The Good...

- An opportunity once a generation for an assessment of Florida's fundamental legal contract with its people
- Intended to involve the PUBLIC in that endeavor

- Florida has five ways to amend constitution
- **Constitution Revision Commission (CRC)**
  - Every 20 years
  - Puts items directly on ballot
  - 37 members
  - Only third time in state's history

# 1968 Constitution

- “...in the tenth year following that in which this constitution is adopted, and each twentieth year thereafter, there shall be established a constitution revision commission...”

# Article XI, Section 2 (c)

- The commission shall..
  - Adopt its rules of procedure
  - Examine the constitution of the state
  - Hold public hearings
  - Make recommendations for revisions to go to ballot in next general election

# CRC Commission Members

- 37 Members
- Attorney General
- 15 appointed by Governor (appoints chair)
- 9 appointed by House Speaker
- 9 appointed by Senate President
- 3 appointed by Chief Justice, Supreme Court



“It is my own personal judgment that above all other matters, the new provisions in the 1968 Constitution authorizing means for further constitutional changes are the most important things in the new constitution.”

- Chesterfield Smith

# Also Good...

- The HISTORY of the CRC

# Two Previous CRCs

## 1977-1978



- Chaired by Sandy D'Alemberte
- Eight proposals
- None adopted on ballot but some were implemented later

# 1978 Ballot Measures and Vote

- Omnibus proposal (56 changes) 29%
- Declaration of rights (mini-ERA) 43%
- Legislative Single-Member Districts and Reappointment Commission 47%
- Executive/cabinet restructuring 25%
- Executive Public Service Commission and Public Counsel 36%
- Judiciary: Merit selection of trial court judges 49%
- Finance and taxation 36%
- Education 36%

# 1997-98 Commission



- Chaired by Dexter Douglass
- Nine proposals placed on ballot
- Eight were successful
- Major marketing efforts to inform citizens

# 1998 Ballot Measures and Vote

- Conservation and creation of fish and wildlife conservation commission (72%)
- Public education (71%)
- Judicial selection and funding of state courts (57%)
- Restructuring state cabinet (56%)
- Basic rights (gender equality) 66%
- Local and Municipal tax exemption/citizen access to local officials (49.8%)
- Ballot access, public campaign financing and election process revisions (64%)
- Firearms Purchases (72%)
- Miscellaneous matters and technical revisions (55%)

# Another “Good”

- 9 public hearings in 2017
- Ability to submit proposals on-line
- Over 600 proposals were submitted and available on the FLCRC website

CONSTITUTION REVISION COMMISSION

# FLORIDIANS SPEAK WE LISTEN

PUBLIC HEARING TOUR



00 41





# Public Proposals Submitted on Website

- Lots of basic rights
- Open primaries
- Nonpartisan county officials
- Extend legislative session to 90 days
- Ranked choice voting
- Recall of elected officials
- Protecting home rule

# Also...

- Vocational education as fundamental right
- Seat of government moved to Central Florida
- Bills filed 10 years or more in legislature must get hearings
- Replace counties with regions
- Many deletions: English as official language, marriage, income tax prohibition, ownership of real property by aliens

# Public Proposal Process

- Deadline Oct. 6
- Must have support of 10 CRC members to be considered

# CRC Committees

- Declaration of Rights
- Judicial
- Ethics & Elections
- Legislative
- Executive
- Bonding & Investments
- Education

Finance & Taxation

General Provisions

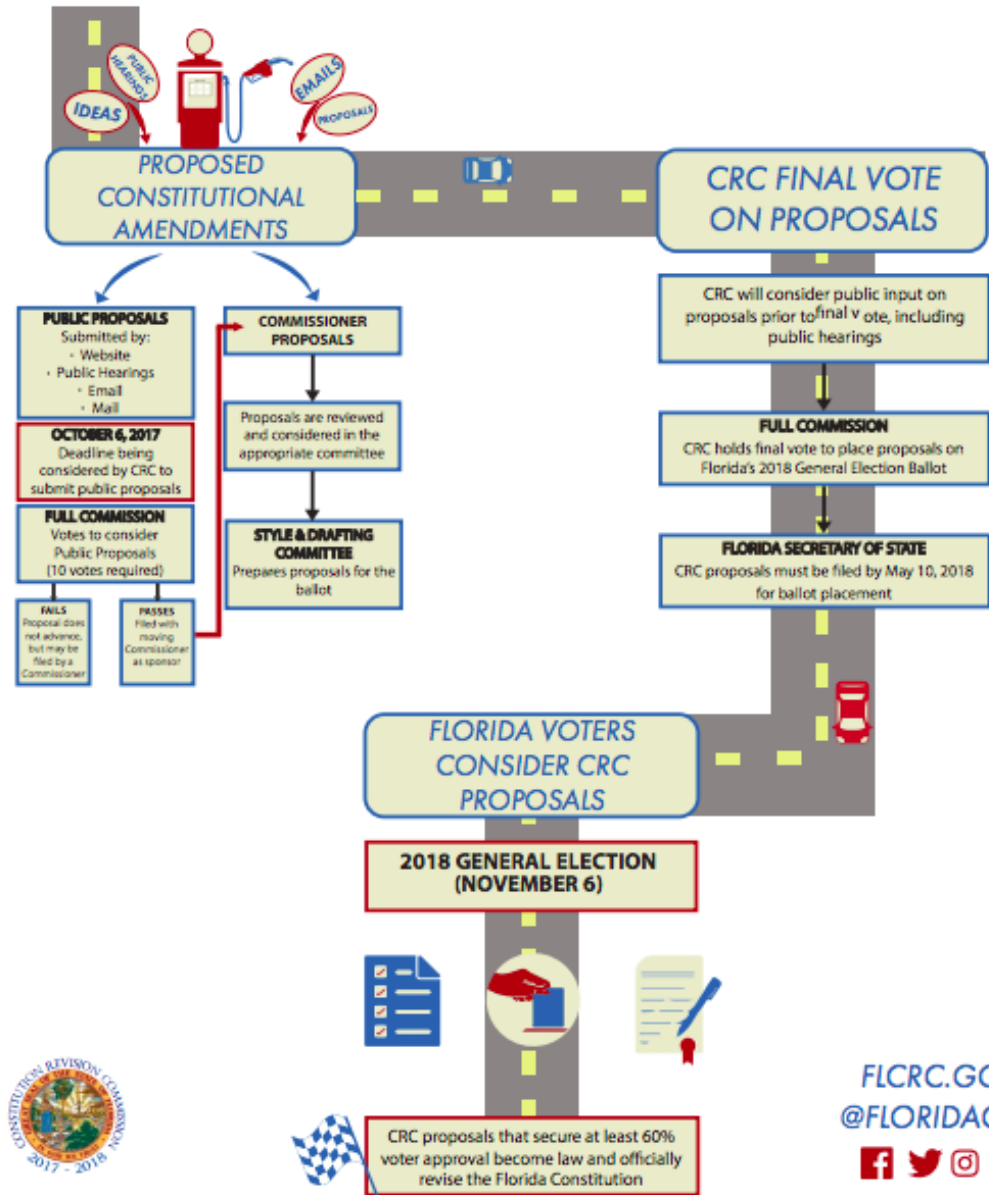
Local Government

Rules

Style & Drafting

# 2017-2018 CONSTITUTION REVISION COMMISSION (CRC) HOW A CRC PROPOSAL BECOMES LAW

A ROADMAP TO REVISING FLORIDA'S CONSTITUTION



FLCRC.GOV  
@FLORIDACRC



# The Bad...

- “Florida’s most powerful unelected body is off to a terrible start.”
  - Sun Sentinel 4/14

Welcome to  
the 2017-2018  
Constitution  
Revision  
Commission



Sometimes feels more like this:





# Issues thus far

- 34 Republicans; 3 Democrats
- Concern for “litmus test” of appointers
- No planning or steering committee before CRC named
- Committee staffing primarily from governor’s office
- Rumble over the rules

# Rules are Important

- Sen. Tom Lee declared these decisions were the most important to be considered by the commission
- Key issue was open meetings –language is vague
  - “All proceedings...of the Commission shall be open to the public.”

# Scheduling issues

- LWVF wants to make sure that second round of hearing will take place after the full commission has determined by majority vote which proposals will be further considered.

# CRC Chair: Carlos Beruff



- “Who is Beuff? What’s his end game.”
  - Palm Beach Post editorial June 3, 2017

# The Uncertain

---

WHAT'S  
NEXT?



k23438963 fotosearch.com ©

# What's Next?

- Impact of one-party dominance
- Role of appointers diminish?
- Good will prevail?
- Role of interest groups and interests
- Do no harm—good or bad standard?

# Next Steps

- Committees will continue work until December
- Full commission will meet periodically
- League members can follow these meetings on Florida Channel
- Work with the media
- Attend second round of hearings
- Continue vigilance—if not the League, who?



# Vigilance Coalition



# Future Schedule

- 2018

- Feb.-March            2<sup>nd</sup> round public hearings
- March-April            Full meetings hearing proposals
- May 10                    Final report to FL Department of State

“Every generation of citizens has a right to “choose for itself the form of government it believes most promotive of its own happiness.”

- Thomas Jefferson

“We are dealing with a constitutional democracy in which sovereignty resides in the people. It is their constitution...They have a right to change, abrogate or modify it in any manner they see fit...”

- Glenn Terrell, former FL Supreme Court Justice



Dr. Carol Weissert, [cweissert@fsu.edu](mailto:cweissert@fsu.edu)

850-644-1441

<http://collinsinstitute.fsu.edu/>

