



October 28, 2015

Representative Richard Corcoran
Florida House of Representatives
The Capitol
Tallahassee, Florida 32301

Constitution Revision Process

Dear Representative Corcoran:

As you prepare for your leadership role, I am sure that you are including the significant part you will play in the Constitution Revision Commission process of 2017-18, including the appointment of nine members of the Commission.

I write to suggest that you consider initiating a program in support of the revision process and to note that much of what should be done is not in any way partisan and there are steps that the Legislature can take now to advance the revision.

Among the goals of revision are the following:

1. Removal of sections that have now served their purpose and may be removed.
2. Removal of portions of the Constitution that serve no purpose.
3. Elimination of provisions of the Florida Constitution that are unconstitutional.

The Constitution provides a method for easy accomplishment of this first goal in Article XII:

SECTION 11

Deletion of obsolete schedule items.

The legislature shall have power, by joint resolution, to delete from this revision any section of this Article XII, including his section, when all events to which the section to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this section shall be subject to judicial review.

There is similar language in Article V, Section 20 (i) and Article VIII, Section 6 (g).

If the Legislature would exercise this power, a great deal of the useless verbiage can be removed even before the revision commission begins its work.

To illustrate, please look at Article XII, Section 4, providing a transition for an office that no longer exists. There are other provisions that are equally useless.¹

If you take on this project, you may also want to look at the other two listed goals.

Among the provisions that serve no purpose are such things as Article II, Section 4 relating to the state seal and flag. These do no damage but they are not necessary in a state constitution where the state has all powers not prohibited. Other measures that have become meaningless (Article II, Section 6 – English as the official language) might be examined in this category.

Finally, it may be useful for the Legislature to begin study of those provisions of the Florida Constitution that are unconstitutional, including the definition of marriage (Article I, Section 27), term limits for federal officials (Article VI, Section 4 (b) (1) and (2)), the freeholder election provisions (Article VII, Section 12 (a)), and the requirement for ratification of the federal constitution (Article X, Section 1).

Thanks for considering this suggestion. I have written a similar letter to the Senators who are candidates for President of the Senate.

Sincerely,



Talbot D'Alemberte

¹ My suggested list includes many sections of Article XII (Schedule): Sections 1-7, 12-16, and 18-33. Other sections may be eliminated but some study and consultation with bond lawyers would be prudent. There are also parts of other sections that may be removed though such a joint resolution such as large portions of Article V, Section 20 and Article VIII, Section 6.