

Florida Constitution Revision Commission and the Public

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Floridians have five opportunities to amend their constitution. In addition to legislative referral, constitutional convention, and the initiative, they also have opportunities every twenty years to revise their constitution through a Constitution Revision Commission (CRC) and a Tax and Budget Reform Commission (TRBC).¹

In 2017, a constitution revision commission will be named to recommend changes to the state's constitution. This commission's recommendations go directly to the ballot without review from the supreme court or attorney general. There are 37 members of the commission appointed by the governor (15), speaker of the house (9), president of the senate (9), and chief justice of the supreme court (3). The state's attorney general automatically serves on the commission.

The commission will be named by early March 2017 (before the legislature convenes) and their recommendations will go on the 2018 ballot. There have been two earlier commissions (1977-78 and 1997-98). None of the eight proposals from the first commission passed; seven of the eight from the 1997-98 commission are now part of the constitution. The success of the second commission has been attributed to a more intensive marketing effort to inform citizens of the proposals (Salokar 2005).

The constitutional amendments proposed by the 1997-98 commission and adopted by the electorate were substantively important. They included requiring the state to make adequate provision for an efficient, safe, secure and high quality public education system, a local option for merit selection of trial judges, streamlining the state cabinet to four officials (including the governor), and setting up a system of public financing for statewide candidates.

Clearly the membership of the commission is key. In the first commission, the legislature and the governor were Democrats; in the second, the governor was a Democrat and both houses of the legislature were Republican. In 2017, the governor and the legislature are Republican. In the two earlier commissions, appointees have been from both parties (even in 1977). The question is whether this will continue to be the case in 2017. Traditionally, commission members reflect the geographic, gender and racial/ethnicity makeup of the states.

In an effort to encourage top-notch membership on the commission, eighteen groups in Florida came together in 2015 to form the Partnership for Revising Florida's constitution. The group has pledged to educate, engage and empower citizens on Florida concerning the upcoming CRC. The groups represent a broad spectrum of Florida's interests, from The Florida Bar to the Florida Chamber Foundation; from the NAACP Florida to the League of Women Voters of Florida. The partnership is headed by the LeRoy Collins Institute, a policy institute at Florida State University.² Partners were asked to inform their members on the partnership and the upcoming commission using annual meetings, webpages, and social media among other venues. A kick-off event in Tallahassee featured past members of the CRC talking about its importance, opportunities and challenges. The event was filmed by the Florida Channel and made available on the partnership website.

The Florida Bar was a particularly active partner. In its strategic plan for 2016-2019, it included an item for immediate action, "Educate Florida Bar members and the public about the upcoming Constitution Revision Commission process." The Bar funded a publication for the Partnership entitled, "A Citizens' Guide to the Florida Constitution Commission" which was made widely available through print (150,000 copies were printed) and on-line. The Cuban American Bar Association paid for translation and publication of the Citizens' Guide in Spanish. That too was widely distributed. The League of Women Voters of Florida was another active partner, sending out 56,000 copies to their local leagues which also held sessions on the upcoming CRC using partnership materials and highlighting local residents who had served on earlier CRCs. Another 60,000 copies went to public libraries across the state. Op ed pieces on the CRC were placed in newspapers throughout the state.

To reach a younger audience, the Collins Institute produced a three-minute animation that covered the key points in the importance of the CRC and the process it entails. The Florida State University law school and the law school at the University of Florida offered classes on the CRC—highlighting possible amendments that could be added. The FSU class was targeted to both law students and political science graduate students. The Bob Graham Center at the University of Florida is focusing its annual public policy summit for undergraduates across the state on the CRC. The Florida Press Association sent out information on the CRC regularly in their communication with members.

Finally, the partnership uses social media to reach a wider audience. Colorful info graphics were featured in Facebook posts; tweets provide little-known facts about past CRCs and highlight events and news on the CRC.

The partnership was formed about 18 months prior to the first appointment to highlight the importance of commission membership. The governor, senate president and chief justice have provided links for self-appointment or nomination of others on their webpages. The governor's office has been publishing the names of those who have applied for the position in an effort at transparency.

There are no procedures for the commission set in the constitution in law; each commission determines its own rules and procedures. It is tasked with examining the constitution of the state except for matters related to taxation or the state's budgetary powers. The commission is required to hold public hearings.

There is no shortage of ideas that will likely be proposed including revising legislative term limits, changing the state's primary system, establishing a statutory initiative, judicial nominations, felon voting and K-12 education funding. Interest groups have geared up to propose their favored items; the public needs to do so as well.

The second phase of the Partnership for Revising Florida's

Constitution takes place once the commission has been named. The partnership's website will provide links for members and others to publicize their preferred constitutional amendments. The group will continue to encourage media and public participation in the deliberations and highlight opportunities for public engagement.

While constitutional revision may initially sound a bit esoteric, citizens quickly understand the importance of the commission in sponsoring items that the legislature is unlikely to propose and without having to raise the millions of dollars required in successful initiative processes. The partnership will continue to use the web, social media, and YouTube to raise awareness and opportunities for citizens. It is an opportunity too important to miss.

Notes

- 1 The TBRC last met in 2007-2008.
- 2 Information on the partners and partnership may be found on the Partnership for Revising Florida's Constitution website: <http://revisefl.com/> Information on the LeRoy Collins Institute is at <http://collinsinstitute.fsu.edu/>

Reference

Salokar, Rebecca Mae. 2005. "Constitutional Revision in Florida: Planning, Politics, Policy and Publicity," In Robert F. Williams and G. Alan Tarr, eds. *State Constitutions for the Twenty-First Century, Vol 1*. Albany, State University of New York Press, 19-57.

Books to Watch For – Fall 2016

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Karen Alter (Northwestern University) and **Laurence R. Helfer** (Duke University) have co-published *Transplanting International Courts: The Law and Politics of the Andean Tribunal of Justice* (Oxford University Press, 2017, ISBN 978-0-19968-0-788).

The work "provides a deep, systematic investigation of the most active and successful transplant of the European Court of Justice. The Andean Tribunal is effective by any plausible definition of the term, but only in the domain of intellectual property law. Alter and Helfer explain how the Andean Tribunal established its legal authority within and beyond this intellectual property island, and how Andean judges have navigated moments of both transnational political consensus and political contestation over the goals and objectives of regional economic integration. By letting member states set the pace and scope of Andean integration, by condemning unequivocal violations of Andean rules, and by allowing for the coexistence of national legislation and supranational authority, the Tribunal has retained its fidelity to Andean law while building relationships with nationally-based administrative agencies, lawyers, and judges. Yet the Tribunals' circum-spect and formalist approach means that, unlike in Europe, community law is not an engine of integration. The Tribunals

strategy has also limited its influence within the Andean legal system. The authors also revisit their own path-breaking scholarship on the effectiveness of international adjudication. Alter and Helfer argue that the European Court of Justice benefitted in underappreciated ways from the support of transnational jurist advocacy movements that are absent or poorly organized in the Andes and elsewhere in the world. The Andean Tribunals' longevity despite these and other challenges offers guidance for international courts in other developing country contexts. Moreover, given that the Andean Community has weathered member state withdrawals and threats of exit, major economic and political crises, and the retrenchment of core policies such as the common external tariff, the Andean experience offers timely and important lessons for Europe's international courts."

Lauren Edelman (University of California, Berkeley) has written *Working Law: Courts, Corporations and Symbolic Civil Rights* (University of Chicago Press, 2016, ISBN 978-0-22640-0-761). In this book, Edelman argues that we have become a symbolic civil rights society in which symbols of diversity