

Partnership for Revising Florida's Constitution

EDUCATE, ENGAGE, EMPOWER



Too Important to Miss: The 2017-2018 Florida Constitution Revision Commission

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



- Florida has five ways to amend constitution
- **Constitution Revision Commission (CRC)**
 - Every 20 years
 - Puts items directly on ballot
 - 37 members
 - Will meet Summer 2017
 - 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...”

“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

Florida CRC

- Only constitutional commission that meets on a set schedule and **puts items directly** on the ballot for ratification

SECTION 2. Revision commission.—

(a) Within thirty days before the convening of the 2017 regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) the attorney general of the state;
- (2) fifteen members selected by the governor;
- (3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
- (4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chair. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it.

History.—Am. H.J.R. 1616, 1988; adopted 1988; Am. S.J.R. 210, 1996; adopted 1996; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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

Partisanship

- 1977- All Democratic appointers
- 1997-Legislature Republican/Governor Democrat
- 2017—All Republican appointers

- 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
 - Article XI, Section 2 (c) Florida Constitution

Rules of Procedure

- Decide on voting rules
- Does not have to follow APA
- Does not have to follow Open Government
- Is subject to Lobby Registration
- Is subject to ethics commission rules regarding gifts but can engage in social lobbying
- Limit of 75 words

Examine Constitution of State

- “big picture” important
- “We need to look to the constitution’s basic principles. We must give up personal preferences in exchange for the ability to offer the people of Florida needed changes in our state’s basic structure of government?”
 - Judge Barkdull (1977)

Hold Public Hearings

- 1977—10 public hearings--232 issues from public hearings were on their priority list
- 1997—12 public hearings--186 issues from public hearings went to committees

Two sets of public hearings

- Listening tour
- After their initial recommendations (3 public hearings for each commission)

Two Previous CRCs

1977-1978



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

1977-78 Proposals

- 87 proposals in the 8 amendments
- Right to privacy (c)
- Pretrial release (s)
- Accessible polls (s)
- Public records (c)
- Public meetings (c)
- Term limits cabinet (c)
- Right to Privacy (c)

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%

- “The 1978 CRC succeeded, although not as it intended. Change was gradual..”
- 40% of substantive recommendations are now law in Florida
- 20% of the procedural recommendations
- Brought issue to fore (softened up)

1997-98 Commission



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

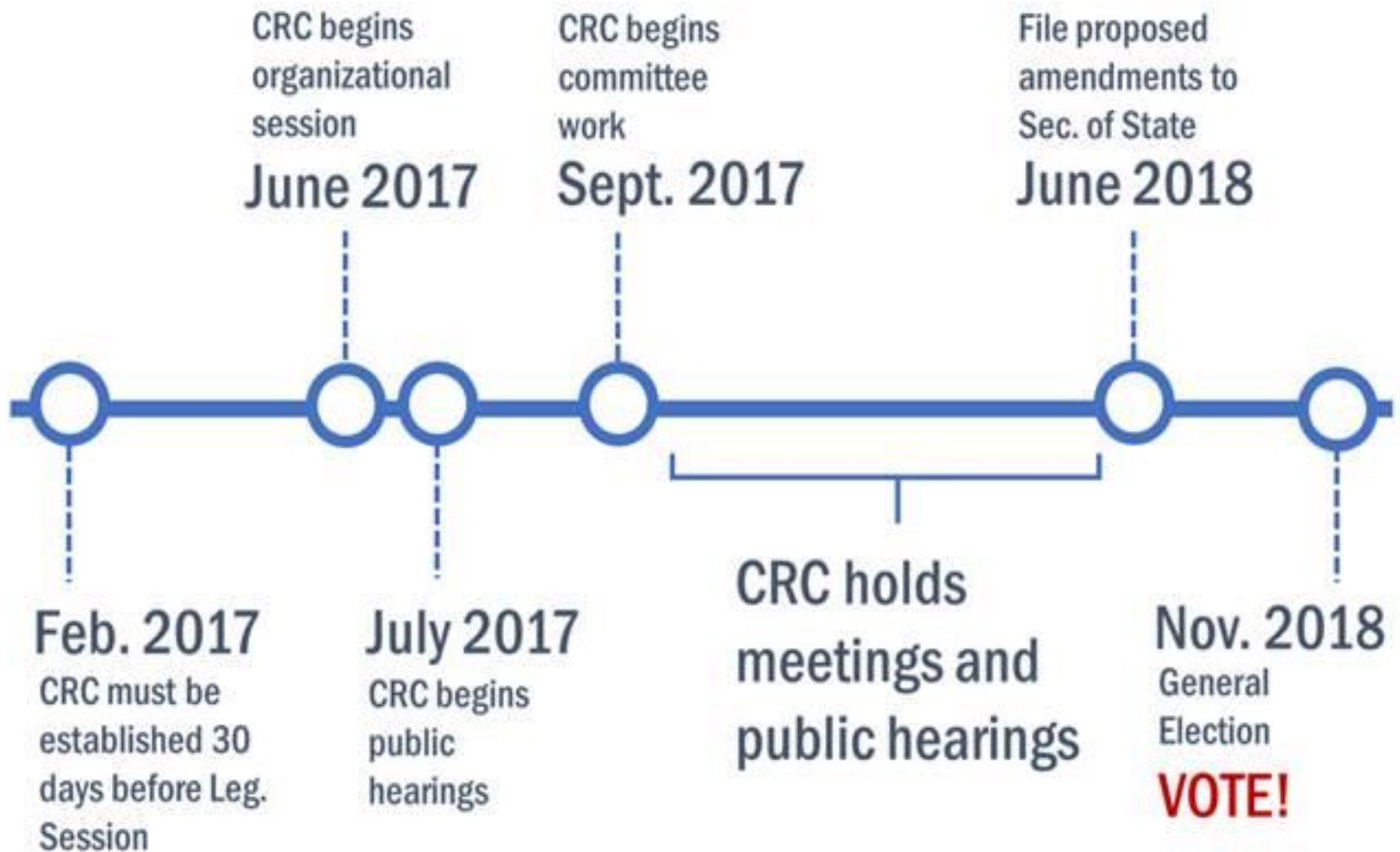
1998 Ballot Measures and Vote

- 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%)

Other History

- 1980, legislature proposed abolishing revision commission process; voters did not agree
- 1988, Tax Reform and Budget Commission was added

CRC TIMELINE





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

Partners

Bob Graham Center-UF
Community Foundation for NE FL
FL Bar
FL Bar Foundation
FL Chamber Foundation
FL Justice Association
FL Law Related Education Assoc
FL League of Cities

FL Philanthropic Network
FL Press Association
FL TaxWatch
Leadership Florida
League of Women Voters FL
NAACP-FL State Conference
UF Center for Govt Resp
Virgil Hawkins FL Chapter of
Nat'l Bar Assoc

Partnership Project Goals



Educate and inform public of the importance of 2017-2018 CRC:

- Prior to naming of the commission to insure top-notch choices
- After commission is named to provide analysis of possible amendments
- Encourage citizens to participate and VOTE

Other Efforts

- Citizens' Guide to Constitution Revision Commission (with FL Bar)
 - 120,000 copies
- Animation—I'm Not a Bill
 - <http://revisefl.com/index.php/resources/video-gallery>
- Webpage, Facebook, Twitter

Possible Commission Topics (1)

- Legislative Term limits
- Primary system
- Statutory initiative process
- Judicial nominations
- Environmental Protection

Possible Commission Topics (2)

- Election of secretary of state/education commissioner
- Judicial term limits
- Revising Fair Districts Florida

Who can submit ideas?

- Individuals
- Organizations and groups
- Students/teachers
- **PRETTY MUCH ANYONE!**

Citizens can...

- Follow deliberations of Commission
- Attend hearings
- Communicate with Commission members
- Use the media to discuss ideas

Final Phase

- Amendments approved by the Commission go directly to the ballot
- Need 60 percent vote
- Important to inform citizens about their choices
- November 2018



“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

Too Important to Miss

- This is the citizens' opportunity to make a difference
 - Members of the Commission
 - Possible Amendments
 - Informed voting

Hope you agree and will work with us.



Dr. Carol Weissert, cweissert@fsu.edu

850-644-1441

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