

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 251 Constitution Revision Commission

SPONSOR(S): Drake

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	22 Y, 0 N	Moehrle	Williamson
3) Judiciary Committee	15 Y, 2 N	Jones	Poche

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, 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.

CS/CS/HJR 249 proposes an amendment to the Florida Constitution to abolish the CRC.

HB 251, which is linked to the passage of CS/CS/HJR 249, removes all references to the CRC in current law.

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

The bill is effective contingent upon CS/CS/HJR 249 or a substantially similar amendment being approved at the next general election, in which case the bill is effective when CS/CS/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, a citizen initiative, or a constitutional convention.¹ 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.² In the 2018 general election, seven proposals from the CRC were placed on the ballot.³

Although the CRC is created in the state Constitution, various statutes refer to the CRC or establish CRC processes:

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

House Joint Resolution 249

CS/CS/HJR 249 proposes an amendment to the Florida Constitution to abolish the CRC. The joint resolution must pass each chamber with a three-fifths vote before it may be placed on the ballot. Thereafter, it must be approved by at least 60 percent of the electors voting on the measure. If approved by the voters, the joint resolution will take effect January 5, 2021.

Effective of Proposed Changes

HB 251, which is linked to the passage of CS/CS/HJR 249, implements the repeal of the CRC by repealing all references to the CRC in current law.

The bill is effective contingent upon CS/CS/HJR 249 or a substantially similar amendment being approved at the next general election, in which case the bill is effective when CS/CS/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 CRS; registration and reporting; investigation by commission.

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

Section 4: Provides an effective date that is contingent upon CS/CS/HJR 249 or a substantially similar amendment being approved at the next general election.

¹ Art. XI, Fla. Const.

² Art. XI, s. 2, Fla. Const.

³ CRC, CRC Office – Press Release, <http://flcrc.gov/Media/PressReleases/Show/1099.html> (last visited Mar. 16, 2019); *Detzner v. League of Women Voters of Florida*, 256 So. 3d 803 (Fla. 2018) (removing Revision 8 from the ballot).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

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