

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 303 Constitution Revision Commission

SPONSOR(S): Drake and others

TIED BILLS: HJR 301 **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	11 Y, 1 N	Jones	Luczynski
2) State Affairs Committee	23 Y, 0 N	Villa	Williamson
3) Judiciary Committee	14 Y, 2 N	Jones	Luczynski

SUMMARY ANALYSIS

Florida voters can amend the Florida 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 Florida 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.

HJR 301 (2020) proposes an amendment to the Florida Constitution to abolish the CRC.

HB 303, which is linked to the passage of HJR 301 (2020), 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 HJR 301 (2020) or a substantially similar amendment being approved at the next general election, in which case the bill is effective when HJR 301 (2020) or the similar amendment is effective.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida voters can amend the Florida 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 Florida Constitution, various statutes refer to the CRC or establish CRC processes:

- Section 101.161, F.S., refers to the CRC in the context of requirements for constitutional measures and ballot summaries;
- Section 112.3215, F.S., includes within the definition of "agency" the CRC for lobbying purposes; and
- Section 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 301 (2020)

HJR 301 (2020) 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.

Effect of Proposed Changes

HB 303, which is linked to the passage of HJR 301 (2020), implements the repeal of the CRC by repealing all references to the CRC in current law.

The bill is effective contingent upon HJR 301 (2020) or a substantially similar amendment being approved at the next general election, in which case the bill is effective when HJR 301 (2020) 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 CRC; 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 HJR 301 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, <https://crc.law.fsu.edu/Media/PressRelease/Show/1099.html> (last visited Jan. 9, 2020); *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