

# Public Policy Issues in Florida: 2017-18 Constitution Revision Commission (CRC)<sup>1</sup>

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## Introduction

In a large and rapidly growing state such as Florida there are numerous policy issues and challenges. These issues, though present almost daily, typically receive heightened attention when the Florida state legislature is in session. However, a once-in-twenty-years event is happening this year that may bring even more attention to a variety of policy issues.

Not all Floridians are aware of the Constitution Revision Commission (CRC) procedure in Florida. It is a process that is unique among the 50 US states. Article XI, Section 2 of the Florida Constitution explicitly states:

### *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*
- (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 (Online Sunshine: Official Internet Site of the Florida Legislature).*

The governor appoints the largest number of members of the CRC, but appointments are also made by the speaker of the Florida House, president of the Florida Senate, the chief justice of the Florida Supreme Court, and the attorney general of Florida (a standing member of the CRC). The responsibilities of the CRC are to review and examine the state constitution, and 180 days before the 2018 general election recommend, if any, revisions to the state constitution. This is a significant and important task because the state constitution is the foundation for multiple layers of policy making at all levels of government, and it is the foundation of the state government. A constitution has many purposes. Of these, two extremely important purposes are defining the powers and duties of government and defining the roles and rights of citizens (“the people”). In many instances, constitutional amendments have much

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greater and longer-lasting impacts than do individual laws adopted by the state legislature. Amendments can impact not only state government, but county governments and those of incorporated cities and towns. Individual citizens, too, may be affected.

There are five different methods available in Florida to amend the Florida constitution:

1. By act of both houses of the legislature through a joint resolution an amendment can be placed before Florida citizens for vote.
2. Individuals and groups are allowed to propose amendments to the state constitution through a “citizens’ initiative” process. This process of amending the constitution in Florida has become popular but operates with some significant limits, including the formation of a political action committee, collection of registered voter signatures, validation of signatures collected, and review of the amendment language by the Florida Supreme Court.
3. The CRC can recommend amendments to the constitution every 20 years. The CRC has met twice, the last time being in 1998.
4. The Taxation and Budget Reform Commission (TBRC) can place amendments before the electorate for vote every 20 years. The TBRC last met in 2007 and will not meet again until 2027. Members of the TBRC are appointed by the governor, speaker of the house, and president of the senate. Unlike the CRC, the chair of this commission is elected by its members.
5. Section 4 of the Florida constitution allows for the revision of the constitution through means of a constitutional convention. The power to call for a constitutional convention is left to the people.

More detailed information on each method of amending the state constitution can be obtained directly from the state constitution, Article XI.

## The CRC Process

This is only the third time the CRC has met since being adopted into the state constitution. When did the process begin? The CRC met for an organizational meeting in Tallahassee in March 2017. For several months, the CRC has held public meetings throughout the state to gather input from individuals, groups, and organizations regarding potential changes to the state constitution.

The purpose for the CRC public meetings is to gather information, ideas, and public input for possible proposals

to be placed on the 2018 general election ballot (Rosica). Remember, the state constitution requires any CRC seeking to place proposed changes on the ballot for vote in the general election (November 2018) to “**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.**” That means any proposals for constitutional revisions the CRC plans to make would need to be completed no later than May 10, 2018.

The CRC is not required to offer amendments to the constitution. The threshold for passage and incorporation of amendments into the state constitution is now 60% of those voting in the general 2018 election. In 1998, CRC proposals were passed with a simple majority vote of the electorate (50%). The last time the committee met, in 1998, nine proposals were forwarded to the electorate (one was a technical change), and all but one passed. According to Douglass (Chair of the 1998 CRC), the last CRC held 15 public hearings, heard over 100 hours of testimony from approximately 1,000 speakers, and assessed/considered about 600 proposals before sending the nine proposals to the electorate for the final decision (Douglass 1998). A similar process of meetings, speakers, and proposals was followed by the 2017–18 CRC.

## Why Citizens, Associations, and Groups Should Be Involved in the CRC Process

There are many reasons Floridians may wish to become involved in the CRC process (Dockery; Florida Chamber of Commerce Online; Partnership for Revising Florida’s Constitution Online), one of which is the potential impacts amendments to the state constitution could have on government and on people. Impacts to governments and citizens from constitutional amendments are, in many instances, greater than the impacts from individual laws adopted by the state legislature. Each year, hundreds of state laws are adopted by the Florida Legislature, but changes in the state constitution occur less frequently and have longer-term impacts. Another significant reason is that citizens can directly submit proposals to the CRC for consideration (<https://www.flcrc.gov/>). In 1998, they did. The CRC website indicates 782 proposals were submitted by the public. In addition, CRC commissioners can submit proposals as well. Their deadline for submission was midnight October 31, 2017. The CRC website indicates, as of November 2, 2017, that 79 proposals had been filed by CRC commissioners.

In addition to the 79 CRC commissioner proposals filed, CRC members “sponsored” six of the public proposals for amendments submitted. These 85 proposals will be further reviewed by CRC committees before final recommendations by the CRC are made.

While all proposals are considered important, some have larger impacts. For example, one of the proposed amendments from the 1998 CRC group was an organizational restructuring of the state cabinet. That amendment merged the offices of treasurer and comptroller into a single chief financial officer. It also eliminated from the state cabinet the offices of secretary of state and education commissioner. The cabinet was reduced to four: governor, chief financial officer, attorney general, and agriculture commissioner. Not many Florida citizens realize the range and scope of policy in which the cabinet is involved or the cabinet’s power to make decisions and changes to that policy. For example, according to the state constitution, the governor and cabinet “shall exercise such powers and perform such duties as may be prescribed by law.... The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.... The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.” Also, policy decisions do not end with just a few responsibilities; they also extend to decisions such as resolving disputes between county sheriffs and county commissioners on budget conflicts, as an example. It is worthwhile to note that, in the current process, proposed amendments again altering the state cabinet are still under consideration.

The amendments proposed and passed by the CRC will be voted on by Florida citizens who vote in the 2018 general election (November 6, 2018). There is no better time to be engaged and informed than when the process is beginning. The scope of changes, and who is suggesting the proposed amendments, may be important information for citizens endeavoring to determine whether to support an amendment if that amendment makes it to the ballot.

Some people might be reluctant to become involved in the process because of the complexity of some of the proposals discussed, the number and type of proposals suggested, or just a lack of interest. Uninvolved voters may be comparatively uninformed or even misinformed by people or organizations with biases. Becoming involved in the process simply means staying engaged by reading about potential CRC proposals, reviewing the CRC website (<https://www.flcrc.gov/>),

talking with others about issues being raised and their thoughts, or searching for different viewpoints via the Internet or library. To get involved, consider using the following process.

## A Process for Evaluating CRC Proposals

The process recommended below is time tested and often used (Barrows). In policy education, the process is often referred to as the “alternative-consequences model.” The model consists of three distinct steps:

1. Clearly identify the problem that is being addressed. It sounds easy but often is more difficult than expected. Individuals and organizations may have different views on the problem.
2. Identify various ways, or policy alternatives, that could improve the problem being considered. There are multiple methods for solving any problem. Using this method for analysis encourages exploring several different solutions rather than just one single solution.
3. Identify the consequences of each alternative considered, individually and collectively for all citizens in Florida. Do this analysis, if possible, before any revision is forwarded for vote by the electorate in November 2018.

Using this method will improve your understanding about the issues and consequences in advance of any collective vote by the citizens of the state. When the vote is finally taken and your values reflected, at a minimum, you will be an informed voter!

Former President Thomas Jefferson may have summed up the worth of public engagement through participation in decisions made by governmental bodies in an 1820 letter to William Jarvis: “I know of no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.”

## Summary

It is an exciting time in Florida public policy; the once-in-every-two-decades CRC is in the process of recommending changes to the Florida state constitution. The proposals recommended by the CRC (remember, the CRC does not have to recommend any changes) may have a longer-lasting

and larger impact than individual legislative bills passed in the state. The final decision on proposed constitutional amendment changes rests with the people of the state, who will have a chance to vote on the changes in the November 2018 general election.

It is important for Florida voters to become engaged in the CRC process. Otherwise, voters in 2018 will be informed (or misinformed) by others or will simply be uninformed. Remember, the constitution is a foundation for rights, powers, and duties of government in Florida, and for the citizens of the state as well. Why wouldn't a voter want to get involved in understanding the process and issues to cast an informed vote in November 2018?

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