

Multiple Bills Filed in Florida Legislature to Limit or Repeal the Florida Constitution Revision Commission

GOVERNMENT LAW & CONSULTING | GOVERNMENT AFFAIRS AND LOBBYING | JANUARY 16, 2019



Aaron C. Dunlap

As a constitutional body that meets once every 20 years, the Florida Constitution Revision Commission is garnering significant attention in the lead-up to the 2019 Florida Legislative Session. Multiple bills and joint resolutions (how constitutional amendments are proposed by the Legislature) have been filed that directly affect the Commission, and will be considered in the upcoming Florida Legislative Session that convenes March 5, 2019.

House Joint Resolution 249 was filed, along with linked House Bill 251, to repeal the existence of the Constitution Revision Commission altogether.

Other joint resolutions have been filed (House Joint Resolution 53, and Senate Joint Resolutions 74 and 86) that would limit each Commission-proposed constitutional amendment to a single subject matter.

These bills and resolutions follow a contentious 2018 process for the Commission, which placed eight proposed constitutional amendments directly on the general election ballot. Although seven of the amendments ultimately reached voters, almost all of the amendments were challenged in a number of lawsuits, including one filed by former Florida Supreme Court Justice Harry Lee Anstead. The common theme in the challenges focused on the Commission's bundling of dissimilar proposals into single ballot measures, which likely sparked the current legislative action.

Because the Constitution Revision Commission is a body created by the Florida Constitution itself, a joint resolution is required for a legislatively proposed constitutional amendment to repeal it. A joint resolution requires a three-fifths vote of both the House and the Senate to pass, but does not require the Governor's approval. If a resolution is approved, it would go on the next general election ballot. Voters then would have to approve the constitutional amendment by a 60 percent affirmative vote of all electors voting on that issue.

Of note, joint resolutions have also been filed to raise the required approval percentage for constitutional amendments from 60 percent to 66 2/3 percent.

Carlton Fields' Government Law and Consulting Practice Group is available to answer any questions you may have concerning the 2019 Legislative Session, the Constitution Revision Commission process, or additional lobbying or governmental consulting needs.