

Amending the Florida Constitution

THE TAXWATCH TAKE

Florida TaxWatch has consistently maintained that Florida's Constitution should be the foundational document containing the root guidelines by which Florida law should be written and imposed.

Florida TaxWatch was a key organization behind the 2006 reform to require 60% approval by voters for Constitutional Amendments.

Florida TaxWatch remains committed to the concept of Florida as a republic, and not a direct democracy, and stands by the concept that the Constitution should not be a repository for public policy issues that should be addressed by the Florida Legislature through law, absent extraordinary circumstances.

Constitutions are living documents, subject to adjustment as the people they serve encounter new challenges such as changes in culture, economic shifts, and advances in technology. Because of this, constitutions typically lay out a standard process for adopting amendments. Florida is unique in that it has five different ways to amend its constitution, each of them requiring a popular vote.

As of changes made to the amendment process in 2006, Florida now requires a super majority vote of 60% or greater in order to pass a constitutional amendment and a two-thirds vote to approve new taxes.

- 1. The Florida Legislature** can place a constitutional amendment on the ballot through a joint resolution passed in both houses by a three-fifths vote.
- 2. The Constitutional Revision Commission (CRC)**, which is composed of the sitting Attorney General and 36 members appointed by state leaders, meets once every 20 years to research the need for constitutional revisions. Any revisions offered by the commission are then placed on the next general election ballot. The CRC last met in 1997-98 and will meet again in 2017-18.
- 3. Citizens** can place amendments on the ballot by forming a political committee, and collecting petitions with signatures from at least 8% of the total number of Florida voters that voted in the prior presidential election, and that come from at least one-half of the state's congressional districts. After the petition is certified by the Supervisor of Elections it is reviewed by the Florida Supreme Court to ensure that statutory requirements for ballot language have been met.
- 4. A constitutional convention** to revise or replace the entirety of Florida's Constitution may also be called through a petition which must contain signatures from 15% of the total number of Florida voters that voted in the prior presidential election certified by the Supervisor of

Elections, after which a question of, “shall a constitutional convention be held?” will be placed on the ballot in the next general election.

5. The Taxation and Budget Reform Commission (TBRC) is an entity composed of 25 members appointed by state leaders which meets once every 20 years to recommend constitutional revisions specifically pertaining to the state budget, taxation, and governmental efficiency. Any constitutional revisions suggested by the commission are placed on the next general election ballot. The TBRC last met in 2007 and will reconvene again in 2027.

Frequently Asked Questions:

How Does Florida Compare?

Florida has historically had a high passage rate for constitutional amendments, averaging between 80% and 90% for over 35 years. Florida also has a higher number of citizen’s initiatives than many of the other states that have similar amendment processes in place.

Why Amend?

While the majority of policy changes are made through statutory changes by the Legislature, there are many reasons an amendment could be the best way to enact a policy change.

Amendments are commonly undertaken when:

- passing a bill is not an option because it conflicts with current constitutional law;

- there is a perceived need to circumvent the political process of the legislature and gubernatorial veto power;
- those proposing a change desire increased permanence; the constitution is generally harder to change than statutory law; and/or
- issues or functions that are controlled by the Constitution (such as ad valorem taxes) are the target of change, as those changes cannot be done through statute.

For more information:

League of Women Voters:
www.thefloridavoter.org

The Florida Div. of Elections:
www.election.dos.state.fl.us

Susan MacManus, A. J. (2011). The Florida Constitution. In Politics in Florida (pp. 56-62). Tallahassee: John Scott Dailey Florida Institute of Government.

ABOUT THE TAXWATCH CENTER FOR FLORIDA CITIZENSHIP

The TaxWatch Center for Florida Citizenship works to educate citizens on the policies and operations of their state and local governments, in order to encourage an informed electorate capable of effectively holding those elected to positions of power accountable. The Center also operates the Florida Citizenship Institute, an applied learning program that prepares participants to understand how government action impacts their business.

ABOUT FLORIDA TAXWATCH

As an independent, nonpartisan, nonprofit taxpayer research institute and government watchdog, it is the mission of Florida TaxWatch to provide the citizens of Florida and public officials with high quality, independent research and analysis of issues related to state and local government taxation, expenditures, policies, and programs.

Florida TaxWatch is supported by voluntary, tax-deductible donations and private grants, and does not accept government funding. Donations provide a solid, lasting foundation that has enabled Florida TaxWatch to bring about a more effective, responsive government that is accountable to the citizens it serves for the last 34 years.

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