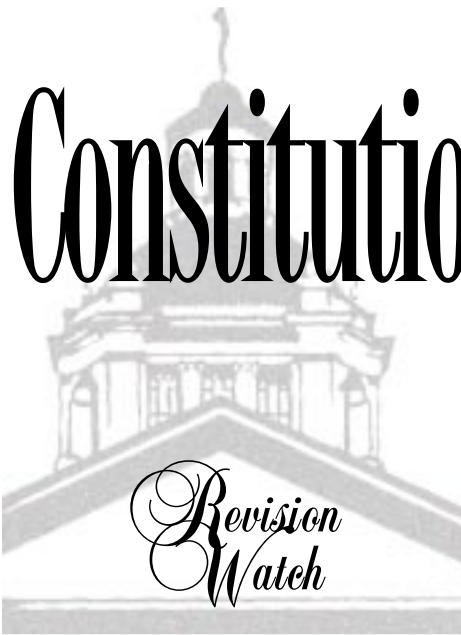


# Constitution Revision Commission



A look at the monthly highlights and happenings for the Constitution Revision Commission

**COMMISSION MEMBERS:**

- Dexter Douglass, *Chairman*
- Carlos J. Alfonso
- Clarence E. Anthony
- Antonio L. Argiz
- Thomas H. Barkdull, Jr.
- Martha Walters Barnett
- Robert M. Brochin
- Robert A. Butterworth
- Kenneth L. Connor
- Chris Corr
- Ander Crenshaw
- Valerie W. Evans
- Marilyn Evans-Jones
- Barbara Williams Ford-Coates
- Ellen Catsman Freidin
- Paul M. Hawkes
- William Clay Henderston
- Toni Jennings
- Gerald Kogan
- Richard Langley
- John F. Lowndes
- J. Stanley Marshall
- Jacinta Mathis
- Jon Mills
- Frank Morsani
- Robert Lowry Nabors
- Carlos Planas
- Judith Byrne Riley
- Katherine Fernandez Rundle
- James A. Scott
- H. T. Smith
- Chris T. Sullivan
- Alan C. Sundberg
- James Harold Thompson
- Paul West
- Gerald T. Wetherington
- Stephen Neal Zack
- Alternates:**
- Pat Barton
- Ira H. Leesfield
- Lyra Blizzard Logan

Issue 4

December 1997 – January 1998



Dexter Douglass

## MESSAGE FROM THE CHAIRMAN

We have known each other since our undergraduate days at the University of Florida. As young attorneys we worked together on a gubernatorial campaign.

Later, we both served on the 1978 Constitution Revision Commission. Along the way, we occasionally lent valuable support to the other's cause. Other times we stood toe to toe, unwilling to budge or give an inch on a particular issue.

Through a relationship that has lasted more than four decades, I continue to admire and respect Judge Thomas Barkdull, a man whose honesty, fairness, warmth and charm belie his sometimes gruff appearance. Judge Barkdull brings an excellent legal mind and grasp of necessary procedures to his chairmanship of the Constitution Revision Commission's Rules and Administration Committee. Also, no one lends more stability and historical perspective to our proceedings than the only person to

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## JO DOWLING PRESERVING CONSTITUTION

What began as a simple request from Justice Ben Overton to provide copies of every Florida Constitution turned into a three-year odyssey for Jo Dowling, who recently was recognized by the Constitution Revision Commission for her dedication in reproducing the sacred documents.

"Some of the copies of the original Constitutions were just so bad," Dowling said. "If you wanted a picture of the documents, that's easy. But if you wanted the text, that's something different."

Dowling, for 20 years an assistant librarian in the Supreme Court Library, wanted something different. She wanted the text of all five past Constitutions as well as every amendment ever passed or proposed, either by the Legislature, Constitution Revision Commission or citizens' initiative.

After three years of diligent research, typing, editing, proof-reading, and re-

writes, Dowling has presented a 10-inch thick, single-spaced document that will forever serve the state of Florida and its citizens. The document also is available on the Internet through the Constitution Revision Commission web site (<http://www.law.fsu.edu/crc>).

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## COMMISSION MEMBER

# PROFILES...

Each issue will highlight six members of the Constitution Revision Commission



### DICK LANGLEY

*Appointed by:* Speaker  
*Occupation:* Farmer and attorney  
*Birth date and place:* February 22, 1937, Lakeland  
*Education:* LLB from University of Florida, 1964

*Address:* P.O. Box 120188  
Clermont, FL 34712  
*Telephone:* 352/394-4025  
*Fax:* 352/394-1604

*Comment:* "Serving on the Constitution Revision Commission certainly has given me a different view of the Legislature and its procedures. I think the Commission represents a well-balanced, cross-section of our state. I don't anticipate any radical proposals being passed."



### JOHN E. LOWNDES

*Appointed by:* President  
*Occupation:* Attorney, Lowndes Drosdick Doster Kantor & Reed  
*Birth date and place:* January 1, 1931, Medford, MA

*Education:* LLB from Duke University, 1958  
*Personal:* Spouse, Rita; Children, Joseph, John, Elizabeth, Amy, Jennifer  
*Address:* 215 North Eola Drive  
Orlando, FL 32802-2809  
*Telephone:* 407/843-4600  
*Fax:* 407/423-4495  
*E-Mail:* jlowndes@lowndes-law.com

*Comment:* "I was surprised and pleased when Senator Jennings appointed me to the Constitution Revision Commission. I have benefitted as a citizen of Florida for 40 years, and as a member of the Commission, I have an opportunity to provide a service to the state that I have come to love."



### J. STANLEY MARSHALL

*Appointed by:* Speaker  
*Occupation:* Chairman, CEO of James Madison Institute  
*Birth date and place:* January 27, 1923, Cheswick, PA  
*Education:* PhD from Syracuse University, 1957

*Personal:* Spouse, Shirley; Children, David, Sue Jones, John, Drew, Kim  
*Address:* P.O. Box 37460  
Tallahassee, FL 32315

*Telephone:* 850/386-3131  
*Fax:* 850/386-1807  
*E-Mail:* madisonjmi@aol.com

*Comment:* "Service on the Commission has provided the opportunity for me to become better informed about the Florida Constitution and how it affects the lives of Floridians."

"As a non-lawyer and as one who has never served in either elective or appointive office in state government, I've had much to learn about how government operates and service on the Commission is a great teacher. . . . There is deep satisfaction in knowing that I have the rare opportunity to participate in a body that just might make Florida a better state. No citizen could ask for a greater gift."



### JACINTA M. MATHIS

*Appointed by:* Speaker  
*Occupation:* Attorney, Mathis Law Firm, P.A.  
*Birth date and place:* October 13, 1956, Great Lakes, IL  
*Education:* JD from Florida State University, 1989

*Address:* P.O. Box 616130  
Orlando, FL 32861  
*Telephone:* 407/363-4519  
*Fax:* 407/363-1558



### JON L. MILLS

*Appointed by:* Governor  
*Occupation:* Professor of Law, and Director, Center for Governmental Responsibility, University of Florida College of Law  
*Birth date and place:* July 24, 1947, Miami

*Education:* JD from University of Florida, 1972  
*Personal:* Spouse, Beth; Children, Marguerite  
*Address:* 230 Bruton-Greer Hall  
College of Law  
University of Florida  
Gainesville, FL 32611

*Telephone:* 352/392-2237  
*Fax:* 352/392-1457  
*E-Mail:* mills@law.ufl.edu

*Comment:* "This is a historic opportunity to make Florida a better place for our children, for my daughter and other future Floridians. I've been very impressed by the quality and the sincerity of the members of the Commission, and the quality of debate has been very high."



### FRANK MORSANI

*Appointed by:* President  
*Occupation:* Chairman, Precision Enterprises, Inc.  
*Birth date and place:* May 23, 1931, Brighton, MI  
*Education:* BS from Oklahoma State University, 1957

*Personal:* Spouse, Carol  
*Address:* 1725 Henley Road  
Lutz, FL 33549  
*Telephone:* 813/873-0003  
*Fax:* 813/877-5612

*Comment:* "Serving on the Commission gives me an opportunity to visualize the needs of the populus and create a flexible document that will address future needs and concerns of the citizens of Florida."

"This is a service that's going to outlive us all," Overton told the Constitution Revision Commission when it recognized Dowling on November 12 in the Senate chamber.

From the outset of the project, Dowling recognized that she faced a daunting task. The early documents included numerous typographical errors, varying uses of words and some factual errors. Many of these errors occurred because the early documents were produced before the Legislature provided official transcripts of all Constitution conventions. Many of the documents were compiled haphazardly by various sources, and some included hand-written notes in the margins.

"It's kind of a tricky little dance you do," Dowling said of making corrections or changes in the original documents. "You don't just go changing something arbitrarily."

Many times, Dowling compared various sources to ascertain the correct wording.

Dowling said a proposed amendment to an early Constitution proposed "levees" or taxes for construction of bridges and levees around the state. Once Dowling figured which words were referring to taxes and which were dealing with river embankments, she took the liberty of making corrections.

Throughout her work Dowling was grateful for the work of Judge James B. Whitfield, the official reporter for the 1885 Constitution Convention in St. Joseph, and one of the state's most renowned historians. Whitfield often used a soft lead pencil to make notations on state documents. For instance, he noted in pencil all "colored" members of the 1885 Constitution Convention.

One of the early Constitutions specified the boundaries for the state of Florida. But Dowling, who sought assistance from her husband who is a land surveyor, recognized that the boundaries listed in the Constitution essentially defined the state as being only

the Panhandle area. An entire clause defining the northern boundary from the Flint River to the St. Mary's River was omitted from the document, but was located by Dowling in searching other copies.

At one point during her work, Dowling emerged from her office in the Supreme Court Library to celebrate the "finding" of A.J. Peeler, whom she discovered was the secretary for the 1865 Constitution Convention. In Dowling's previous research of Supreme Court clerks, she had learned that Peeler was drafted into the Confederate Army and became a prisoner of war. But she never knew of his return from the Civil War, until reading the 1865 Constitution.

"I thought, hot dog, I found him," Dowling said, "even though he died long ago."

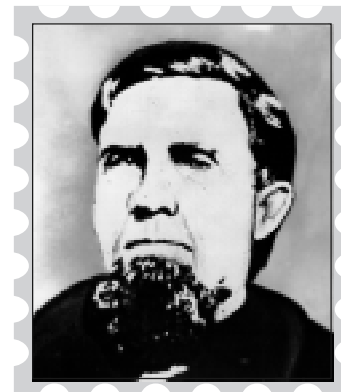
Clearly the most difficult assignment in preparing the documents was to secure all citizens' initiatives that did not make the ballot. Some initiatives were tracked down, others simply were not found because the state Division of Elections only requires that copies of failed initiatives be kept for six years.

Otherwise, the state and its citizens now have a complete and legible recreation of Florida's six Constitutions, as they existed upon ratification, each proposed amendment — whether by legislative resolution, Revision Commission or initiative — and the cites to Supreme Court decisions affecting ballot positions.

"It's so fascinating to work with this kind of material," Dowling said. "It doesn't change every day because it's permanent. I'm just trying to preserve it."



## REVISION SNAPSHOT



**George T. Ward**

George T. Ward was a delegate from Leon County to the 1838 Constitution Convention in St. Joseph. He signed the Constitution on January 11, 1939.

Source: Florida State Library

### CITIZEN'S GUIDE

The Collins Center for Public Policy has published a guide relating to the Constitution revision process. The guide is published on the Commission's homepage or is available from the Collins Center at 850/ 644-1441.

### ON THE NET: COMMISSION IN CYBERSPACE

We are pleased that the web page has been so widely utilized (approximately 12,000 visitors since October 1996) and we hope to continue to add features that are of use to the public.



New to the Internet homepage:

- Meeting Summaries
- High School Lesson Plan
- Public Proposals
- Commission Members
- Student Materials

### THE COMMISSION CAN BE REACHED BY:

Mail:

Billy Buzzett

Executive Director

B-11, The Historic Capitol  
Tallahassee, Florida 32399-1300

Telephone: (850) 413-7740

Fax: (850) 413-7728

Internet: <http://www.law.fsu.edu/crc>

When the medical marijuana advocates left, so did the cameras. The Senate press and public galleries were nearly empty the next day as the Constitution Revision Commission began voting on dozens of potentially historic proposals.

As its 30-1 “no” vote made plain, there had never been the remotest chance that the commission would endorse pot. Even a cub reporter should have known that, but it was the only issue that much of the media seemed to care about.

It is a great pity that the commission's proceedings are not being televised so that citizens might watch and listen for themselves. What they are missing is a quality of debate that puts the Legislature to shame.

The most obvious difference is that most commissioners stay in their seats to hear what's being said. Unlike legislators, they don't already know how they're going to vote most of the time. So the debate matters. (This doesn't go for several frequent no-shows, who should quit and be replaced if they can't spare the time.)

Another vital contrast is their readiness to take on hot-button topics, hear them fairly and debate them on the merits, without the partisan and often nasty posturing that marks the Legislature.

The medical marijuana issue was one example. The commission's Committee on the Declaration of Rights had given a singularly sympathetic hearing to claims that smoking marijuana helps cancer chemotherapy patients, AIDS patients and glaucoma sufferers when other drugs cannot.

“This is an issue that is not going to go away, either for this commission or the state of Florida,” said committee chairman HT Smith, a Miami lawyer.

Though it failed hugely, that was because the commission isn't disposed to putting anything in the Constitution that doesn't have to be there — marijuana certainly doesn't — and because the loosely worded language would effectively legalize the drug for all purposes, just as California's so-called medicinal use initiative has. Several commissioners, however, are looking for ways to recommend that the Legislature confront this and other demands from the commission's public hearings that don't pass its constitutional threshold test.

“One of the reasons we're hearing the issues we do is because of the unresponsiveness of the Legislature over time,” remarked commissioner Ken Connor of Tallahassee.

Of the commission's 37 members, only nine are present or former legislators. The difference that can make was obvious again in debate on a proposal to replace the Florida House and Senate with a one-house, or unicameral, legislature. A former representative, Marilyn Evans-Jones of Amelia Island, is a co-sponsor, but the other eight, it's safe to say, would rather vote for pot than for that.

The discussion in a legislator-dominated committee Wednesday afternoon had been reminiscent of the Queen of Hearts in Lewis Carroll's *Alice in Wonderland*: “No! No! Sentence first — verdict afterwards.”

Before a word could be said on the merits, chairman James Harold Thompson, a former House speaker, was asking, “What do we want to do about this dumb idea?”

“They're already debating how to kill this,” moaned co-sponsor Alan C. Sundberg, a former Supreme Court Justice.

Evans-Jones and Sundberg finally got to make their case only to be outvoted 2-5.

That was supposed to be the script when the full commission took up the proposal Thursday afternoon. But the non-pols on the commission, including Tampa residents Frank Morsani, Chris Sullivan and Carlos J. Alfonso, were unwilling to let that happen and the vote was put off until the commission's December meeting.

Alfonso, an architect, ticked off what he saw as the positive sides to a one-house legislature: more accountable and representative, less expensive, “a few less candidates to give to . . .”

“The only negative I can think of is the architecture of this building,” he said.

The commission may yet kill it, and it's hard to imagine that the necessary 22 commissioners would consent to put it on next November's ballot, but at least the idea will have a hearing, which is more than you can say for the Legislature has ever treated it.

As chairman Dexter Douglass pointed out, the tougher, less avoidable issues such as Cabinet reform, education and taxes hadn't emerged from committee yet. The commission ran into more of these Friday and postponed one after another, unwilling (commendably) to rush to a vote. So time, fatigue and familiarity may yet take their toll on the commission's collegiality.

But what we have seen so far has been enough to make one wish that it were the Commission that meets every year and the Legislature that convenes only once every 20.

*By Martin Dyckman  
Associate Editor  
St. Petersburg Times  
November 16, 1997*

# CONSTITUTION REVISION COMMISSION PROPOSALS FILED

*(As of December 29, 1997)*

**Proposal 1** by Commissioner Sundberg—ARTICLE I, s. 9, Fla. Const.; providing that private property may not be forfeited unless the owner is convicted of a felony and has exhausted all appeals.

—*committed to the Style and Drafting Committee*

**Proposal 2** by Commissioner Sundberg—ARTICLE I, s. 2, Fla. Const.; providing for citizens to enjoy equal opportunity to employment, housing, public accommodations, public education, and other benefits and authorizing governmental agencies to take actions to remedy the effects of past discrimination in certain areas.

—*referred to the Committee on Declaration of Rights (Article I)*

**Proposal 3** by Commissioner Riley—ARTICLE I, s. 19, Fla. Const.; providing that a person found not guilty of a crime may not be assessed fees or costs to recover property seized as evidence or impounded.

—*referred to the Committee on Declaration of Rights (Article I)*

**Proposal 4** by Commissioner Langley—ARTICLE I, s. 18, Fla. Const.; clarifying the authority of the Department of Military Affairs, through courts-martial, to impose sentences of imprisonment and other penalties.

—*committed to the Style and Drafting Committee*

**Proposal 5** by Commissioner Planas—ARTICLE I, s. 2, Fla. Const.; prohibiting discrimination based on national origin.

—*approved by the Committee on Declaration of Rights (Article I)*

**Proposal 6** by Commissioner Nabors—ARTICLE VII, s. 17, Fla. Const.; providing limits on the adoption of exemptions and exclusions from the general state sales tax.

—*referred to the Committee on Finance and Taxation (Article VII)*

**Proposal 7** by Commissioner Mills—ARTICLE II, s. 8, Fla. Const.; authorizing the Florida Commission on Ethics to investigate, on its own initiative or at the request of any person, complaints concerning breach of public trust by certain public officers and employees.

—*withdrawn from further consideration*

**Proposal 8** by Commissioner Barkdull—ARTICLE III, s. 8, Fla. Const.; increasing the length of time within which the governor may veto legislation.

—*committed to the Style and Drafting Committee*

**Proposal 9** by Commissioner Sundberg—ARTICLE V, s. 8, Fla. Const.; repealing the provision that stipulates a maximum age beyond which individuals may not serve as justices or judges.

—*failed on November 13, 1997*

**Proposal 10** by Commissioner Sundberg—ARTICLE VI, s. 4, Fla. Const.; deleting term limits for the offices of state senator or representative, lieutenant governor, Cabinet member, U.S. representative, and U.S. senator.

—*failed on November 13, 1997*

**Proposal 11** by Commissioner Freidin—ARTICLE I, s. 2, Fla. Const.; providing that persons may not be deprived of their rights because of gender.

—*referred to the Committee on Declaration of Rights (Article I)*

**Proposal 12** by Commissioner Freidin—ARTICLE I, s. 21, Fla. Const.; providing for access to the courts without regard to the age of the litigants.

—*withdrawn from further consideration*

**Committee Substitute for Proposal 13** by the Committee on Declaration of Rights and Commissioner Brochin—ARTICLE I, s. 22, Fla. Const.; providing that a defendant charged with a capital offense may not be sentenced to death unless such sentence is recommended by 9 members of a jury of 12 persons.

—*recommended as a Committee Substitute and approved by the Committee on Declaration of Rights (Article I)*

—*Consideration deferred until the January 1998 meetings*

**Committee Substitute for Proposal 14** by the Committee on Declaration of Rights and Commissioner Freidin—ARTICLE I, s. 2, Fla. Const.; changing the term “physical handicap” to “physical disability.”

—*recommended as a Committee Substitute and approved by the Committee on Declaration of Rights (Article I)*

**Proposal 15** by Commissioner Barnett—ARTICLE II, s. 8, Fla. Const.; providing that legislators are subject to sanction for ethics violations.

—*withdrawn from further consideration*

**Proposal 16** by Commissioner Douglass—ARTICLE VI, s. 7, Fla. Const.; requiring that public funds be used to finance campaigns for elective state office.

—*referred to the Committee on Ethics and Elections (Article VI, Part of Article II)*

**Proposal 17** by Commissioner Riley—ARTICLE I, s. 2, Fla. Const.; providing that no person shall be deprived of any right because of gender or sexual orientation.

—*disapproved by the Committee on Declaration of Rights (Article I)*

**Proposal 18** by Commissioner Riley—ARTICLE VI, s. 5, Fla. Const.; providing for elections to be held on Saturday and Sunday and prohibiting second primaries.

—*failed on December 12, 1997*

**Proposal 19** by Commissioner Barkdull—ARTICLE IV, s. 7, Fla. Const.; requiring the Senate to remove or reinstate an officer suspended by the Governor.

—*withdrawn from further consideration*

**Proposal 20** by Commissioner Evans-Jones—ARTICLE VII, s. 3, Fla. Const.; providing for the taxation of public property that is used by a private entity.

—*withdrawn from further consideration*

**Committee Substitute for Proposal 21** by the Committee on Declaration of Rights and Commissioner Rundle—ARTICLE I, s. 22, Fla. Const.; providing that a party to an action to establish paternity does not have a right to a trial by jury.

—*recommended as a Committee Substitute and approved by the Committee on Declaration of Rights (Article I)*

**Proposal 22** by Commissioner Rundle—ARTICLE IX, s. 1, Fla. Const.; requiring the first two years of college to be provided at no cost to the students.

—*withdrawn from further consideration*

**Proposal 23** by Commissioner Rundle—ARTICLE X, s. 4, Fla. Const.; providing an exception to the exemption from the forced sale of homestead property for property acquired or improved with the proceeds of felonious criminal activity or used in the commission of felonious criminal acts.

—*disapproved by the Committee on General Provisions (Articles II, X, XI, and XII)*

**Proposal 24** by Commissioner Rundle—ARTICLE IV, s. 8, Fla. Const.; requiring that a state prisoner serve at least 85 percent of his or her term of imprisonment, unless granted pardon or clemency; prohibiting the reduction of a prisoner’s sentence by more than 15 percent; requiring that a state prisoner sentenced to life imprisonment be incarcerated for the remainder of his or her natural life, unless granted pardon or clemency.

—*consideration deferred*

**Proposal 25** by Commissioner Langley—ARTICLE V, s. 1, Fla. Const.; providing for military courts martial to be conducted by military judges of the Florida National Guard with direct appeal to the District Court of Appeal, First District.

—*committed to the Style and Drafting Committee*

**Proposal 26** by Commissioner Langley—ARTICLE IV, s. 6, and ARTICLE VII, s. 9, Fla. Const.; creating five executive departments of water management and eliminating ad valorem taxing authority for water management purposes.

CONTINUED NEXT PAGE

—referred to the Committee on Finance and Taxation (Article VII)

**Proposal 27** by Commissioner Riley—ARTICLE X, s. 18, Fla. Const.; providing duties of boards of trustees or fiduciaries of public employees' retirement systems.

—approved by the Committee on General Provisions (Articles II, X, XI, and XII)

**Proposal 28** by Commissioner Riley—ARTICLE IX, s. 5, Fla. Const.; providing for the appointment of all district school superintendents.

—failed on November 14, 1997

**Proposal 29** by Commissioner Riley—ARTICLE I, s. 26, Fla. Const.; allowing the lawful possession, use, and prescribing of marijuana for medicinal purposes.

—failed on November 13, 1997

**Proposal 30** by Commissioner Sundberg—ARTICLE X, s. 16, Fla. Const.; limiting marine net fishing, to provide that this section remain intact without any change.

Committee Substitute for Proposals 31 and 55 by the Committee on Judicial and Commissioners Sundberg and Zack—ARTICLE V, s. 14, Fla. Const., and create ARTICLE V, s. 21, Fla. Const.; providing for salaries, costs, and expenses of the judiciary, state attorneys, public defenders, and clerks of the circuit court, and their respective staff, to be funded from state revenues appropriated by general law; providing for counties to fund the cost of construction, maintenance, utilities, and security of facilities for the judiciary, public defenders, state attorneys, and clerks of the circuit court, and their respective staffs; requiring the Legislature to appropriate funds according to a phase-in schedule established by general law; authorizing the Legislature to require that counties remit fines, cost, and forfeitures for the purpose of funding the operation of the judiciary, state attorneys, and public defenders.

—recommended as a Committee Substitute and approved by the Committee on Judicial (Article V)

—consideration deferred until the January 1998 meetings

**Proposal 32** by Commissioner Ford-Coates—ARTICLE VI, s. 2, Fla. Const.; reducing the voting age to eighteen.

—committed to the Style and Drafting Committee

**Proposal 33** by Commissioner Barnett—ARTICLE VII, s. 5, Fla. Const.; eliminating the prohibition against levying a state income tax.

—referred to the Committee on Finance and Taxation (Article VII)

**Proposal 34** by Commissioner Barnett—ARTICLE VI, s. 2, Fla. Const.; lowering the voting age from twenty-one to eighteen.

—withdrawn from further consideration

**Proposal 35** by Commissioner Freidin—ARTICLE II, s. 8, Fla. Const., relating to ethics in government;

including in that section the requirement set out in ARTICLE III, s. 18, Fla. Const., which requires creation of a code of ethics; repealing ARTICLE III, s. 18, Fla. Const., as a distinct section.

—committed to the Style and Drafting Committee

**Proposal 36** by Commissioner Henderson—ARTICLE II, s. 7, Fla. Const.; providing a right to clean and healthful air and water and to protection of other natural resources.

—referred to the Committee on General Provisions (Articles II, X, XI, and XII)

**Proposal 37** by Commissioner Freidin—to revise the Florida Constitution by adopting language that is not gender-specific.

—approved by the Committee on General Provisions (Articles II, X, XI, and XII)

**Proposal 38** by Commissioner Mills—ARTICLE I, Fla. Const.; providing for an Environmental Bill of Rights.

—referred to the Committee on General Provisions (Articles II, X, XI, and XII)

**Proposal 39** by Commissioner Henderson—ARTICLE X, Fla. Const.; creating the Florida Land and Water Conservation Trust Fund and providing for its source of funds and purposes.

—disapproved by the Committee on Bonding and Investments (Article VII)

**Proposal 40** by Commissioner Marshall—ARTICLE IX, s. 4, Fla. Const.; authorizing certain counties to be divided into more than one school district.

—referred to the Committee on Education (Article IX)

**Proposal 41** by Commissioner Mathis—ARTICLE VII, xzs. 3, Fla. Const.; providing that certain property of a publicly owned and operated airport or seaport shall be taxed only to the extent that similar property owned by a county is taxed.

—referred to the Committee on Finance and Taxation (Article VII)

**Proposal 42** by Commissioner Mathis—ARTICLE II, s. 5, Fla. Const.; providing for recall of elected public officials including members of the judicial branch of government.

—referred to the Committee on Ethics and Elections (Article VI, Part of Article II)

**Proposal 43** by Commissioner Riley—ARTICLE III, s. 15, Fla. Const.; providing additional qualifications on candidates for, and members of, the state Legislature.

—failed November 14, 1997

**Proposal 44** by Commissioner Langley—ARTICLE V, s. 2, Fla. Const.; allowing the state supreme court and district courts of appeal to submit questions of military law to the federal Court of Appeal for the Uniform Services for an advisory opinion.

—committed to the Style and Drafting Committee

**Committee Substitute for Committee Substitute for Proposal 45** by the Committees on Executive and Legislative and Commissioner Henderson—ARTICLE IV, s. 9, Fla. Const.; creating the Fish and Wildlife Conservation Commission to be composed initially of the existing members of the Game and Fresh Water Fish Commission and the Marine Fisheries Commission and providing for the powers and duties of the commission.

—recommended as a Committee Substitute and approved by the Committee on Legislative (Article III)

**Proposal 46** by Commissioner Anthony—ARTICLE X, s. 13, Fla. Const.; providing for suits against state agencies, counties, school districts, municipalities, special districts, and other political subdivisions.

—disapproved by the Committee on Declaration of Rights (Article I)

**Committee Substitute for Proposal 47** by the Committee on General Provisions and Commissioner Anthony—ARTICLE VIII, s. 7, Fla. Const. and revise ARTICLE XI, s. 3, Fla. Const.; providing that the power of self-government of a county or municipality may not be diminished except by general law, county charter, or special act approved by the electors of the county or municipality; providing that a constitutional initiative that limits the powers of municipalities or limits the ability of municipalities to raise revenue must be approved by the electors of a municipality in order to take effect within the municipality.

—failed on December 12, 1997

**Proposal 48** by Commissioner Anthony—ARTICLE VII, s. 18, Fla. Const.; providing that local governments are not bound by certain state legislative mandates.

—failed on November 14, 1997

**Proposal 49** by Commissioner Anthony—ARTICLE VII, s. 3(a), Fla. Const.; providing that certain property owned by a municipality is not subject to taxation.

—referred to the Committee on Finance and Taxation (Article VII)

**Proposal 50** by Commissioner Anthony—ARTICLE VII, s. 1, Fla. Const.; authorizing a county or municipality to levy a tax within its boundaries pursuant to ordinance; providing for any such tax to apply only within the unincorporated area of the county.

—disapproved by the Committee on Local Government (Article VIII)

**Proposal 51** by Commissioner Anthony—ARTICLE VII, s. 4, Fla. Const.; requiring the assessment of improvements to real property which occur between assessment dates.

—referred to the Committee on Finance and Taxation (Article VII)

**Proposal 52** by Commissioner Anthony—ARTICLE VII, s. 6, Fla. Const.; exempting the owner of homestead property from payment of ad valorem taxes upon half



of the first \$50,000 in value of such property.  
—*disapproved by the Committee on Finance and Taxation (Article VII)*

**Proposal 53** by Commissioner Anthony—ARTICLE VI, s. 5, Fla. Const.; providing that general elections shall be held on the first Saturday and Sunday after the first Monday in November of each even-numbered year.

—*failed on November 13, 1997*

**Proposal 54** by Commissioner Zack—ARTICLE IX, s. 1, Fla. Const.; requiring that public education be adequately funded in each fiscal year; defining such adequate funding as an annual appropriation for public education which is at least 40 percent of total appropriations under Article III, not including lottery proceeds or federal funds; providing that the minimum percentage is based on the percentage appropriated for public education from total appropriations in the 1986-1987 fiscal year.

—*referred to the Committee on Education (Article IX)*

**Proposal 55** by Commissioner Zack—ARTICLE V, ss. 14, 16, 17, and 18, Fla. Const., and create ARTICLE V, s. 21, Fla. Const.; providing for justices, judges, and persons employed by the courts to be compensated from funds appropriated by the Legislature; providing for counties to pay the costs of construction, maintenance, utilities, and security for the courts; providing for an annual legislative appropriation to each clerk of the circuit court to pay the costs of judicial functions which are not covered by fees and costs retained by the clerk; providing for the costs of construction, maintenance, utilities, and security for the offices of state attorneys and public defenders, including the salaries, costs, and other expenses of operating the offices of state attorneys and public defenders, to be paid by funds appropriated by the Legislature; providing that the funding of the courts and the offices of state attorneys and public defenders be phased-in according to a schedule established by general law.

—*recommended as a Committee Substitute, combined with Proposal 31 and approved by Committee on Judicial (Article V)*

**Proposal 56** by Commissioner Zack—ARTICLE I, Fla. Const.; adding s. 26 to that article; providing that every minor child who is a resident of this state must be provided with medical care, irrespective of the family's ability to pay for the care.

—*disapproved by the Committee on Declaration of Rights (Article I)*

**Proposal 57** by Commissioner Zack—ARTICLE I, s. 23, Fla. Const.; prohibiting the sale from a database of information that relates to a natural person, unless the person gives written consent.

—*failed on November 13, 1997*

**Proposal 58** by Commissioner Zack—ARTICLE I, s. 2, Fla. Const.; providing that a person may not be deprived of any right because of age.

—*referred to the Committee on Declaration of Rights (Article I)*

**Proposal 59** by Commissioner Zack—ARTICLE X, s. 13, Fla. Const.; providing limitations upon the amount of damages payable by the state when a court finds the state liable; providing for a bad-faith surcharge; placing a limit on attorney's fees.

—*approved by the Committee on Judicial (Article V)*

**Proposal 60** by Commissioner Langley—ARTICLE V, s. 2, Fla. Const.; providing for the cross-assignment of judges.

—*approved by the Committee on Judicial (Article V)*

**Proposal 61** by Commissioner Wetherington—ARTICLE V, ss. 10 and 11, Fla. Const.; providing for circuit and county judges to be subject to a vote of retention rather than running for reelection.

—*failed on December 10, 1997*

**Proposal 62** by Commissioner Wetherington—ARTICLE V, s. 8, Fla. Const.; raising the mandatory retirement age for justices and judges; eliminating the provision that a justice or judge reaching mandatory retirement age may serve out a term already half served.

—*committed to the Style and Drafting Committee*

**Proposal 63** by Commissioner Connor—ARTICLE II, s. 8, Fla. Const.; strengthening the powers of the Florida Commission on Ethics.

—*disapproved by the Committee on Ethics and Elections*

**Committee Substitute for Proposal 64** by the Committee on Bonding and Investments and Commissioner Nabors—ARTICLE VII, s. 11, Fla. Const.; providing for state bonds pledging all or part of a dedicated state tax revenue or the full faith and credit of the state for certain uses as provided by general law.

—*recommended as a Committee Substitute and approved by the Committee on Bonding and Investments (Article VII)*

**Proposal 65** by Commissioner Langley—ARTICLE III, s. 26, Fla. Const.; providing for the revision or amendment of statutory law through the initiative process.

—*withdrawn from further consideration*

**Committee Substitute for Proposal 66** by the Committee on Judicial and Commissioner Wetherington—ARTICLE V, ss. 10 and 11, Fla. Const.; providing for circuit court judges and county court judges to run for reelection unless the electors within the circuit or within the county approve a local option whereby the circuit court judges or the county court judges are selected by merit selection and are subject

to a vote of retention.

—*committed to the Style and Drafting Committee*

**Proposal 67** by Commissioner Wetherington—ARTICLE V, s. 8, Fla. Const., and to create ARTICLE XII, s. 21, Fla. Const.; providing for an increase in the length of membership in the Florida bar which is required of a candidate for the office of circuit judge or county judge; providing that a circuit judge or county judge who is in office when this amendment takes effect retains eligibility to serve in that office.

—*failed on November 13, 1997*

**Proposal 68** by Commissioner Freidin—ARTICLE I, s. 21, Fla. Const.; providing standards for access to courts.

—*withdrawn from further consideration*

**Committee Substitute for Proposal 69** by the Committee on Executive and Commissioner Riley—ARTICLE IV, ss. 4, 5, Fla. Const.; providing for the appointment of the Commissioner of Education.

—*recommended as a Committee Substitute and approved by the Committee on Executive (Article IV)*

**Committee Substitute for Proposal 70** by the Committee on General Provisions and Commissioner Mills—ARTICLE X, s. 4, Fla. Const.; providing a value limitation on the homestead exemption; authorizing the legislature to change the amount of the value limitation; providing that the homestead exemption does not apply to certain property.

—*failed on December 11, 1997*

**Proposal 71** by Commissioner Mills—ARTICLE VI, s. 5, Fla. Const.; providing for open primary elections.

—*withdrawn from further consideration*

**Proposal 72** by Commissioner Mills—ARTICLE III, s. 26, Fla. Const.; providing for the revision or amendment of statutory law through the initiative process.

—*disapproved by the Committee on General Provisions*

**Proposal 73** by Commissioner Sundberg—ARTICLE XI, s. 3, Fla. Const.; providing signature requirements for initiative petitions for constitutional amendments.

—*withdrawn from further consideration*

**Proposal 74** by Commissioner Langley—ARTICLE V, s. 10, Fla. Const.; providing for the election of justices of the supreme court and judges of a district court of appeal; providing for public financing for judicial elections.

—*referred to the Committee on Ethics and Elections*

**Proposal 75** by Commissioner Douglass—ARTICLE IV, Fla. Const.; adding s. 14 to that article; providing for a public service commission to be appointed by the governor, subject to confirmation by the Senate; providing terms of office; providing for the enactment of laws not inconsistent with this section; providing

for the subject matter of such laws.

—*withdrawn from further consideration*

**Proposal 76** by Commissioner Sundberg—ARTICLE VI, s. 7, Fla. Const.; prohibiting a business entity or labor organization from making any contribution for the purpose of influencing an election held to fill a public office in the state; prohibiting an officer or director of a business entity or labor organization from consenting to any such unlawful contribution; providing that the establishment of an independent committee does not constitute an unlawful activity; specifying that the provision of certain indirect support services does not constitute an unlawful activity.

—*referred to the Committee on Ethics and Elections*

**Committee Substitute for Proposal 77** by the Committee on Declaration of Rights and Commissioner Freidin—ARTICLE X, s. 13, Fla. Const.; abolishing sovereign immunity in contract and in tort.

—*recommended as a Committee Substitute and approved by the Committee on Declaration of Rights (Article I)*

**Proposal 78** by Commissioner Ford-Coates—ARTICLE VI, s. 4, Fla. Const.; deleting provisions that establish term limits for Florida delegates to Congress.

—*withdrawn from further consideration*

**Committee Substitute for Proposal 79** by the Committee on Ethics and Elections and Commissioner Riley—ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of a candidate with no party affiliation or minor party candidate on an election ballot must not be greater than the requirements for major party candidates.

—*committed to the Style and Drafting Committee*

**Proposal 80** by Commissioner Freidin—ARTICLE III, s. 18, Fla. Const.; requiring that a code of ethics for persons or entities in the exercise of governmental duties which prohibits conflict between public duty and private interests be prescribed by law.

—*failed on December 12, 1997*

**Committee Substitute for Proposal 81** by the Committee on Ethics and Elections and Commissioner Rundle—ARTICLE XI, s. 3, 5, Fla. Const.; authorizing the use of random samples to verify names on initiative petitions and providing procedures for submitting and verifying petitions.

—*recommended as a Committee Substitute and approved by the Committee on Ethics and Elections (Article VI, Part of Article II)*

**Proposal 82** by Commissioner Corr—ARTICLE VI, s. 5, Fla. Const.; providing that all candidates for election be listed on election ballots.

—*failed on November 14, 1997*

**Proposal 83** by Commissioner Corr—ARTICLE X, s. 6, Fla. Const.; providing conditions under which private property is assumed to be taken for a public purpose.

—*referred to the Committee on General Provisions*

**Proposal 84** by Commissioner Corr—ARTICLE VI, s. 5, Fla. Const.; providing that campaign contributions may be made only by persons who are eligible to vote for the candidate to whom they are making the contribution.

—*failed on December 12, 1997*

**Proposal 85** by Commissioner Sundberg—ARTICLE I, s. 24; ARTICLE III, ss. 1, 2, 3, 4, 5, 7, 8, 9, 11, 15, 16, 17, 19; ARTICLE IV, ss. 6, 7, 9, 13; ARTICLE V, ss. 2, 9, 11, 12, 20; ARTICLE VII, ss. 1, 5, 18; ARTICLE VIII, s. 6; ARTICLE X, ss. 2, 12; ARTICLE XI, ss. 1, 2, 5, 6; ARTICLE XII, ss. 11, 12, 14, Fla. Const.; and to create ARTICLE III, ss. 20, 21; ARTICLE XII, s. 22, Fla. Const.; providing for a unicameral Legislature.

—*failed on December 11, 1997*

**Proposal 86** by Commissioner Freidin—ARTICLE I, s. 26, Fla. Const.; guaranteeing the equal rights of women and men throughout the state.

—*referred to the Committee on Declaration of Rights*

**Proposal 87** by Commissioner Wetherington—ARTICLE V, s. 1, Fla. Const.; allowing the legislature to establish by general law a system of family magistrates.

—*failed on December 10, 1997*

**Proposal 88** by Commissioner Freidin—ARTICLE III, s. 3, Fla. Const.; increasing the length of the regular legislative session and including a mandatory recess; deleting authorization for extending a regular session; deleting limits on business that may be taken up during an extended special session.

—*disapproved by the Committee on Legislative*

**Proposal 89** by Commissioner Riley—ARTICLE X, s. 15, Fla. Const.; providing for the use of lottery moneys allocated to education.

—*referred to the Committee on Education*

**Proposal 90** by Commissioner Hawkes—ARTICLE III, s. 4, Fla. Const.; providing members of the Legislature with immunity with respect to any speech or debate in either house of the Legislature.

—*referred to the Committee on Legislative*

**Proposal 91** by Commissioner Hawkes—ARTICLE VII, s. 4, Fla. Const.; providing for certain pollution control devices to be classified by general law and assessed solely on the basis of character or use.

—*disapproved by the Committee on Bonding and Investments (Article VII)*

**Proposal 92** by Commissioner Nabors—ARTICLE VIII, s. 1, Fla. Const.; providing that noncharter counties have such power of self-government as is not inconsistent with general law or any special law approved by the electors.

—*referred to the Committee on Local Government*

**Proposal 93** by Commissioner Henderson—ARTICLE X, s. 4, Fla. Const.; eliminating the prohibition against

devising a homestead if the owner is survived by a spouse or minor child.

—*referred to the Committee on General Provisions*

**Proposal 94** by Commissioner Evans—ARTICLE V, s. 10, Fla. Const.; providing that candidates for judicial office may not be precluded from taking a public position on issues.

—*disapproved by the Committee on Judicial (Article V)*

**Proposal 95** by Commissioner Evans—ARTICLE I, s. 16, Fla. Const.; requiring that the state reimburse a person charged with a crime for the costs of a successful defense whenever the charges are dismissed or the person is acquitted.

—*disapproved by the Committee on Judicial (Article V)*

**Proposal 96** by Commissioner Nabors—ARTICLE I, s. 5, Fla. Const.; prescribing types of communication that are within the purview of the people's right to instruct their representatives.

—*approved by the Committee on Local Government*

**Proposal 97** by Commissioner Evans—ARTICLE I, s. 23, Fla. Const.; prohibiting the performance of a partial-birth abortion, as defined, except in specified circumstances; providing that a woman upon whom such an abortion is performed is not subject to prosecution under this section.

—*referred to the Committee on Declaration of Rights*

**Proposal 98** by Commissioner Planas—ARTICLE III, s. 15, Fla. Const.; requiring additional qualifications of candidates for, and members of, the state legislature.

—*disapproved by the Committee on Legislative*

**Proposal 99** by Commissioner Langley—ARTICLE VII, s. 18, Fla. Const.; providing that a county or municipality is not bound by any agency action or administrative rule that requires the expenditure of funds, reduces revenue raising authority, or reduces the percentage of shared state taxes.

—*referred to the Committee on Finance and Taxation*

**Proposal 100** by Commissioner Anthony—ARTICLE VIII, s. 2, Fla. Const.; providing methods for the creation, abolition, and merger of municipalities.

—*referred to the Committee on Local Government*

**Proposal 101** by Commissioner Evans-Jones—ARTICLE IV, s. 5, Fla. Const.; providing for election of public service commissioners.

—*referred to the Committee on Executive*

**Proposal 102** by Commissioner Henderson—ARTICLE X, Fla. Const.; adding s. 18 to provide restrictions on the disposition of conservation and recreation lands.

—*referred to the Committee on General Provisions*

**Proposal 103** by Commissioner Henderson—ARTICLE VII, s. 3, Fla. Const.; providing for immunity of certain municipal property from taxation; providing for exemption of property owned by a governmental entity from taxation.



—referred to the *Committee on Finance and Taxation*

**Proposal 104** by Commissioner Evans—ARTICLE I, Fla. Const.; adding s. 26 to provide for parents' rights to direct the education of their children and to provide that the state has a compelling interest in punishing child abuse.

—referred to the *Committee on Declaration of Rights*

**Proposal 105** by Commissioner Planas—ARTICLE III, s. 15, Fla. Const., and ARTICLE VI, s. 4, Fla. Const.; increasing the term of office of state representatives and state senators; increasing the number of years such offices may serve.

—referred to the *Committee on Legislative*

**Proposal 106** by Commissioner Hawkes—ARTICLE VII, s. 3, Fla. Const.; providing a tax exemption for property owned by any governmental entity.

—referred to the *Committee on Finance and Taxation*

**Proposal 107** by Commissioner Connor—ARTICLE I, Fla. Const.; providing that the State Constitution does not restrict the right of parents to consent to medical treatment for their minor children.

—referred to the *Committee on Declaration of Rights*

**Committee Substitute for Proposal 108** by the Committee on Judicial and Commissioner Connor—ARTICLE VI, s. 4, and ARTICLE V, s. 10, Fla. Const.; providing that judicial officers may not hold office for more than eight consecutive years; reducing the terms of office for certain judicial officers.

—recommended as a *Committee Substitute and disapproved by the Committee on Judicial (Article V)*

**Proposal 109** by Commissioner Mills—ARTICLE VII, s. 3, Fla. Const.; providing a conservation tax exemption for private landowners.

—referred to the *Committee on Finance and Taxation*

**Proposal 110** by Commissioner Mills—ARTICLE VII, s. 2, Fla. Const.; prohibiting the levy of ad valorem taxes on intangible personal property; providing that a tax return for business tangible personal property need not be filed unless the value of the property exceeds a specified amount.

—referred to the *Committee on Finance and Taxation*

**Proposal 111** by Commissioner Mills—ARTICLE IX, s. 1, Fla. Const.; providing that public education is a fundamental right of the people.

—referred to the *Committee on Education*

**Proposal 112** by Commissioner Mills—ARTICLE VII, s. 2, Fla. Const.; providing that a tax return for tangible personal property need not be filed unless the value of the property exceeds a specified amount.

—referred to the *Committee on Finance and Taxation*

**Proposal 113** by Commissioner Evans-Jones—ARTICLE IV, s. 2, Fla. Const.; providing additional powers and duties for the Lieutenant Governor.

—referred to the *Committee on Executive*

**Proposal 114** by Commissioner Corr—ARTICLE VI, Fla. Const.; providing that campaign contributions may be made by only a natural person.

—failed on December 12, 1997

**Proposal 115** by Commissioner Corr—ARTICLE V, s. 10, Fla. Const.; prohibiting judicial candidates from soliciting and accepting campaign contributions from members of The Florida Bar.

—failed on December 10, 1997

**Proposal 116** by Commissioner Corr—ARTICLE IX, Fla. Const.; revising s. 6 to provide funding for an educational scholarship fund; adding s. 7 to authorize the creation of an education scholarship fund.

—disapproved by the *Committee on Finance and Taxation*

**Proposal 117** by Commissioner Corr—ARTICLE IX, s. 2, Fla. Const.; amending the membership of the state board of education; providing for the appointment of the board by the governor.

—referred to the *Committee on Executive*

**Proposal 118** by Commissioner Corr—ARTICLE X, s. 15, Fla. Const.; providing that lotteries may be operated by the state for the sole purpose of raising proceeds to enhance funding for public education programs; providing that proceeds be appropriated directly to school advisory councils for the sole purpose of enhancing school programs.

—approved by the *Committee on Education*

**Proposal 119** by Commissioner Corr—ARTICLE IX, s. 6, Fla. Const.; amending the eligibility requirements for receiving state school funds.

—disapproved by the *Committee on Education*

**Proposal 120** by Commissioner Henderson—ARTICLE VII, s. 9, Fla. Const.; providing a statewide millage cap for water management purposes.

—approved by the *Committee on General Provisions*

**Proposal 121** by Commissioner Freidin—ARTICLE VII, Fla. Const., Finance and Taxation, to establish a Unified State Tax.

—referred to the *Committee on Finance and Taxation*

**Proposal 122** by Commissioner Barkdull—ARTICLE IV, s. 8, Fla. Const.; providing for the automatic restoration of a person's civil rights following completion of sentence and a subsequent period during which the person is free of arrest.

—referred to the *Committee on Executive*

**Proposal 123** by Commissioner Barkdull—ARTICLE XI, Fla. Const.; repealing s. 6 relating to the Taxation and Budget Reform Commission.

—approved by the *Committee on General Provisions*

**Proposal 124** by Commissioner Ford-Coates—ARTICLE VII, s. 3, Fla. Const.; providing an exemption from ad valorem taxation of certain tangible personal property.

—referred to the *Committee on Finance and Taxation*

**Proposal 125** by Commissioners Mathis, Connor, Hawkes, Evans and Alfonso—ARTICLE I, s. 2, Fla. Const.; providing that born and unborn natural persons are equal before the law and have inalienable rights.

—referred to the *Committee on Declaration of Rights*

**Proposal 126** by Commissioners Mathis, Connor, Hawkes, Evans and Alfonso—ARTICLE I, s. 2 Fla. Const.; providing that the basic rights of natural persons accrue at the point of their conception and continue until their natural death.

—referred to the *Committee on Declaration of Rights*

**Proposal 127** by Commissioner Ford-Coates—ARTICLE VIII, s. 2, Fla. Const.; providing that a municipality may be abolished only by vote of the electors of the municipality.

—disapproved by the *Committee on Local Government*

**Proposal 128** by Commissioner Ford-Coates—ARTICLE VI, s. 5, Fla. Const.; providing for primary elections.

—committed to the *Style and Drafting Committee*

**Proposal 129** by Commissioner Marshall—ARTICLE VII, s. 10, Fla. Const.; prohibiting the state and local government entities from entering into certain ownership arrangements with or using their taxing power or credit to aid professional sports franchises.

—referred to the *Committee on Bonding and Investments*

**Proposal 130** by Commissioner Barkdull—ARTICLE XI, s. 3, Fla. Const.; requiring an initiative petition to be signed by a specified percentage of the electors from each congressional district.

—referred to the *Committee on General Provisions*

**Proposal 131** by Commissioner Marshall—ARTICLE I, s. 5, Fla. Const.; providing that the rights of electoral participation and political association are fundamental; providing for strict judicial scrutiny of any law that burdens the exercise of those rights.

—withdrawn from further consideration

**Proposal 132** by Commissioner Barkdull—ARTICLE XI, s. 3, Fla. Const.; increasing the percentage of electors who must sign an initiative petition.

—referred to the *Committee on General Provisions*

**Committee Substitute for Proposal 133** by Committee on Finance and Taxation and Commissioner Scott—ARTICLE III, s. 19(d), Fla. Const.; providing guidelines for the public review period for general appropriation acts.

—recommended as a *Committee Substitute and approved by the Committee on Finance and Taxation (Article VII)*

**Proposal 134** by Commissioner Marshall—ARTICLE III, s. 3, Fla. Const.; providing for length of regular legislative sessions.

—referred to the *Committee on Legislative*

**Proposal 135** by Commissioner Henderson—ARTICLE VII, s. 4, Fla. Const.; adding lands used for conservation purposes to those lands that may by law be assessed for tax purposes on the basis of their character or use.

—approved by the *Committee on Finance and Taxation (Article VII)*

**Proposal 136** by Commissioner Henderson—ARTICLE VII, s. 9, Fla. Const.; authorizing local taxing authorities to classify real property and improvements to promote redevelopment and infill.

—referred to the *Committee on Finance and Taxation*

**Proposal 137** by Commissioner Evans-Jones—ARTICLE VII, s. 1, Fla. Const.; providing that property owned by an immune or exempt governmental entity is taxable if it is used by a private entity in any manner other than as specified.

—referred to the *Committee on Finance and Taxation*

**Proposal 138** by Commissioner Nabors—ARTICLE X, s. 15, Fla. Const.; limiting the use of state lottery net proceeds to financing certain educational facilities or funding early childhood care and education programs.

—referred to the *Committee on Education*

**Proposal 139** by Commissioner Mathis—ARTICLE IX, s. 4, Fla. Const.; prohibiting the election of district school board members in countywide elections.

—referred to the *Committee on Education*

**Proposal 140** by Commissioner Mathis—ARTICLE IX, s. 1, Fla. Const.; providing for free public schools and universities.

—referred to the *Committee on Education*

**Proposal 141** by Commissioner Mathis—ARTICLE I, s. 16, Fla. Const.; providing that the spouse of a state or county prisoner has a right to conjugal visitation with that prisoner; providing that a person connected by affinity or consanguinity to state or county prisoner has a right of family visitation with that prisoner.

—referred to the *Committee on Declaration of Rights*

**Proposal 142** by Commissioner Smith—ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of an independent or minor party candidate on an election ballot must not be greater than the requirements for major party candidates; providing that filing fees for ballot access must be reasonable.

—withdrawn from further consideration

**Proposal 143** by Commissioner Sundberg—ARTICLE X, s. 15, Fla. Const.; establishing the Education Enhancement Trust Fund for the deposit of proceeds from the lotteries operated by the state; requiring the State Board of Education, or its successor, to appropriate moneys from the trust fund; providing allowable uses of moneys from the trust fund.

—referred to the *Committee on Education*

**Proposal 144** by Commissioner Barnett—ARTICLE I, s. 17, Fla. Const.; relating to punishment for crime.

—referred to the *Committee on Declaration of Rights*

**Proposal 145** by Commissioner Barnett—ARTICLE II, s. 8, Fla. Const.; providing that all elected officials or candidates for such offices must file public financial disclosure statements.

—withdrawn from further consideration

**Proposal 146** by Commissioner Barnett—ARTICLE III, s. 1, Fla. Const.; providing that the Legislature may consist of senate districts and representative districts that overlap or that are identical in territory with one another

—withdrawn from further consideration

**Proposal 147** by Commissioner Scott—ARTICLE VII, Fla. Const., Finance and Taxation, to modify provisions governing finance and taxing authority.

—referred to the *Committee on Finance and Taxation*

**Proposal 148** by Commissioner Barkdull—ARTICLE III, s. 16, Fla. Const.; providing for legislative apportionment by an independent commission if not accomplished by the Legislature and the Supreme Court and ARTICLE XII, Fla. Const.; adding s. 22 to provide for the membership of the independent reapportionment commission.

—referred to the *Committee on Legislative*

**Proposal 149** by Commissioner Scott—ARTICLE IV, Fla. Const., Executive, to modify provisions governing the executive.

—referred to the *Committee on Executive*

**Proposal 150** by Commissioner Scott—ARTICLE III, Fla. Const., Legislature, to modify provisions governing the legislature.

—referred to the *Committee on Legislative*

**Proposal 151** by Commissioner Barkdull—ARTICLE XII, s. 9(a)(1), Fla. Const.; extending the period during which the Land Acquisition Trust Fund shall continue to exist following its creation by the 1963 Legislature.

—disapproved by the *Committee on Bonding and Investments (Article VII)*

**Proposal 152** by Commissioner Barkdull—ARTICLE XI, s. 2, Fla. Const.; amending the deadline by which the Constitution Revision Commission must file any proposed revision with the Secretary of the State.

—approved by the *Committee on General Provisions*

**Proposal 153** by Commissioner Barkdull—ARTICLE V, s. 12, Fla. Const.; providing for membership of the judicial qualifications commission.

—approved by the *Committee on Judicial (Article V)*

**Proposal 154** by Commissioner Barkdull—ARTICLE XI, s. 3, Fla. Const.; authorizing the Legislature to modify an adopted initiative petition after a period of time.

—referred to the *Committee on General Provisions*

**Proposal 155** by Commissioner Scott—ARTICLE III, s. 16(a), Fla. Const.; providing for the Legislature to

apportion the state into single-member senatorial districts of contiguous territory and single-member representative districts of contiguous territory.

—referred to the *Committee on Legislative*

**Proposal 156** by Commissioner Barkdull—ARTICLE V, s. 12, Fla. Const.; providing for inclusion of two members of The Florida Bar on group II of the judicial qualifications commission.

—withdrawn from further consideration

**Committee Substitute for Proposal 157** by Committee on Education and Commissioner Mills—ARTICLE IX, s. 1, Fla. Const.; defining the term “adequate provision” as applicable to the system of public education.

—recommended as a *Committee Substitute and approved by the Committee on Education (Article IX)*

**Proposal 158** by Commissioner Marshall—ARTICLE IX, s. 4, Fla. Const.; providing for nonpartisan school board elections.

—committed to the *Style and Drafting Committee*

**Proposal 159** by Commissioner Mathis—ARTICLE IV, ss. 3, 4, and 8, and ARTICLE XII, s. 9, Fla. Const.; providing for membership of the Florida Cabinet.

—referred to the *Committee on Executive*

**Proposal 160** by Commissioner Smith—ARTICLE XI, s. 3, Fla. Const.; providing that, when a referendum to amend or revise the Florida Constitution which has been placed on the ballot by initiative is rejected, the subject matter of that referendum may not be the subject of a subsequent petition and initiative for a specified period

—referred to the *Committee on General Provisions*

**Proposal 161** by Commissioner Brochin—ARTICLE III, s. 4, Fla. Const.; deleting the authority of each house of the Legislature to be the sole judge for the interpretation, implementation, and enforcement of section 4 of Article III of the constitution.

—disapproved by the *Committee on Legislative*

**Proposal 162** by Commissioner Evans-Jones—ARTICLE III, s. 16, Fla. Const., relating to legislative apportionment and the addition of s. 10 to ARTICLE II of the Fla. Const., providing for the establishment of an independent commission to reapportion the state legislative districts and redistrict congressional districts; prescribing guidelines for such reapportionment and redistricting; providing for judicial review thereof.

—referred to the *Committee on Legislative*

**Proposal 163** by Commissioner Evans-Jones—ARTICLE IV, ss. 4 and 6, Fla. Const.; providing for the Cabinet to be composed of the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Education; providing duties of the Chief Financial Officer; providing for the Secretary of the State and the Commissioner of Agriculture be

appointed by the Governor.

—referred to the *Committee on Executive*

**Proposal 164** by Commissioner Freidin—ARTICLE XI, s. 5, Fla. Const.; requiring approval of an amendment or revision of the constitution by a three-fifths vote of the electors voting on the proposal.

—referred to the *Committee on General Provisions*

**Proposal 165** by Commissioner Corr—ARTICLE IV, ss. 4, 5, Fla. Const.; providing membership of the Florida Cabinet and qualifications for Cabinet members and for the Governor and Lieutenant Governor.

—referred to the *Committee on Executive*

**Proposal 166** by Commissioner Riley—ARTICLE IV, s. 5, and ARTICLE IX, s. 2, Fla. Const.; providing for the appointment of the State Board of Education by the Governor and the appointment of the Commissioner of Education by the State Board of Education.

—referred to the *Committee on Executive*

**Proposal 167** by Commissioner Rundle—ARTICLE VIII, s. 5, Fla. Const.; providing for the electors of a county to regulate the possession, purchase, and sale of firearms; providing that a county may not prohibit the possession, purchase, and sale of firearms and ammunition.

—approved by the *Committee on Local Government*

**Proposal 168** by Commissioner Corr—ARTICLE IV, s. 6, Fla. Const.; providing that an entity purportedly within an executive department which is not subject to the direct supervision of the agency head is a department.

—approved by the *Committee on Executive (Article IV)*

**Proposal 169** by Commissioner Hawkes—ARTICLE V, ss. 1 and 4, Fla. Const.; establishing courts of criminal appeals; providing for a court of appeals to be located in each of three regional divisions; providing for justices of the courts of criminal appeals to be appointed by the Governor and be subject to confirmation by the Senate; providing for compensation of the justices; providing for terms of office; providing for the courts to final appellate jurisdiction of criminal appeals, appeals of capital cases, and appeals based on habeas corpus or other postconviction claims; providing for the courts to convene an en banc panel to hear capital cases and to resolve conflicting rulings; authorizing the courts to issue specified writs; providing for the appointment of clerks for the courts; providing applicability of rules.

—referred to the *Committee on Judicial*

**Proposal 170** by Commissioner Mills—ARTICLE I, s. 5, Fla. Const.; providing for the establishment of a Citizens Advocate to be appointed by the Governor to aid the public in obtaining redress of grievances arising from administrative actions of state agencies

or local governments.

—referred to the *Committee on Executive*

**Proposal 171** by Commissioner Mills—ARTICLE I, s. 23, Fla. Const.; requiring the state to protect natural persons against nongovernmental intrusion for commercial purposes into their lives.

—referred to the *Committee on Declaration of Rights*

**Proposal 172** by Commissioner Thompson—ARTICLE III, s. 16, Fla. Const.; providing for legislative districts to be apportioned by an apportionment commission; providing for the appointment of members to the apportionment commission; requiring that the chief justice of the supreme court fill any vacancy on the commission; requiring meetings and records of the commission to be open to the public; providing certain exceptions; requiring that the commission file an apportionment plan with the secretary of state within a specified period; requiring that the supreme court determine the validity of the apportionment plan; providing for the supreme court to apportion the state if the commission fails to timely file an apportionment plan or an amended apportionment plan; providing for the assignment of senatorial terms that are shortened as a result of apportionment; deleting requirements that the Legislature apportion the state into legislative districts.

—referred to the *Committee on Legislative*

**Proposal 173** by Commissioner Riley—ARTICLE VIII, s. 1, Fla. Const.; authorizing counties to elect county officers in nonpartisan elections; providing procedures.

—referred to the *Committee on Ethics and Elections*

**Proposal 174** by Commissioner Sundberg—ARTICLE IV, s. 14, Fla. Const.; providing for a public utilities commission established by the Legislature to be an executive agency that exercises quasi-legislative and quasi-judicial powers.

—referred to the *Committee on Executive*

**Proposal 175** by Commissioner Nabors—ARTICLE I, s. 5, Fla. Const.; prescribing types of communication that are within the purview of the people's right to instruct their representatives.

**Proposal 176** by Commissioner Alfonso—ARTICLE IV, s. 6, Fla. Const.; deleting the provision that allows the governor and cabinet jointly to administer a state agency.

—referred to the *Committee on Executive*

**Proposal 177** by Commissioner Evans-Jones—ARTICLE I, s. 24; ARTICLE III, ss. 1, 2, 3, 4, 5, 7, 8, 9, 11, 15, 16, 17, 19; ARTICLE IV, ss. 6, 7, 9, 13; ARTICLE V, ss. 2, 9, 11, 12, 20; ARTICLE VII, ss. 1, 5, 18; ARTICLE VIII, s. 6; ARTICLE X, ss. 2, 12; ARTICLE XI, ss. 1, 2, 5, 6; ARTICLE XII, ss. 11, 12, 14, Fla. Const., and to create ARTICLE III, ss. 20, 21, ARTICLE XII, s. 22, Fla. Const.; providing for a unicameral Legislature.

—referred to the *Committee on Legislative*

**Proposal 178** by Commissioner Connor—ARTICLE I, s. 5, Fla. Const.; providing that the rights of electoral participation and political association are fundamental and that any law restricting such rights is subject to strict judicial scrutiny.

**Proposal 179** by Commissioner Thompson—ARTICLE III, ss. 8, 19, Fla. Const.; providing guidelines for legislative consideration of veto messages; revising calculation of the 72-hour public review period for general appropriation bills.

**Proposal 180** by Commissioner Brochin—ARTICLE VII, s. 4, Fla. Const.; providing that, after a specified date, the “Save-Our-Homes” assessment limitation applies only to homestead parcels that have a just value of more than a specified amount; requiring provision to be made by general law for the coordination of this limitation with other assessment limitations set forth in Article VII, s. 4(c), Fla. Const.; allowing provision to be made by general law for adjusting the maximum just value to accommodate inflation.

**Proposal 181** by Commissioner Brochin—ARTICLE IX, s. 1, Fla. Const.; providing public rights to, and state duties to provide, complete and adequate public education.

**Proposal 182** by Commissioner Riley—ARTICLE IV, ss. 3, 4, 5, 6, 8, 13, and ARTICLE VI, s. 4, Fla. Const.; providing for appointment of Cabinet members.

Proposal 183 by Commissioner Brochin—the Florida Constitution; providing that the Florida constitution Revision Commission should revise the constitution to allow certain constitutional provisions to be converted into general law.

**Proposal 184** by Commissioner Mills—ARTICLE VI, s. 1, Fla. Const.; providing that the legislature shall prohibit undue influence and other improper conduct in connection with elections.

**Proposal 185** by Commissioner Mills—ARTICLE VII, s. 3, Fla. Const.; providing that certain property owned by public airports and seaports is exempt from taxation.

**Proposal 186** by Commissioner Thompson—ARTICLE VI, s. 1, Fla. Const.; limiting political contributions.

**Proposal 186** by Commissioner Thompson—ARTICLE VI, s. 1, Fla. Const.; limiting political contributions.



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## MESSAGE FROM THE CHAIRMAN CONTINUED

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Judge Thomas Barkdull, center front row, was among those discussing issues during the December 1966 meetings. Barkdull is the only person to serve on the 1968, 1978 and current Constitution Revision Commission.

serve on the 1968, 1978 and current Constitution Revision Commission.

Because of his vast knowledge of the Constitution and the rules and procedures of the Commission, it's no secret that I give a great deal of weight to Judge Barkdull's advice. In making decisions, I have found Judge Barkdull to be very frank. He doesn't sugar-coat things. He approaches decisions from the standpoint of what's right as opposed to what's expedient.

Those are qualities I noticed in Judge Barkdull from the time we worked together for the election of Governor Farris Bryant in 1960. I was chairman of the state's Young Democrats for Bryant, and Barkdull was the Miami/South Florida coordinator of Bryant's campaign. Even then, as a 35-year-old attorney in Miami, Tom had an unusually keen sense of public response to particular issues. He believes that you don't follow the polls, you try to create the polls by doing what's right. That philosophy played a key role in helping Bryant win the Democratic nomination from Doyle Carlton, Jr., and with it the gubernatorial race.

When Judge Barkdull retired recently, he was the senior judge in the state of Florida. One does not reach that status and continue to serve the state well past the age of 70 without being most honorable. He possesses all the attributes of a strong and fair judge. He is very trustworthy, and not duplicitous. He always seems to be aware of what people think and respects their opinion, as he has shown time and time again on this Commission.

That's not to say that we have not butted heads, or had severe differences of opinion. We have.

As a fellow member of the 1978 Constitution Revision Commission, Judge Barkdull stood firm in his belief that members of the Judicial Qualification Committee should not have to adhere to the public records standards of the Sunshine Law. I believed otherwise, and argued vehemently against Judge Barkdull and his judicial supporters.

I recall creating quite a stir during those debates when I suggested that we treat the Constitution as if it were the Bible, from which all holy things spring. If that were true, then the judicial folks

put themselves in the position of representing the church and the Chief Justice was essentially the Pope, the Supreme Court judges were cardinals, and so on down the line. I took particular glee in referring to Judge Barkdull as "Cardinal Barkdull," at every turn.

Well, in 1978 and again this year, I have been fortunate to have Cardinal Barkdull and his church of supporters on my side in determining voting procedures for the Constitution Revision Commission. Based on his experience in 1968 when the Constitution was essentially re-written, Judge Barkdull believed that any proposed amendments to future Constitutions should require a three-fifths majority for approval to be placed on the ballot.

I strongly supported Judge Barkdull's belief that a simple majority vote made it much too easy for an amendment to be placed on the ballot for public vote. Despite our fight, the Rules Committee in 1978 decided — by one vote — to keep the simple majority vote for approval. As a result, there were many proposals folded into eight amendments that went on the ballot. Few would argue that there were far too many proposed amendments, and ultimately that unwieldy number proved detrimental to all proposals, which all failed.

We apparently learned our lesson well. With Judge Barkdull leading the charge, the Commission was nearly unanimous this time in changing the rules to require 22 votes for approval of a proposal in its final form. Thus, it will be much more difficult to gain necessary support to place a proposal before the electorate in November of 1998.

It was obvious to me that Judge Barkdull saw beyond 1978 and 1998 when he long ago determined that more stringent voting procedures were necessary for the success of the Constitution Revision Commission. It is just one example of the tremendous vision he possesses. He is so very astute at judging trends, and the state of Florida is fortunate to have such an honorable man serving on the Constitution Revision Commission.

We can only wish that he could invoke some of his powers as a cardinal to again serve on the Commission in 2018.

# NATURE AND PURPOSE OF THE CONSTITUTION REVISION

Once every 20 years Florida's Constitution provides for the creation of a 37-member revision commission for the purpose of reviewing Florida's Constitution and proposing changes for voter consideration. The Commission will meet for approximately one year, travel the State of Florida, identify issues, perform research, and possibly recommend changes to the Constitution.

This sweeping review of Florida's Constitution last occurred approximately 20 years ago (1977-78). Since 1978, Florida's population has grown by 63 percent. Equally significant is the projection that Florida's population will exceed 17 million by the year 2010. This astronomical population growth will have an impact on the state in areas such as transportation, education, health care, natural resources, recreation, pollution, and crime.

The state's treatment of such important issues rests primarily in the Constitution, and the Revision Commission will be looking to the citizens of this state for direction and suggestions.

## Commission Members

The Constitution provides for four persons to appoint 37 members. The Governor appointed 15 members, the Speaker of the House of Representatives and the President of the Senate each appointed nine, the Chief Justice of the Supreme Court appointed three, and the Attorney General automatically serves.

## Unique Process

No other state in the union has empowered a Commission to propose changes to its Constitution and to place them directly on the ballot for voter consideration.

## Potential Issues for 1998

Over the past few months, the following issues have surfaced as potential matters for consideration by the Commission:

- *Appointment or election of trial judges.* Currently, justices of the Supreme Court and judges of the District Courts of Appeal are appointed by the

Governor from a slate of candidates. In contrast, county and circuit judges are elected. Critics of the current system assert that the appointment process results in the strongest candidate being presented to the Governor, while opponents assert that it removes the opportunity for citizens to vote for and select their judges. Should Florida's system for trial judges be modified? Should such modification be uniform throughout Florida?

- *Cabinet reform.* Florida is considered to have a "weak" executive branch because the Governor must share his power with an elected Cabinet with each member given an equal vote. Proponents of an elected Cabinet claim that the system works and that it allows the sharing of executive power. Opponents of the system claim that it reduces accountability because the entire Cabinet has an equal vote on issues. Should the state Cabinet be reduced in size or abolished?
- *Citizen ballot initiatives.* In recent years, Floridians have considered constitutional initiatives on sugar, marine fishing nets, English only, and others. Some have suggested that the process has circumvented the authority of the Legislature by placing general law directly into the Constitution and by allowing special interest groups the ability to easily meet the petition signature requirement. Others claim that the Constitution is the "people's" document and as such should be liberally amended. Should the Commission propose to change or eliminate the ballot initiative process for amending the Constitution?
- *Legislative reapportionment.* Every 10 years, Florida is reapportioned for the purpose of state and federal elections. The Florida Legislature, pursuant to the Constitution, is charged with dividing the state into districts. Some have suggested that this task should be given to an independent entity rather than to the Legislature. Others assert that reapportionment, by its

very nature, is political and therefore belongs in the Legislature. Should the system of reapportionment remain with the Legislature or be transferred to an independent group?

- *Privacy rights.* Article I, Section 23, of Florida's Constitution provides that "every natural person has the right to be let alone and free from government intrusion into his private life." The section has been construed to address, among other things, issues relating to abortion, assisted suicide, and equal treatment of persons. Should Florida residents have the right to an assisted suicide? Should our Constitution address a woman's right to an abortion?
- *Taxes.* Are there better and more equitable ways that citizens could be taxed and government services provided?
- *Crime and punishment.* Should Florida change the way that it punishes criminals? Should Florida keep the death penalty in its present form?
- *Education.* Should a specific portion of the state budget be dedicated to education? Should the public school system be put under a Board of Education that is appointed, thereby eliminating the elected Commissioner of Education?
- *Medical Care.* Should poor children have the right to medical care paid for by the state? Should residents have the right to choose their own doctor and hospital?

## Public Participation

While many experts are satisfied that our Constitution does not warrant wholesale change, Florida's mandated Revision Commission provides a unique opportunity to review the framework that is the foundation for Florida government. Each citizen has the opportunity to influence the shape and future of our state by getting involved in the process, participating in the public hearings, and monitoring the work of the Commission.

# Constitution Revision Commission

B-11, The Historic Capitol  
Tallahassee, Florida 32399-1300

## IMPORTANT DATES TO REMEMBER

YEAR	EVENT	AUTHORITY
<b>1998</b>		
January 12–16	Session/committee meetings – Tallahassee	
January 26–28	Session/committee meetings – Tallahassee	
February 9–12	Session/committee meetings – Tallahassee	
February 23–27	Session/committee meetings – Tallahassee	
March 6–7	Session/committee meetings – Tallahassee (if necessary)	
March 13	Public hearing (controlled agenda)	
March 20	Public hearing (controlled agenda)	
March 26	Public hearing (controlled agenda)	
April	Sessions/committee meetings, if necessary – Tallahassee	
May 5	Proposals transmitted to Secretary of State	
November 3	Election Day	

*(Revision Watch is compiled by the Constitution Revision Commission. For more information, call 850/413-7740.)*