



Calendar for the Florida Constitution Revision Commission



Tuesday, February 24, 1998

THE COMMISSION WILL CONVENE ON

Tuesday, February 24, 1998

9:00 a.m.—12:00 noon

1:00 p.m.—5:00 p.m.

Wednesday, February 25, 1998

9:00 a.m.—12:00 noon

1:00 p.m.—5:00 p.m.

Thursday, February 26, 1998

9:00 a.m.—12:00 noon

1:00 p.m.—5:00 p.m.

Friday, February 27, 1998

9:00 a.m. —1:00 p.m.

Schedule for the week of February 23 - 27, 1998

(This is a schedule of times and places set by the Committee on Rules and Administration and is subject to change.)

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
February 23, 1997	February 24, 1997	February 25, 1997	February 26, 1997	February 27, 1997
9:30-<u>until completion of agenda</u> Select Com. On Sovereign Immunity Rm. 317(CAP)	9:00-12:00 SESSION	9:00-12:00 SESSION	9:00-12:00 SESSION	9:00-1:00 SESSION
12:00-1:00 Lunch	12:00-1:00 Lunch	12:00-1:00 Lunch	12:00-1:00 Lunch	
1:00-5:00 SESSION 5:00-<u>until completion of agenda</u> Style and Drafting Rm. B 10-A Historic Cap.	1:00-5:00 SESSION Upon adjournment of session-<u>until completion of agenda</u> Rules and Admin. Rm. TBA 5:00-<u>until completion of agenda</u> Style and Drafting Rm. B 10-A Historic Cap.	1:00-5:00 SESSION 5:00-<u>until completion of agenda</u> Style and Drafting Rm. B 10-A Historic Cap.	1:00-5:00 SESSION 5:00-<u>until completion of agenda</u> Style and Drafting Rm. B 10-A Historic Cap.	

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 24, 1998

STYLE AND DRAFTING: 5:00 p.m.—until completion of agenda, Constitution Revision Commission Conference Room (B 10-A, Historic Capitol):

Discussion of proposals referred to the Committee on Style and Drafting

RULES AND ADMINISTRATION: Upon adjournment of session—until completion of agenda, Room TBA:

WEDNESDAY, FEBRUARY 25, 1998

STYLE AND DRAFTING: 5:00 p.m.—until completion of agenda, Constitution Revision Commission Conference Room (B 10-A, Historic Capitol):

Discussion of proposals referred to the Committee on Style and Drafting

THURSDAY, FEBRUARY 26, 1998

STYLE AND DRAFTING: 5:00 p.m.—until completion of agenda, Constitution Revision Commission Conference Room (B 10-A, Historic Capitol):

Discussion of proposals referred to the Committee on Style and Drafting

Daily Order of Business

1. Roll call
2. Prayer
3. Pledge of allegiance to the flag
4. Receiving communications
5. Introduction of proposals
6. Reports of committees
7. Matters on reconsideration
8. Special order as determined by the Rules and Administration Committee
9. Unfinished business
10. Correction and approval of journal

MATTERS ON RECONSIDERATION

Proposal 144 by Commissioner Barnett—

ARTICLE I, s. 17, Fla. Const.; relating to punishment for crime.

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

—adopted (18-4) and committed to the Style and Drafting Committee (January 28, 1998)

—with pending motion to reconsider by Commissioner Mills (February 9, 1998)

—motion to reconsider deferred until February 24, 1998 on motion of Commissioner Barkdull (February 23, 1998)

SPECIAL ORDER CALENDAR FOR TUESDAY, FEBRUARY 24, 1998

Committee Substitute for Proposals 172 and 162 by the Committee on Legislative (Article III) and Commissioners Thompson and Evans-Jones—

ARTICLE III, s. 16, Fla. Const., relating to legislative apportionment and create ARTICLE II, s. 10, Fla. Const.; providing for a commission to establish legislative and congressional districts; providing for the appointment of members to the commission; requiring that the chief justice of the supreme court fill certain vacancies on the commission; requiring meetings and records of the commission to be open to the public; providing certain exceptions; requiring that the commission file its final report with the secretary of the state within a specified period; requiring that the supreme court determine the validity of the plans; providing for the supreme court to establish the districts under specified circumstances; 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 (eg1).

—recommended as a Committee Substitute, combined with Proposal 162 and approved by the Committee on Legislative (Article III)

—adopted as amended (18-13), ordered engrossed and committed to the Style and Drafting Committee (February 9, 1998)

—reconsidered and consideration deferred with pending amendment # 2 by Commissioner Zack (February 23, 1998)

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)

—failed (1-22), motion to reconsider by Commissioner Barnett adopted, Proposal reconsidered, adopted and committed to the Style and Drafting Committee (January 14, 1998)

—motion to reconsider by Commissioner Mills adopted and consideration deferred (January 26, 1998)

—consideration deferred (February 23, 1998)

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)

—consideration deferred and referred to the Select Committee on Sovereign Immunity (February 12, 1998)

—disapproved by the Select Committee on Sovereign Immunity (February 23, 1998)

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)

—with pending amendments # 1 and substitute # 2 by Commissioners Lowndes, Zack, Morsani and Hawkes and pending amendment # 2b by Commissioners Langley, Morsani, Lowndes and Hawkes, consideration deferred, and referred to the Select Committee on Sovereign Immunity (February 12, 1998)

—approved by the Select Committee on Sovereign Immunity (February 23, 1998)

—with pending motion by Commissioner Douglass to reconsider amendment # 3a by Commissioners Lowndes and Morsani (February 23, 1998)

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)

—consideration deferred and referred to the Select Committee on Sovereign Immunity (February 12, 1998)

—disapproved by the Select Committee on Sovereign Immunity (February 23, 1998)

COMMITTEE REPORT

STYLE AND DRAFTING COMMITTEE

The Style and Drafting Committee recommends that all proposals committed to the committee be voted on by the full Commission prior to the public hearings and that amendments may be adopted by a simple majority of the members voting.

The committee further recommends that any proposal receiving the requisite 22 votes will not require another separate vote by the Commission, unless reconsidered at the next full Commission meeting on March 17.

All proposals receiving the requisite 22 votes of the Commission will be submitted to the Committee on Style and Drafting for the recommended grouping and ballot language to be submitted to the Secretary of State. The recommended grouping and ballot language will be presented to the full Commission on March 23, 1998.

Jon Mills, Chairman
Style and Drafting Committee

The proposals included in the Elections, Article V Issues, Executive Branch, Amendments, Technical/Non-controversial and Local Government groupings are listed below:

ELECTIONS

Committee Substitute for Proposal 16 by the Committee on Ethics and Elections (Article VI, Part of Article II) and Commissioner Douglass—

ARTICLE VI, s. 7, Fla. Const.; and ARTICLE XII, financing of campaigns for elective statewide office and for spending limits.

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

—adopted and committed to the Style and Drafting Committee (January 15, 1998) The vote was: 20-6

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.

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (December 12, 1997) The vote was: 24-0

Proposal 128 by Commissioner Ford-Coates—

ARTICLE VI, s. 5, Fla. Const.; providing for primary elections.

—approved by the Committee on Ethics and Elections (Article VI, Part of Article II)

—adopted and committed to the Style and Drafting Committee (December 12, 1998) The vote was: 19-7

Proposal 149 by Commissioner Scott—

ARTICLE IV, s. 5, Fla. Const.; providing for the candidate for the office of governor to run without a lieutenant governor candidate. (eg1)

—referred to the Committee on Executive (Article IV), withdrawn (February 10, 1998)

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (February 10, 1998) The vote was: 25-3

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 (Article III), withdrawn (February 10, 1998)

—adopted and committed to the Style and Drafting Committee (February 10, 1998) The vote was: 25-2

Proposal 158 by Commissioner Marshall—

ARTICLE IX, s. 4, Fla. Const.; providing for nonpartisan school board elections.(eg1)

—approved by the Committee on Ethics and Elections (Article VI, Part of Article II)

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (December 12, 1997) The vote was: 19-7

Proposal 186 by Commissioner Thompson—

ARTICLE VI, s. 1, Fla. Const.; limiting political contributions. (eg1)

—approved by the Committee on Ethics and Elections (Article VI, Part of Article II)

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 26, 1998) The vote was: 21-9

Committee Substitute for Proposals 172 and 162 by the Committee on Legislative (Article III) and Commissioners Thompson and Evans-Jones—

ARTICLE III, s. 16, Fla. Const., relating to legislative apportionment and create ARTICLE II, s. 10, Fla. Const.; providing for a commission to establish legislative and congressional districts; providing for the appointment of members to the commission; requiring that the chief justice of the supreme court fill certain vacancies on the commission; requiring meetings and records of the commission to be open to the public; providing certain exceptions; requiring that the commission file its final report with the secretary of the state within a specified period; requiring that the supreme court determine the validity of the plans; providing for the supreme court to establish the districts under specified circumstances; 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 (eg1).

*****If received from Style & Drafting*****

ARTICLE V ISSUES

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.

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

—adopted and committed to the Style and Drafting Committee (December 10, 1997) The vote was: 29-4

EXECUTIVE BRANCH

Committee Substitute for Proposals 159, 163 and 182 by the Committee on Executive (Article IV) and Commissioners Mathis, Evans-Jones and Riley—

ARTICLE IV, ss. 3(b), 4, and 8, and ARTICLE XII, s. 9(c), Fla. Const. and create s. 22, ARTICLE XII, Fla. Const.; providing for membership of the Florida Cabinet. (eg1)

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 26, 1998) The vote was: 20-9

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; providing that the amendment does not affect the status of such entities to issue revenue bonds before a specified date; creating ARTICLE IV, s. 14, Fla. Const.; creating a State Board of Agriculture; providing for the board to appoint the Commissioner of Agriculture; creating ARTICLE XII, s. 23, Fla. Const.; providing that the amendment does not affect the

status of such entities in existence on the effective date of the adoption of the amendment.(eg2)

—approved by the Committee on Executive (Article IV)

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 15, 1998)

—motion to reconsider by Commissioner Barkdull adopted and consideration deferred (January 27, 1998)

—adopted as amended (18-5), ordered engrossed and committed to the Style and Drafting Committee (February 10, 1998)

—reconsidered, further amended and adopted (February 23, 1998) The vote was: 28-0

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.

—disapproved by the Committee on Executive (Article IV)

—adopted and committed to the Style and Drafting Committee (January 15, 1998) The vote was: 15-11

AMENDMENTS

Proposal 123 by Commissioner Barkdull—

ARTICLE XI, Fla. Const.; repealing s. 6, relating to the Taxation and Budget Reform Commission.(eg2)

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

—adopted as amended, ordered engrossed and committed to Style and Drafting (January 12, 1998)

—motion to reconsider by Commissioner Scott having been adopted, consideration deferred (January 14, 1998)

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 26, 1998) The vote was: 15-2

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 (Articles II, X, XI, and XII)

—adopted and committed to the Style and Drafting Committee (January 12, 1998) The vote was: 18-8

TECHNICAL/NON-CONTROVERSIAL

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.

—approved by the Committee on Judicial (Article V)

—adopted and committed to the Style and Drafting Committee (November 13, 1997) The vote was: 31-0

Proposal 8 by Commissioner Barkdull—

ARTICLE III, s. 8, Fla. Const.; increasing the length of time within which the governor may veto legislation.(eg1)

—approved by the Committee on Ethics and Elections (Article VI, Part of Article II)

—adopted, ordered engrossed and committed to the Style and Drafting Committee (November 13, 1997) The vote was: 18-9

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.

—approved by the Committee on Judicial (Article V)

—adopted and committed to the Style and Drafting Committee (November 13, 1997) The vote was: 30-0

Proposal 32 by Commissioner Ford-Coates—

ARTICLE VI, s. 2, Fla. Const.; reducing the voting age to eighteen.

—approved by the Committee on Ethics and Elections (Article VI, Part of Article II)

—adopted and committed to the Style and Drafting Committee (November 13, 1997) The vote was: 2-0

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.

—approved by the Committee on Ethics and Elections (Article VI, Part of Article II)

—adopted and committed to the Style and Drafting Committee (November 13, 1997) The vote was: 26-0

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)

—adopted and committed to the Style and Drafting Committee (January 12, 1998) The vote was: 20-2

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.

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

—*adopted and committed to the Style and Drafting Committee (November 13, 1997) The vote was: 29-0*

Committee Substitute for Proposals 112 and 124 by the Committee on Finance and Taxation (Article VII) and Commissioner Mills and Ford-Coates—

ARTICLE VII, s. 3, Fla. Const.; providing for an exemption from ad valorem taxation for certain tangible personal property.

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

—*adopted and committed to the Style and Drafting Committee (January 14, 1998) The vote was: 26-0*

Committee Substitute for Proposal 133 by the 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)*

—*adopted and committed to the Style and Drafting Committee (January 13, 1998) The vote was: 28-0*

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)*

—*adopted and committed to the Style and Drafting Committee (January 12, 1998) The vote was: 22-0*

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. (eg1)

—*referred to the Committee on Legislative (Article III), withdrawn (January 15, 1998)*

—*adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 26, 1998) The vote was: 28-0*

LOCAL GOVERNMENT

Committee Substitute for Proposals 31 and 55 by the Committee on Judicial and Commissioners Sundberg and Zack—

ARTICLE V, s. 14, Fla. Const.; providing for salaries, cost, and expenses of the judiciary, state attorneys, public defenders, and clerks of the circuit court, and their respective staffs, 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. (eg1)

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

—*amended (1), consideration deferred and referred to the Select Committee on Article V Cost (November 14, 1997), withdrawn (February 12, 1998)*

—*adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (February 12, 1998) The vote was: 26-0*

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 (Article VIII)*

—*adopted and committed to the Style and Drafting Committee (January 13, 1998) The vote was: 27-0*

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 (Article VII), withdrawn (January 28, 1998)

—adopted and committed to the Style and Drafting Committee (February 10, 1998) The vote was: 15-8

Proposals Placed on Calendar

Proposal 150 by Commissioner Scott—

ARTICLE III, Fla. Const., Legislature, to modify provisions governing the legislature.

*—referred to the Committee on Legislative (Article III),
withdrawn (January 15, 1998)*