



Calendar for the Florida Constitution Revision Commission



Wednesday, February 25, 1998

THE COMMISSION WILL CONVENE ON

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
<u>9:30-untill completion of agenda</u> Select Com. On Sovereign Immunity Rm. 317(CAP)	<u>9:00-12:00</u> SESSION	<u>9:00-12:00</u> SESSION	<u>9:00-12:00</u> SESSION	<u>9:00-1:00</u> SESSION
<u>12:00-1:00</u> Lunch	<u>12:00-1:00</u> Lunch	<u>12:00-1:00</u> Lunch	<u>12:00-1:00</u> Lunch	
<u>1:00-5:00</u> SESSION <u>5:00-untill completion of agenda</u> Style and Drafting Rm. B 10-A Historic Cap.	<u>1:00-5:00</u> SESSION <u>Upon adjournment of session-untill completion of agenda</u> Rules and Admin. (MC)* <u>5:00-untill completion of agenda</u> Style and Drafting Rm. 317(CAP)	<u>1:00-5:00</u> SESSION <u>5:00-untill completion of agenda</u> Style and Drafting Rm. 317(CAP)	<u>1:00-5:00</u> SESSION <u>5:00-untill completion of agenda</u> Style and Drafting Rm. 317(CAP)	

(MC)* = Meeting Canceled

COMMITTEE MEETINGS

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

SPECIAL ORDER CALENDAR FOR WEDNESDAY, FEBRUARY 25, 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)

REPORTS OF COMMITTEES

REPORT OF THE RULES AND ADMINISTRATION COMMITTEE

February 24, 1998

The Rules and Administration Committee submits the following report regarding the process for the week of February 23-27, 1998:

1. **Week of February 23-27, 1998**—each proposal committed to Style and Drafting will be considered for a second time.
2. **Less than simple majority**—proposal is defeated.

Simple majority but less than 22 votes—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

22 or greater vote—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

3. March 17, 1998

A. If a proposal is NOT brought for re-vote, the vote taken during the week of February 23-27 is the vote on the matter. All proposals with 22 or greater votes are re-committed to Style and Drafting for grouping. All other proposals are defeated.

B. If a proposal IS brought for re-vote (at the request of 5 members), the proposal is before the Commission and available for amendment by simple majority. Proposals on re-vote must receive 22 votes to be re-committed to Style and Drafting for grouping.

4. March 23, 1998—Grouping

Style and Drafting will present groupings for the consideration of the full Commission. Amendments to proposals and grouping require 22 votes.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

The proposals included in the Elections; Technical/Non-controversial; Taxation; Local Government; Declaration of Rights; Crime and Punishment; Education and Environment groupings are listed below:

ELECTIONS

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 (eg2).

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (February 24, 1998) The vote was: 19-12

AMENDMENTS

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

—with pending amendment # 1 by Commissioner Ford-Coates (February 24, 1998)

TECHNICAL/NON-CONTROVERSIAL

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

TAXATION

Committee Substitute for Proposal 6 by the Committee on Finance and Taxation (Article VII) and Commissioner Nabors—

ARTICLE VII, s. 19, Fla. Const.; providing limits on the adoption of exemptions and exclusions from the general state sales tax; reducing the rate of the general sales tax to 5 percent (eg1).

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (February 9, 1998) The vote was: 20-12

Committee Substitute for Proposals 49, 103 and 185 by the Committee on Finance and Taxation (Article VII) and Commissioners Anthony, Henderson and Mills—

ARTICLE VII, s. 3, Fla. Const.; revising the requirements for exempting municipally owned property; allowing the Legislature to exempt from taxation property owned by a municipality or special district and used for airport, seaport, or public purposes, as defined by law, and uses that are incidental thereto. (eg1)

—recommended as a Committee Substitute, combined with Proposals 103 and 185, and approved by the Committee on Finance and Taxation (Article VII)

—adopted and committed to the Style and Drafting Committee (February 11, 1998) The vote was: 28-4

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 (Articles II, X, XI, and XII)

—adopted and committed to the Style and Drafting Committee (January 12, 1998) The vote was: 19-8

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)

—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

DECLARATION OF RIGHTS

Proposal 2 by Commissioner Sundberg—

ARTICLE I, s. 2, Fla. Const.; authorizing governmental agencies to take actions to remedy the effects of past discrimination in the areas of public employment, public housing, public accommodations, public education, and the public procurement of goods and services (eg1).

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (February 9, 1998) The vote was: 23-8

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)

—adopted and committed to the Style and Drafting Committee January 12, 1998 The vote was: 23-1

Proposal 11 by Commissioner Freidin—

ARTICLE I, s. 2, Fla. Const.; providing that persons may not be deprived of their rights because of gender.(eg1)

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

—adopted, ordered engrossed and committed to the Style and Drafting Committee (January 15, 1998)
The vote was: 25-4

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)

—adopted and committed to the Style and Drafting Committee (January 12, 1998) The vote was: 19-5

Proposal 58 by Commissioner Zack—

ARTICLE I, s. 21, Fla. Const.; providing that the right to recover in an action for personal injury or death may not be denied because of age. (eg1)

—referred to the Committee on Declaration of Rights (Article I), withdrawn (February 11, 1998)

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (February 12, 1998) The vote was: 21-7

Proposal 187 by Commissioner Connor—

ARTICLE I, s. 3, Fla. Const.; limiting conditions for restrictions on the free exercise of religion. (eg1)

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 27, 1998) The vote was: 23-3

CRIME AND PUNISHMENT

Proposal 24 by Commissioners Rundle, Mills and Butterworth—

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.(eg1)

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 12, 1998) The vote was: 17-9

Proposal 167 by Commissioner Rundle—

ARTICLE VIII, s. 5, Fla. Const.; authorizing each county to require a background check and waiting period in connection with the sale of any firearm; defining the term "sale." (eg1)

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (February 10, 1998) The vote was: 20-8

EDUCATION

Proposal 40 by Commissioner Marshall—

ARTICLE IX, s. 4, Fla. Const.; authorizing certain counties to be divided into more than one school district.

—approved by the Committee on Education (Article IX)

—referred to the Committee on Education (Article IX) (December 12, 1997)

—disapproved by the Committee on Education (Article IX)

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (February 9, 1998) The vote was: 22-10

**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)

—adopted, ordered engrossed and committed to the Style and Drafting Committee (January 13, 1998)
The vote was: 23-1

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.(eg1)

—approved by the Committee on Education (Article IX)

—adopted, ordered engrossed and committed to the Style and Drafting Committee (January 15, 1998)
The vote was: 14-9

ENVIRONMENT

**Committee Substitute for Proposals 36 and 38 by
the Committee on General Provisions (Articles II,
X, XI, and XII) Commissioners Henderson and
Mills—**

ARTICLE II, s. 7, Fla. Const.; providing that it is the policy of the state to conserve natural resources and scenic beauty for the health and welfare of its citizens and future generations; providing for provision to be made by law to protect future generations. (eg1)

—recommended as a Committee Substitute, combined with Proposal 38 and disapproved by the Committee on General Provisions (Articles II, X, XI, and XII)

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 27, 1998) The vote was: 16-10

Proposal 39 by Commissioner Henderson—

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.(eg1)

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 13, 1998) The vote was: 25-2

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

—adopted, ordered engrossed and committed to the Style and Drafting Committee (January 12, 1998)
The vote was: 24-0

**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. (eg1)

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

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

Committee Substitute for Proposal 102 by the Committee on General Provisions (Articles II, X, XI, and XII) and Commissioner Henderson—

ARTICLE X, Fla. Const.; adding s. 18 to provide restrictions on the disposition of conservation and recreation lands.

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

—adopted and committed to the Style and Drafting Committee (January 26, 1998) The vote was: 23-3

Proposal 135 by Commissioner Henderson—

ARTICLE VII, s. 3, Fla. Const.; allowing a local option tax exemption for owners of land used for conservation purposes; providing for authorization by general law. (eg1)

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

—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 28, 1998) The vote was: 23-0

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)