



Calendar for the Florida Constitution Revision Commission



THE COMMISSION WILL CONVENE ON
Tuesday, March 17, 1998
9:00 a.m.—6:00 p.m.

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

COMMITTEE MEETINGS

MONDAY, MARCH 16, 1998

STYLE AND DRAFTING: 5:00 p.m.—7:00 p.m. Room 317
(Capitol):

Review proposals to be considered March 17, 1998

MATTERS ON RECONSIDERATION

**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).

—revote: failed as amended (February 25, 1998).
The vote was: 15-16

—motion to reconsider by Commissioner Riley,
adopted (February 26, 1998)

SPECIAL ORDER

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. (eg2)

—revote: adopted as amended (February 26,
1998). The vote was: 17-5

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. (eg2)

—revote: adopted as amended (February 26, 1998). The vote was: 23-0

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. (eg2)

—revote: adopted as amended (February 26, 1998). The vote was: 24-1

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. (eg1)

—revote: adopted as amended (February 26, 1998). The vote was: 18-4

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)

—revote: adopted (February 26, 1998). The vote was: 23-0

PERSONAL 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 (eg2).

—revote: adopted as amended (February 25, 1998). The vote was: 21-10

Proposal 5 by Commissioner Planas—

ARTICLE I, s. 2, Fla. Const.; prohibiting discrimination based on national origin.

—revote: adopted (February 25, 1998). The vote was: 28-0

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)

—revote: adopted (February 25, 1998). The vote was: 20-11

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."

—revote: adopted (February 25, 1998). The vote was: 29-1

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)

—revote: failed (February 25, 1998). The vote was: 11-20

—motion to reconsider by Commissioner Douglass, adopted (February 26, 1998)

—revote: adopted (February 26, 1998). The vote was: 19-4 The vote was: 19-4

Proposal 187 by Commissioner Connor—

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

—revote: adopted (February 25, 1998). The vote was: 18-7

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. (eg1)

—revote: adopted as amended (February 24, 1998). The vote was: 18-12

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. (eg2)

—revote: adopted as amended (February 24, 1998). The vote was: 29-0

Proposal 128 by Commissioner Ford-Coates—

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

—revote: adopted (February 24, 1998). The vote was: 15-14

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. (eg2)

—revote: adopted as amended (February 24, 1998). The vote was: 28-2

Proposal 158 by Commissioner Marshall—

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

—revote: adopted (February 24, 1998). The vote was: 21-6

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).

—revote: adopted (February 25, 1998). The vote was: 19-11

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.

—revote: adopted (February 24, 1998). The vote was: 29-1

ARTICLE XI - AMENDMENTS

Proposal 123 by Commissioner Barkdull—

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

—revote: adopted (February 24, 1998). The vote was: 20-9

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. (eg1)

—revote: adopted as amended (February 25, 1998). The vote was: 29-0

SOVEREIGN IMMUNITY

Proposal 59 by Commissioner Zack—

ARTICLE X, s. 13, Fla. Const.; relating to suits against the state; providing for arbitration of certain tort claims; providing a limit on the waiver of sovereign immunity for claims submitted to arbitration. (eg1)

—revote: adopted (February 26, 1998). The vote was: 17-4

EDUCATION

Proposal 40 by Commissioner Marshall—

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

—revote: adopted (February 26, 1998). The vote was: 17-10

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.

—revote: adopted (February 26, 1998). The vote was: 26-1

Committee Substitute for Proposal 166 by the Committee on Executive (Article IV) and Commissioner Riley—

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. (eg1)

—revote: adopted as amended (February 26, 1998). The vote was: 22-3

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.(eg2)

—revote: adopted as amended (February 26, 1998). The vote was: 19-5

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; increasing the term of office for county court judges. (eg2)

—revote: adopted as amended (February 24, 1998). The vote was: 24-7

CRIME & 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)

—revote: adopted (February 25, 1998). The vote was: 17-14

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." (eg2)

—revote: adopted as amended (February 25, 1998). The vote was: 20-9

TAX & BUDGET

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. (eg2)

—*revote: adopted as amended (February 25, 1998).* The vote was: 28-2

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. (eg2)

—*revote: adopted as amended (February 25, 1998).* The vote was: 30-0

Proposal 96 by Commissioner Nabors—

ARTICLE V III, s. 7, Fla. Const.; prescribing types of communication that are within the purview of the people's right to instruct their representatives. (eg1)

—*revote: adopted as amended (February 25, 1998).* The vote was: 22-7

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. (eg2)

—*revote: adopted as amended (February 24, 1998).* The vote was: 24-7

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 IV, s. 15, Fla. Const.; providing for establishment of the office of custodian of state records; providing for duties of the office; 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.(eg4)

—*revote: adopted as amended (February 24, 1998).* The vote was: 22-6

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.

—*revote: adopted (February 24, 1998).* The vote was: 26-0

Proposal 8 by Commissioner Barkdull—

ARTICLE III, s. 8, Fla. Const.; increasing the length of time within which the governor may veto legislation.(eg2)

—*revote: adopted as amended (February 24, 1998).* The vote was: 21-9

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.

—*revote: adopted (February 24, 1998).* The vote was: 28-1

Proposal 32 by Commissioner Ford-Coates—

ARTICLE VI, s. 2, Fla. Const.; reducing the voting age to eighteen. (eg1)

—*revote: adopted as amended (February 24, 1998).* The vote was: 31-0

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.

—*revote: adopted (February 24, 1998).* The vote was: 32-0

Proposal 37 by Commissioner Freidin—

to revise the Florida Constitution by adopting language that is not gender-specific. (eg1)

—*revote: adopted as amended (February 25, 1998).* The vote was: 25-2

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.

—*revote: adopted (February 24, 1998).* The vote was: 30-0

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. (eg1)

—*revote: adopted as amended (February 24, 1998).* The vote was: 28-1

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.

—*revote: adopted (February 24, 1998).* The vote was: 31-0

Proposal 153 by Commissioner Barkdull—

ARTICLE V, s. 12, Fla. Const.; providing for membership of the judicial qualifications commission.

—*revote: adopted (February 24, 1998).* The vote was: 31-0

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. (eg2)

—*revote: adopted as amended (February 24, 1998).* The vote was: 32-0
