



Journal of the 1997-1998 Constitution Revision Commission

Number 1—Organization Session

Monday, June 16, 1997

Journal of the 1997-1998 Constitution Revision Commission convened under Article XI, Section 2, of the Constitution of Florida, as revised in 1968, and subsequently amended, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Monday, June 16, 1997.

CONTENTS

Call to Order	1, 8
Introduction of Former Commission Members	9
Introduction of Members	1
Introductions	7
Oath of Office Administered	4
Remarks by Appointing Authorities	5
Remarks by Chairman Douglass	1, 4
Remarks by Former Commission Chairman Smith	8
Remarks by Former Commission Member O'Connell	11
Remarks by Former Commission Member Overton	9
Remarks by Former Governor Kirk	12

CALL TO ORDER

The 1997-1998 Constitution Revision Commission was called to order at 10:00 a.m. by W. Dexter Douglass of Tallahassee who was appointed Chairman of the Commission by the Governor pursuant to the Constitution.

PRAYER

The following prayer was offered by Dr. A. Glenn Bass, Faith Presbyterian Church, Tallahassee:

Gracious God, beneath whose eye and within whose patience the story of our years is told, compose us in your presence, and help us to pray more nearly as we should. Bless the courts and these leaders assembled here. Give them the spirit of wisdom and understanding that they may perceive the truth and administer the law impartially as instruments of your divine will. You have plans for us and power to make them happen. Give the legal community, the legislators, the government workers, and executives the knowledge of your will for the world. Let them remember that they serve a public trust beyond gain and glory. May they see that no city, state, or nation lives for itself alone, but is responsible to you for peace and for the well-being for all your children. Amen.

PLEDGE

Commissioner Katherine Fernandez Rundle of Miami led the Commission in the pledge of allegiance to the flag of the United States of America.

REMARKS BY CHAIRMAN

Chairman Douglass: We are called here pursuant to Article XI, Section 2, of the Constitution which provides that “[w]ithin thirty days after the adjournment of the 1997 regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission” composed of 37 members. The last Constitution Revision Commission was convened in 1977 pursuant to the then-existing Article XI, Section 2, which provided for the establishment of a Constitution Revision Commission “in the tenth year following that in

which this constitution is adopted [1968], and each twentieth year thereafter.” That Commission completed its work in 1978. With 20 years having passed, a Constitution Revision Commission has been established for 1997 and 1998. The Constitution also provides for four appointing authorities for the Commission including the Governor who appoints 15 members; the President of the Senate who appoints nine members; the Speaker of the House of Representatives who appoints nine members; the Chief Justice of the Supreme Court who appoints three members; and the Attorney General who automatically serves.

INTRODUCTION OF MEMBERS

Chairman Douglass: At this time I would like to invite each of the appointing authorities in the order found in the Constitution to call the roll of the persons that they appointed and to provide a brief background statement on each member. First, however, I would like to introduce the first person named by the Constitution to serve automatically on the Commission, the Attorney General of the State of Florida.

The Honorable Robert A. Butterworth is the 32nd Attorney General. He has had an extensive record of public service. Actually, after reviewing his resume, it appears that there are very few offices he has not held. General Butterworth has served as Assistant State Attorney; Broward County Judge; Circuit Judge for the Seventeenth Judicial Circuit in Broward County; Broward County Sheriff; Director of the Department of Highway Safety and Motor Vehicles; Mayor of Sunrise Beach; and Attorney General. We are pleased to have the state's chief legal officer advising and participating in this Commission.

I now call on The Honorable Governor of the State of Florida, Lawton Chiles, to call the roll of the 15 members he selected to serve on the Commission. Governor, if you would come to the podium, we would be delighted to have you, sir.

Governor Chiles: Good morning. I am pleased to introduce my Constitution Revision Commission appointees. I will ask them to stand when I introduce them:

Clarence Edward Anthony: Clarence is the Mayor of South Bay. An engineer by trade, he served as president of the Florida League of Cities, and is currently an officer of the League. His real claim to fame is he is the father of Reidel Anthony (All-American wide receiver for the University of Florida football team who was recently drafted by the Tampa Bay Buccaneers).

Martha Walters Barnett: Ms. Barnett is a partner in the Holland and Knight law firm in Tallahassee. She has served on numerous boards, including the Human Relations Commission, the Ethics Commission, and the Taxation and Budget Reform Commission.

The Honorable Judge Thomas H. Barkdull, Jr.: Judge Barkdull is the only person who will have served on all of the Revision Commissions that have met during our lifetime. He might not have been on the 1885 Commission, but he was on the 1968 and 1978 Commissions and will now serve on the present Commission. Judge Barkdull just recently retired from his long service as a Judge of the Third District Court of Appeal in Miami.

Robert M. Brochin: Bobby Brochin is a partner in the Morgan Lewis and Bockius law firm in Miami. Bobby served as counsel with me in the Governor's Office and served as my chief inspector general until 1993, when he returned to the private practice of law.

Barbara Williams Ford-Coates: Ms. Ford-Coates is the Tax Collector for Sarasota County. She has already been active in constitution revision through her service on committees on that subject within the Florida Tax Collectors Association and the League of Women Voters.

Ellen Catsman Freidir: Ms. Freidir is a partner at the Akerman Senterfitt and Eidson law firm in Miami. She has been active in Bar activities and has served on her circuit's Judicial Nominating Commission, as well as The Florida Bar Judicial Procedure Committee.

William Clay Henderson: Clay is president and CEO of the Florida Audubon Society. He served as city engineer for the cities of Edgewater and Oak Hill, was a member of the Volusia County Commission, and was a member of the Governing Board of the Florida Communities Trust.

Jon Lester Mills: Jon is the director of the Center for Governmental Responsibility at the University of Florida College of Law. He served 10 years in the Florida House of Representatives and was the Speaker from 1986 to 1988.

Robert Lowry Nabors: Bob is a partner in Nabors Giblin and Nickerson. He served as General Counsel to Governor Graham. He also served on the Growth Management Task Force, the Ad Hoc Work Group on Affordable Housing, and the Florida Telecommunications Taxation Task Force. He is now an adjunct professor at Florida State University College of Law where he teaches State Constitutional Law.

Judith Byrne Riley: Ms. Riley is senior vice president of Valparaiso Realty Company. She serves as a member of Enterprise Florida Jobs and Education Partnership, chair of the National Association of Private Industry Councils, vice chair of the Florida Commission on the Status of Women, and is a member of the Northwest Florida Water Management District.

Katherine Fernandez Rundle: Kathy is the State Attorney for the Eleventh Judicial Circuit, which comprises Dade County. She served as president of the Cuban-American Bar Association and is a member of the Florida Association of Women Lawyers. Prior to her appointment and subsequent election as State Attorney, she served as Chief State Attorney to then-State Attorney Janet Reno.

Harold T. Smith: H.T. is a lawyer in private practice in Miami. He served as President of the National Bar Association from 1994 to 1995 and knows something about boycotts.

James Harold Thompson: James Harold is a partner in the Ausley law firm in Tallahassee. A member of the Florida House of Representatives from 1974 to 1986, he was Speaker from 1984 to 1986. He serves as General Counsel to the Gadsden County School Board and Tallahassee Community College.

Stephen Neal Zack: Mr. Zack is a partner in the firm of Zack Sparber Kosnitzky Spratt and Brooks in Miami. He served as Special Counsel to Governor Graham. He is a member of the Cuban-American Bar Association and served as President of The Florida Bar from 1989 to 1990.

I have chosen two alternate members in the event that any of the members I've appointed are unable to serve through the duration of the Commission's operations, and they are:

Lyra Blizzard Logan: Ms. Logan is an attorney for the Florida Education Fund. She serves as the first vice president of the Equal Opportunity Board of Dade County. She also has served as co-chair of the Community Relations Board, and the Small and Minority Business Advisory Council.

Ira H. Leesfield: Ira is a partner with Leesfield Leighton and Rubio in Miami. An adjunct professor at the University of Miami, he has served as chair of the Third District Court of Appeal Judicial Nominating Commission, and is presently serving on President Clinton's Council on Physical Fitness and Sports.

Chairman Douglass: I would like to move to the next appointer in constitutional order. I recognize the Speaker of the House of Representa-

tives, The Honorable Daniel Webster, for the purpose of introducing his nine selections to the Commission.

While the Speaker is coming to the podium, I would like to take this opportunity to publicly thank Speaker Webster for his assistance in the formation of this Commission. His office and staff have provided the Commission with its office and they have greatly facilitated the organization, particularly Sergeant Wayne Westmark who has been most helpful, at your direction, and we sincerely appreciate it, Speaker Webster.

Speaker Webster: Thank you, Mr. Chairman. It's my pleasure to introduce the nine appointees that I have selected:

Carlos Alfonso, Jr.: Carlos is 42 years old from Tampa, Florida. Born in Havana, Cuba, he is an architect, President of Alfonso Architects; B.S. from the University of Florida and also a Master of Arts in Architecture from the University of Florida; licensed commercial multi-engine pilot; and a Class A general contractor.

Ken Connor: Ken is 50 years old and is from Tallahassee. He's an attorney, a partner in Conner Gwartyne. He has a J.D. from Florida State University, with honors, and he was a 1994 gubernatorial candidate.

Chris Corr: Chris is 33 years old and from Maitland, Florida, in Orange County. He works with Walt Disney Company in Walt Disney Engineering, where he's a Senior Manager. He has a B.A. from the University of Florida. He attended the Harvard Real Estate Institute and worked in the School of Business, and he's a former member of the House of Representatives.

Valerie Evans: Valerie is 47 years old, a housewife, and an attorney from Orlando. She does pro bono adoptions. A former high school teacher, she has a J.D. from Florida State University.

Paul Hawkes: He is 40 years old and from Crystal River in Citrus County. He's an attorney and self-employed, much like the Chairman used to be; has a similar contract with the Speaker to advise him as the Chairman had advised the Governor. A former member of the Florida House of Representatives, he has a J.D. from Florida State University, and is a former Assistant State Attorney from the Fifth Judicial Circuit.

Dick Langley: Dick is 60 years old and from Clermont in Lake County. A farmer and attorney, self-employed, he has an LL.B. from the University of Florida, and formerly served as a member of the Lake County School Board, the Florida House of Representatives, and the Florida Senate.

Stan Marshall: Stan is 74 years old from Tallahassee; Chairman and CEO of the James Madison Institute, he has a Ph.D. from Syracuse University. He's a former President of Florida State University.

Jacinta Mathis: Jacinta is 40 years old and from the Speaker's district in Orlando. She has a J.D. from Florida State University and is an attorney with the Mathis Law Firm. A member of the Executive Board of the Greater Orlando Chamber of Commerce, she is a former member of the Judicial Nominating Committee and a member of the University of Central Florida Board of Directors.

Paul West: Paul is 45 years old and from Broward County, Fort Lauderdale; a real estate broker and owner of Freedom Industries, Incorporated. He was educated at Florida State University and received a B.A. from American Christian College.

Chairman Douglass: Thank you very much, Mr. Speaker. Mr. West, I can't help but remark that you are a graduate of Leon High School and are coming home. That is not to single you out too much, but also to thank the Governor for not revealing the ages of his appointees. Certainly, Commissioner Marshall is the oldest here—Judge Barkdull is glad to know that, of course, as am I.

Continuing now in the order established in the Constitution, I want to recognize The Honorable Toni Jennings, President of the Florida Senate, the first female Republican President. I want to thank you, Senator Jennings, for the great assistance that you and your staff have given us to get this under way. You very graciously provided the Commission with your chambers, with the use of all of the facilities that are available, and you have really helped us tremendously by authorizing Senate Secretary Faye Blanton to be our Secretary and Senate Sergeant-

at-Arms, Wayne Todd, to protect us. Thank you for your help, and because of your contribution to the Commission, we have been able to begin timely and efficiently.

Madam President, if you would introduce your nine selections to the Commission, we would be most honored.

President Jennings: Thank you, Mr. Chairman. We are happy to provide you with the Chamber and the services of our staff. I am pleased to announce my appointees as follows:

Tony Argiz: Tony is from Miami. He is the managing partner-elect with Morrison Brown Argiz and Company, a CPA firm in Miami. He is very active in the Cuban-American community. When Tony and I discussed his appointment, he told me his story of coming to our country, living for a long time in Tampa without his family. He grew up in Tampa and eventually moved to Miami. It's a story several in our group can tell but it's a story that all of you should hear. Tony is the former chairman of the Florida Board of Accountancy. He has held numerous positions with both the Florida Institute of CPAs and the American Institute of CPAs. He is one of the founders of the Kiwanis Club of Little Havana which originated the Calle Ocho Festival.

Ander Crenshaw: My second appointee isn't here. Ander had a commitment out of the state over the weekend and will be with us either late this evening or early in the morning. Ander Crenshaw was the first Republican President of the Florida Senate since Reconstruction. He served during our split Senate. We had a 20/20 Senate in 1992-1994. We have the two portraits hanging here in the Chamber. Senator Crenshaw served one year and Senator Thomas served the other. Senator Crenshaw is now with the nationally recognized investment banking firm of William R. Hough out of Pinellas County.

Marilyn Evans-Jones: Marilyn represented Brevard County in the House of Representatives for a decade. Marilyn and I were elected in 1976. We had been friends before that and ever since. During her time in the Legislature, Marilyn was the sponsor of the "Safe Drinking Water Act," the "Clean Indoor Air Act," and numerous bills involving the elderly, mental health, and child safety. She was a committed legislator in all that she did. Marilyn was also the 1986 candidate for Lieutenant Governor with then-Congressman Lou Frye, and she served on the Citizens Commission for Cabinet Reform in 1995. Marilyn is from Nassau County now. I am so pleased that she can be with us during these deliberations. She will bring a unique perspective.

John Lowndes: John's wife, Rita, was laughing when I said I had known John all my life and that is just about the truth. John and I have been friends for over 30 years. I am just so pleased that John has agreed to give of his time to do this. John is the founding partner in Lowndes Drosdick Doster Kantor and Reed, probably our largest law firm in Orlando, having 80 partner members. He also is a partner in Greater Construction, one of the largest home builders in the central Florida area. John brings a unique perspective to everything we do. He is a lawyer, but he is a business lawyer among other things, and I think that is an appropriate way to move forward. John has held leadership positions on the Orlando Museum of Art, and if you have not seen the "Tombs of China" yet, I will put in a plug for it. I think the terra cotta soldier is still guarding my door over at the entrance to the Senate. If you would like a preview of it, please come in and look at it. He has also worked with the University of Central Florida, Winter Park Memorial Hospital and the Orange County Bar Association. Just recently, he was recognized by Junior Achievement of Central Florida and the mid-Florida Business Hall of Fame with its "Spirit of Achievement Award." John, thank you so much for giving of your time to do this.

Frank Morsani: Frank has had a lot of jobs. He has been a busy man. Frank is from the Hillsborough County, Tampa area—from Lutz. Frank previously has been the Chairman of the Board of Directors of the United States Chamber of Commerce. He was a delegate to the White House Conference on Small Business. He has been on the Small Business Administration Advisory Council as a member of the Council on Foreign Relations, a Director of the American Red Cross, Chairman of the South Florida Endowment Fund for the University of South Florida, and myriad other achievements. But first and foremost Frank is a smart businessman. I thought that was an important asset for us to have as we move forward. I appreciate your giving of your time, Frank, to be with us.

Carlos Planas: Carlos operates the largest Chrysler dealership in South Florida. I think that is important to say. Among other things, Carlos has been recognized as having one of the largest hispanic businesses in all of our country. He is President of the South Florida Automobile Dealers Association. He is on the Board of the Orange Bowl Committee. He is a native of Cuba and also came to our country and made it his own. I am pleased to have Carlos with us today. Thanks so much, Carlos.

Jim Scott: Probably all of you know Senator Jim Scott was my predecessor as President of the Florida Senate. We have served together going on 22 years. It's a long time. As you see, Jim's portrait is now hanging in a place of honor up there, but he is working down here and he is going to be an integral part of all that we do. Because there were so many years before we had a Republican President of the Senate, I felt it important to ask the two previous Republican Presidents to serve with me on this Commission. So Senator Crenshaw and Senator Scott are here to lend that particular length of expertise and their knowledge to the process. Jim is a native of Kentucky as he will remind you, usually around Derby Day. He has held all the important positions in the Florida Senate and has been a key leader in our state for a number of years. He is also my good friend.

Chris Sullivan: Many of you may already know Chris. His background is in restaurant management, and he is a real innovator. He was one of the original developers of Chili's and now the phenomenally successful Outback Steakhouse. Chris is a general partner in the Tampa Bay Devil Rays, on the Board of Directors of the Florida Council of 100, the Tampa Bay Partnership, the Florida Chamber of Commerce, and the Tampa Bay Performing Arts Center. We are real excited to have Chris with us.

Pat Barton is my alternate. Pat could not be with us today, but will be with us as we continue our deliberations. She has held a number of positions dealing with drug abuse, alcohol, and mental health. One of the founding members of the National Federation of Parents for a Drug-Free Youth, the Florida Informed Parents, and the Naples Informed Parents, which is a prototype parent movement for drug-free youth, she was also vice president of the National Federation of Republican Women.

Chairman Douglass: The next appointing authority, and I say that advisedly, is the Chief Justice of the Supreme Court. I call on The Honorable Gerald Kogan, Chief Justice of the Supreme Court of Florida, for the purpose of introducing his three appointees to the Commission. Chief Justice Kogan, soon to be Commissioner Kogan.

Chief Justice Kogan: Thank you very much, Mr. Chairman.

As you know, I received three appointments, one of which was myself. I followed after Senator Jennings. I thought it was a good idea that if I'm appointing somebody, I ought to be here myself. Let me introduce my two appointees:

Alan Sundberg: Alan is currently General Counsel of Florida State University. He was a partner in the law firm of Carlton Fields, and one of the outstanding trial and appellate lawyers in the State of Florida. Alan was, at one time, in my position. He's a former Chief Justice of the Florida Supreme Court. I've had the pleasure of serving with him on numerous commissions and committees, dealing with the law and dealing with Bar work. In addition to that, I've had the pleasure of sitting and listening to his arguments before the court during the last 10-and-a-half years that I've been on the court. Sometimes Alan ruled with you, other times ruled against you, which shows that, of course, my appointment of him to this particular position is completely impartial. Alan will be a tremendous asset. In my opinion, he's one of the leading constitutional lawyers in the State of Florida. Thank you, Alan.

Gerald Wetherington: Gerald is also a person that I've worked with for many, many years. He was my boss when I sat as a circuit court judge in Dade County. He was a circuit judge in Dade County for over 20 years; 10 of those years he served as the Chief Judge. It's not an easy job riding herd over 90-some-odd judges, the way you have to do if you have that position in Dade County. I was privileged to work with him while on that court. He also is one of the leading constitutional authorities in the State of Florida. He has taught at numerous law schools, among which have been the University of Miami, Duke University, Hastings College of Law, and, more recently, this last semester, South Texas College of Law. He is the senior partner in the law firm of Wetherington Klein and Hubbard in Miami. We welcome you to the Commission as well.

Chairman Douglass: I now would like to call on a former Chief Justice and currently the longest-serving justice on our Supreme Court, Justice Ben Overton. A friend, a constitutional scholar who teaches the Constitution at Florida State University Law School, and has written many law review articles. He was a member of the 1978 Constitution Revision Commission and he sat next to me. I sat where Commissioner Rundle is sitting and he sat where Commissioner Brochin is sitting. As a result of that, I lost four straight cases before the Supreme Court. He did not think I treated him fairly while we were here. But he treated me fairly, and he always has. He's a native of Green Bay, Wisconsin, though he's been in Florida most of his life. His wife, Marilyn, is one of our most charming residents of Tallahassee.

OATH OF OFFICE ADMINISTERED

The oath of office was administered to the members of the Constitution Revision Commission by The Honorable Ben Overton, Justice, Florida Supreme Court, as follows:

Name and City	Appointing Authority
Carlos Alfonso, Jr., Tampa	Speaker
Clarence E. Anthony, West Palm Beach	Governor
Antonio L. Argiz, Miami	President
Thomas H. Barkdull, Jr., Coral Gables	Governor
Martha Walters Barnett, Tallahassee	Governor
Robert M. Brochin, Miami	Governor
Robert A. Butterworth, Tallahassee	Constitution
Ken Connor, Tallahassee	Speaker
Chris Corr, Maitland	Speaker
Valerie Evans, Orlando	Speaker
Marilyn Evans-Jones, Amelia Island	President
Barbara Williams Ford-Coates, Sarasota	Governor
Ellen Catsman Freidin, Miami	Governor
Paul Hawkes, Crystal River	Speaker
William Clay Henderson, New Smyrna Beach	Governor
Toni Jennings, Orlando	President
Gerald Kogan, Miami	Chief Justice
Richard H. Langley, Clermont	Speaker
John F. Lowndes, Orlando	President
Stanley Marshall, Tallahassee	Speaker
Jacinta Mathis, Orlando	Speaker
Jon Lester Mills, Gainesville	Governor
Frank Morsani, Lutz	President
Robert Lowry Nabors, Tallahassee	Governor
Carlos Planas, Miami	President
Judith Byrne Riley, Valparaiso	Governor
Katherine Fernandez Rundle, Miami	Governor
James A. Scott, Fort Lauderdale	President
Harold T. Smith, Miami	Governor
Chris T. Sullivan, Tampa	President
Alan C. Sundberg, Tallahassee	Chief Justice
James Harold Thompson, Gretna	Governor
Paul West, Fort Lauderdale	Speaker
Gerald T. Wetherington, Miami	Chief Justice
Stephen Neal Zack, Miami Beach	Governor
W. Dexter Douglass, Tallahassee, <i>Chairman</i>	Governor
<i>Alternates:</i>	
Ira H. Leesfield, Miami	Governor
Lyra Blizzard Logan, Miami	Governor

REMARKS BY CHAIRMAN

Chairman Douglass: Before we start with remarks from the appointing authorities, I would like the liberty of making a few personal comments and comments to the Commission as we start. First of all, I want to thank Governor Chiles for appointing this group of fifteen members that he appointed and particularly, I want to thank him for appointing me Chairman of this group. I've known Governor Chiles longer than we admit. I've known him and Mrs. Chiles for well over 45 years, and I can assure you that he is not only a friend but he is one of the most honorable public servants that I have ever known. I'm honored to have been appointed by him to this post. I will try to make your selection a good judgment, Governor.

Now that the distinguished authorities have presented their selections, and we have been sworn to perform this constitutional office, I want to say a few things in my role as Chairman.

I will conduct the business of the Commission with impartiality and fairness. All legitimate views will be given a full hearing so long as they are presented in a reasonable way in keeping with the rules of common courtesy and decorum.

The committees appointed by me will be selected with the advice and counsel of a rules and procedure committee which will be composed of members from each appointing authority group with no single group having a majority.

I believe, as we become the Constitution Revision Commission of 1997-1998, that the thing we all share is to study and consider any needed improvements which will make us a collegial impartial group. We will find, when we hold the public hearings as the Constitution requires, that our understanding and appreciation of the vast variety of people, business, the land and environment, religion, and the hopes and fears of our fellow Floridians will mold us and lead us to the path for making the 21st Century in Florida even better than we dream now that it will be.

Parenthetically, much is said these days about diversity in selecting groups like ours; diversity as to religion, gender, race, political parties and geography. While this is important before the group is selected, it is not, after the group is installed. We are all in the common pursuit of the same goal, perhaps in different ways, but that's the truth of the matter.

For the job at hand, we are the ones to do it. To illustrate, we need only look back to the 1787 U.S. Constitutional Convention held in the wicked sin city of the day—Philadelphia. Our Founding Fathers were indeed fathers. They were rich, white males with the majority being lawyers. Of the 55 delegates, 40 were owed money by the Continental Congress and 15 owned slaves. They met in total secrecy in the hot summer with the windows boarded and packed with felt so no press could see or hear them.

Today we would call this intolerable. But, out of this group came the greatest blueprint for freedom the world has known, the American Democratic Republic.

The delegates accomplished such long-range goals that we now have a stable monetary system, universal suffrage, including granting women the right to vote in 1920—133 years later, due process, jury trials, and all citizens being the same before the law. These are now our rights.

If they could do that as encumbered as they were with lack of any diversity save intellectual differences, surely we will be remembered not for our make-up, but for our accomplishments. We are truly a diverse group.

I would like to quote Benjamin Franklin at the close of the 1787 meeting:

Mr. President, I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For, having lived long, I have experienced many instances of being obligated, by better information or fuller consideration, to change opinions, even on important subjects, which I once thought right, but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them, it is so far error . . . though many private persons think almost as highly of their own infallibility as that of their sect, few express it so naturally as a certain French lady, who said, in a dispute with her sister, "I don't know how it happens, sister, but I meet with nobody but myself that is always in the right." In these sentiments, sir, I agree to this Constitution, with all its faults, if they are such; because I think a general government is necessary for us, and there is no form of government, but what may be a blessing to the people if well administered; and believe further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other convention we can obtain may be able to make a better constitution.

Let us be able to echo Dr. Franklin when we end our task.

Be assured, as your Chairman, I will try to do what I believe to be right for this group and for the people of Florida, and to be honorable and fair after receiving input from you on all phases of my chairmanship. Together we can offer a well-considered final product.

Now with those remarks, I am indeed privileged to ask for some remarks from people who have a great perspective on what is right for the people of Florida, whether we agree with them or not. I would like to first call on Governor Lawton Chiles to present remarks to the Commission.

REMARKS BY APPOINTING AUTHORITIES

The Chairman recognized the appointing authorities who addressed the Commission.

Governor Chiles: Thank you very much, Mr. Chairman and Commissioners. I'm delighted today to be here to launch the work of the 1998 Constitution Revision Commission.

Napoleon once said constitutions should be "short and vague."

Florida's Constitution is a living document that provides us with a strong framework to address the hopes, wishes, and dreams of our state's citizens.

In his farewell address in 1796, President Washington said: "The basis of our political system is the right of the people to make and to alter their constitutions of government." How true.

Our Constitution must be flexible. It must be capable of changing to meet the needs of a new generation of Floridians—reflecting our ideals as well as our goals. Your task is to conduct a review and to recommend which changes need to be made.

I had the pleasure of serving on the Commission that proposed the 1968 revisions to our State Constitution. That was the first comprehensive revision of the Constitution since 1885. We saw how the needs of our state had changed since the late 19th Century. We set out to bring our Constitution in line with the Florida of the late 20th Century.

Now, you have the historic opportunity to review our Constitution and to shape a document that addresses the Florida of the new millennium. I believe this Constitution Revision Commission can learn a lot from past efforts to examine our Constitution.

1978 COMMISSION

1978 marked the last time we reviewed our Constitution. The Chairman (Dexter Douglass) served on that Commission and remembers this.

Back in 1978, the Commission had an ambitious set of reforms—proposing 59 changes in seven separate amendments. These recommendations of the 1978 Revision Commission included:

- eliminating the elected cabinet;
- replacing the State Board of Education with a nine-member citizen board;
- including sex as a protected class under the Declaration of Rights;
- providing for an appointed Public Service Commission;
- providing for merit selection and retention for trial judges; and
- establishing the right to privacy—which later passed.

With all the good work the 1978 Commission did, nothing passed. There were just too many proposals. Remember, we had just reviewed the Constitution in 1968. Let's not make that same mistake this year.

The 1978 proposals reflected the optimism of the public. That's not the case today. Today there is a lot of skepticism about government and its proper role in society. That is a hurdle this Commission must clear.

In 1978, the Commission thought we needed an overhaul. Today, I believe our Constitution needs a tune-up. I would like to see this Commission use a rifle-shot approach and tackle a limited number of revisions impacting major issues.

CITIZENS' INITIATIVES

One area I'd like to see you focus on is the citizen initiative process. I support allowing citizens with deep feelings about issues to gather

signatures and place issues before the people for inclusion in the Constitution. But, I'm concerned about the number of groups trying to buy their way onto the ballot.

Our government is one "of the people, by the people, and for the people"—not one that is of the dollar, by the polls, and for the big money special interests. I want our Constitution to reflect this.

When we placed the "Citizen Initiative" section into the Florida Constitution, we never imagined the proliferation of people paying to put initiatives on the ballot. I think this practice flies in the face of what a representative democracy is supposed to be.

I believe our country was founded as a representative democracy—not a participatory democracy. There is a very clear difference. In a representative democracy, we elect officials to act on behalf of our people. It's an important concept for us to understand.

In discussing the importance of a republican form of government at the Constitutional Convention in 1787, Alexander Hamilton said: "Real liberty is neither found in despotism or the extremes of democracy—but, in moderate governments."

The framers of the U.S. Constitution knew the value of representative democracy that gets its power from the people. Putting every issue to a vote of the people undermines the foundation of representative democracy. It weakens our Legislature, and that's bad for our state and country. We must work to uphold this core value.

CABINET REFORM

Another issue I'd like to see this Commission tackle is the structure of the Executive Branch of our government.

In 1995, we impaneled the Citizens Commission on Cabinet Reform. Governor Askew chaired this commission. The Askew Commission looked at a number of items designed to make the Executive Branch serve our people better.

The Askew Commission presented a number of worthwhile ideas to streamline and simplify the Governor's and Cabinet's duties for consideration. Being constitutionally prohibited from seeking another term, this doesn't really impact Lawton Chiles. It does impact the people of Florida though. I'd like for this Commission to take a hard look at the Askew Commission's work and develop a better way for the Governor and Cabinet to serve our people.

I know each of you has a number of ideas about what needs to be changed in our Constitution. There are more items I could list for you this morning that I'd like to see you review. But, this is a long process and today is just the beginning.

You have an awesome responsibility. Your work in the coming months will be difficult and long. It will also provide you the opportunity to know and serve our state and its people. I trust this will be a rewarding experience. I thank you for giving your time and energies in this great undertaking. Thank you, sir.

Chairman Douglass: Thank you very much Governor. I would now like again to call on the second lady President of the Senate who is, however, the first Republican lady President of the Senate. The very outstanding President, who served so well in her first term, has made these appointments. She is also one of our Commissioners, for which we are indeed very thankful that she made that choice. Commissioner Jennings, please come forward.

Commissioner Jennings: It's wonderful to look out and see your faces, see your energy, see your expertise that you are going to share with each of us. We have a fairly daunting task ahead of us if you think about it. We are going to evaluate the very foundation upon which all of our laws are built. When you think about how you build a house or how you build a building, the foundation is the solid part of it. You may change, you may add on, you may even demolish and start again, but usually the foundation remains the same.

I think first and foremost we should not be predisposed to change. Just because the Constitution says we will have a Constitution Revision Commission every 20 years, because we are here, we should not immediately believe that it is important to change that basic document.

That being said, we also want to make sure that we look at all of those ideas that come before us and make sure that we adopt a document that can last for another two decades and on into the future.

I think that was what our Chairman was saying as we were talking about our Founding Fathers. Think about the intellect, the foresight that it took to prepare us for where we are today in our U.S. Constitution. First and foremost, that document should include our shared beliefs that move us forward and eliminate anything that holds us back.

Think about what this state was like 20 years ago when we did this before. Twenty years sounds like such a long time until Senator Scott, former Representative Evans-Jones, and former Senator Langley and I remember that we were here. We were not part of the Commission, but we were here. We hope we're still around somewhere 20 years from now.

Twenty years ago we were the eighth largest state, not the fourth as we are today. Our population was somewhere in the neighborhood of nine million people. It is now 14 million. If we are to believe the census bureau, by 2015, right before we get ready to do this again, we will be the third largest state in the nation.

If someone had asked me 20 years ago about my homepage, I would have thought perhaps they were talking about a book with pictures of my house in it. Think of what technology has done for us. As we think about these changes, we need to prepare ourselves to look forward. This is a vision. Sometimes we in the Legislature do well to look to the next year. When you think we are looking two decades ahead, that is a true vision that we are asking you to share and to find for us as we approach this task.

Just where may we be? Twenty years ago, 17 percent of our population was over the age of 65 here in Florida. Today, a fifth of our population is over the age of 65. Twenty years from now, it is said that one in four will be over the age of 65. Just that one tangible part of how we look to the future could change a great deal of our perspective.

Tomorrow we will discuss the rules. In thinking about that, I have a couple of suggestions. These last years in the Florida Senate we have tried to focus on what we call smart government. There are those who say that smart government is an oxymoron. We have tried to focus on deliberative democracy. For us in the Senate, that meant maybe doing things a little bit differently—quitting on time; not coupling many issues together in what we call trains—taking a diverse amount of issues and putting them in one bill and moving them on; rolling bills over to the next day when we have amended them so that we will have the time to look at them and debate them.

I think as I look at what we will be doing, Mr. Chairman, that brings me to the thought that there are some things that we should share here with this group. The issue of single subject, I think, should be very important to us as we debate. We found, and the Governor mentioned it, that in the last revision commission, nothing passed. There are lots of reasons as to why, other than the people just didn't think we needed those kinds of changes. But, again, if we make sure we provide a single, easy-to-understand subject instead of coupling things together, that might be the best thing of all.

As we look at our body, and we have here a chairman who is fair and good and honest and understands the need to build consensus, and to have all of us involved, I think we need to make sure that we spread the power amongst us. The Chairman and I have talked about that and I know that is important to him as well.

As we look at the issues, it is almost superfluous to say we need to concentrate on those issues that should be in the Constitution. All of you know there are other ways to amend the Constitution. The Legislature may put those issues on the ballot by an extraordinary vote of the Legislature, the initiative petition method that the Governor mentioned, and what we are doing here today.

In the last four years of the Legislature there have been 121 resolutions to change the Constitution. Some of them have passed both houses. Only five of them have actually passed in the last four years. I think that should tell us something. In the last 20 years there have been approximately 87 that have actually been on the ballot. Sixty-one of those have passed. Today we have 29 petition initiatives before us; some the Court has before them right now on the single-subject issue. They are such

monumental matters as whether denture treatment be provided by denture technicians only, or what holidays state workers should have.

I submit to you that those are not the kinds of issues that need to be in the foundation of all that we have here before us. If we think about building from the ground up, we remember where we want those strong-est, broadest issues, and that is in that foundation.

So some say we should be cautious and some say we should be bold. I guess I share with you that whatever we do we should be smart and we should be deliberative, and everything that we do should only have the goal to move our state ahead for the next two decades.

Chairman Douglass: Thank you. I was thinking, while I was listening, that—Justice Overton will remember this because he was on the Style and Drafting Committee—I supported a different ballot configuration than we had in 1978. I was supported only by one other commissioner who happened to be Governor Collins. We felt that you could group them like they did, but we should have a separate—if we needed it—paper ballot which dealt with each single issue. It was decided, since we had those old voting machines in those days where you couldn't put everything on the ballot, they'd go with a grouping. But having been around, as you have, when you group matters, you destroy the integrity of the ballot, in my opinion, if you group too many. I mean, you can group some things, perhaps, that have to go together. So, I share your views on that subject. I think as we go along, we will see whatever we have, we will have a vote by the people on what we are proposing, not “you have to take this or that in order to get this,” which we see—and the Governor is very familiar with—he is presented with a bill he very much favors, with an amendment he very much opposes. We're all familiar with that. Okay, I didn't mean to respond, but I thought the remarks were very appropriate.

I now call on our Speaker, Mr. Daniel Webster, and ask that he come forward, please, and give us his remarks.

Speaker Webster: Thank you, Mr. Chairman and Commissioners. This is my last shot—I don't get to stay like the Chief Justice and the Senate President. I have three things I'd like to bring to your attention today, and this will be the last word you hear from me.

First of all, I'd like to tell you one thing about how I selected the Constitution Revision Commission appointees. When I first became a member of the Steering Committee, at the first meeting, there was a video shown presenting an announcement to the public that the Constitution was going to be revised and that the public needed to be involved. It asked them to be informed that, actually, this process took place every 20 years. It was an idea, in a way, to inform the public. However, there was one message that I noticed throughout the video that was a little bit discomforting; it gave, I guess, the perception that the Constitution needed to be revised. I felt like, maybe, that was something we wouldn't want to tell the public. We went back, and the Chairman got the Constitution out, or maybe it was Judge Barkdull, somebody read it and it said that “only if needed” would the Constitution Revision Commission suggest changes to the Constitution.

From that, I came up with a question to ask people, once I whittled my list down to a group of people, especially the lawyers; I wanted to ask, “What do you think of the Florida Constitution?” I remember that was the first question I asked when I called Ken Connor. He had a quick, rapid response. It was a good response. Some said, “It's a flawed document.” Some said, “It might need some changes here, there; I have this pet peeve or that pet peeve about it.” But I loved his answer. I can't remember exactly what he said; but he said it was a sound document. I do remember that. I believe that; and that was the answer I was looking for. It has served us well and it does contain the basic principles of law. That was the answer I was looking for. The people you have sitting here gave an answer similar to that when I spoke with them over the phone or in person. The other thing that was said by some was, “It should not contain substantive law. That's left to the Legislature.” I would challenge you to leave it that way.

The Rules are the basis of operation. It is a document that defines the process. For 16 years of my 17 years in the House, I was in the minority. I was on the back row. James Harold and Jon Mills are here. They moved from a position similar to where they are, to the front. I moved all the way from the back row to the front. So I observed the operation of the House maybe a little bit differently than even they did when they were there. I saw a pyramid of power which I wanted to push down and spread

out. I wanted to involve as many members as possible in the process. I would encourage you, with your rules, to do the same. I had a very strong desire to include anyone that wanted to be a player. Every one of you has been mentioned; there is diversity on this Commission. Each one of you has certain abilities and capabilities and thoughts. I think all those thoughts need to be brought to the table at one time. I would also encourage you to include in the Rules not just the provision for open meetings, but even more specifically, there ought to be accurate and specific announcements of when the meetings would be; not only that, but also what would be discussed and there would be opportunities to receive the documents before the discussion takes place on proposals and amendments to those proposals. I would encourage you to place those in the Rules.

Third, is the basis for the Constitution Revision Commission: review carefully, review rigorously, but revise cautiously. Maybe the best revision is no revision.

Chairman Douglass: Commissioner Kogan, please come to the podium and give us your wisdom, sir.

Commissioner Kogan: Mr. Chairman, I hope I can impart some words of wisdom, but as you know, when you follow everyone else and you're the last speaker for the day, or at least for that particular section, sometimes everything has been said before you get here.

There are certain things, however, I want to call to your attention. First of all, let's remember that the Constitution that we're talking about is the organic law of this particular state and from that, everything else springs. Consequently, it is our duty to look at that very cautiously, very carefully.

One of the things that we might consider is the possibility of streamlining some of the things that are now in the Constitution. I think Commissioner Jennings touched upon some of the initiatives that have come up. Some of those initiatives over the years have made it into the State Constitution. There are such things in there as "gill nets," and how we use them for fishing, and things of that nature, which really are not the organic law of the State of Florida.

Essentially, that's the law that should be left in the hands of the State Legislature and its wisdom to decide. These are things that we certainly ought to look at, along with others that I will not mention at this time, but, of course, we will be discussing as we go along.

Two things are important in my looking at any document that is a constitution. Number one, how we define the powers of government in that particular document. What it is that government has the power to do, and what it is that the government should not have the power to do. Number two, what are the rights of our citizenry? What rights do we say that our citizens have? What rights do we reserve to the State itself? These are things for us to consider and look at very, very cautiously.

I found it very interesting when Chairman Douglass was talking about the grouping of things on the ballot. This is something that we deal with all the time in our court; we call it the single subject matter. That's the whole purpose of single subject. You can take three or four different items and group them together. The problem with that is, when somebody looks at that, they may be in favor of three of those, but opposed to the fourth. Automatically you'll say, "I have no choice but to vote down, because I don't like the fourth one, although I like three." So I think that's something we have to consider, putting these things on the ballot as single subject—single issues to let people take a look at.

I also say that because we are a Commission, that doesn't mean that it's necessary for us to go ahead and, in fact, do a complete overhaul of the State Constitution. If it's not called for, let's not do it. Let's address those things that we feel need to be addressed, and not just meet here for the purpose of changing everything.

One final word that I'd like to add to all of this is remember that this is not something that we are doing together along party lines. No one should take a party line. No one should take a particular stand because his or her particular political party or affiliation demands that he or she take such a stand. We are here for the purpose of putting together a Constitution for the people of the State of Florida. Their best interests are our best interests. Our political party affiliations should be put aside. That's not why we are here. We are here to put our collective minds

together to produce a document that we believe will best serve this state in the future.

One of the things we talk about—and this is the last item I want to discuss with you—on our court is collegiality. We have seven people on the court who come from different backgrounds, many different philosophies, political and otherwise, but yet we have to deal with each other on a day-to-day basis. Therefore, we have adopted a doctrine of collegiality. Collegiality is very, very simple. It means this: it means that we get together and we agree that we can disagree with each other, but in an agreeable manner. So if all of us keep that in mind, and we realize that we are agreeing to disagree on different points with each other, but yet in an agreeable manner, then I'm sure we will establish a Constitution or revisions that we can be proud of, that the people of this state can be proud of, and offer them a real choice when they go to the ballot box in November of next year.

INTRODUCTIONS

The Chairman introduced his wife, Terese Douglass, and his daughter, Lee Douglass, who were present in the gallery; and staff: Billy Buzzett, Executive Director; Deborah K. Kearney, General Counsel; Suellen Cone and Lynn Imhof, Executive Assistants; Faye Blanton, Secretary of the Senate; and Wayne Todd, Sergeant-at-Arms of the Senate, with the following remarks:

Chairman Douglass: At this time, I would like to introduce a few people. We are a little ahead of schedule, and this is the way I hope we can run our Commission—that we can stay on track and get things done. President Jennings, like you did and, Mr. Speaker, like you did. I took that to heart. You did a great job. First, I would like to ask you the privilege of introducing my wife Terese; she has put up with me for 42 years. I married her when she was just a little girl. We met at the University of Florida when I was a senior in law school, and I fell in love with her. One of the products of our love is with us today, my youngest daughter, Lee Douglass, who runs the office of the Justice Department very strongly in Washington, D.C. I thank you for indulging me that moment.

I would like now to present people that I am recommending to be our staff and who will direct our activities. I would like to call on Mr. Billy Buzzett. Mr. Buzzett has served as the Executive Director of the Article V Revision Commission. I think Senator Scott and others would acknowledge that he is the most efficient person we ever had in that job. He had \$280,000 and when he finished, he had \$100,000 left, which is unheard of. We believe he will serve us well.

Also, the Secretary of the Senate, whom we hope to designate, at the pleasure of the President of the Senate, as the Secretary of the Commission, Faye Blanton. Faye, incidentally, 20 years ago sat up here. She served as a staff person for the Senate who staffed the 1978 Commission. So I am delighted to see her back. She looks just as young and pretty as she did then. We are delighted to have her expertise and quality. The Sergeant-at-Arms, Wayne Todd, is responsible, along with his staff, for conducting order and decorum. Those of you who are familiar with the Senate know that he is no nonsense, as are his assistants.

I would like to introduce Deborah K. Kearney, who most recently was Deputy General Counsel on the Governor's legal staff where she did all the work that I didn't do, which was most of it. I am delighted to have her. I have been castigated by the Governor for taking her, but I didn't; she wanted to come, and we are very fortunate to have someone with her background. She was also in the General Counsel's Office for Governor Martinez. She is a very professional, able, and competent lawyer and will serve us well.

We have two other staff members. Suellen Cone has served me well as the assistant in the legal office for a number of years. She has probably been more involved in the judicial appointments than anyone else connected with our office. She is well-known throughout the state for that purpose, and I am delighted to have her.

The Governor, personally, never said anything real bad to me; but when he found out Suellen was going with me, we were in an airplane flying somewhere, he threatened to throw me out of the airplane. So that's how valuable she is. Jay Peterson, who is coming out of retirement and replacing me, almost didn't because I took Suellen.

Lynn Imhof, who is Billy Buzzett's major assistant, comes to us from the House of Representatives, where she has served for a number of years and is quite well-versed in all the matters that we will be dealing with. She will be one of our principal people involved in this. Those would be our staff, and we might have to have some others but not on any permanent basis.

I would also like to point out that, as in 1978, a number of the Senate staff will be backing us and serving in this room as they are now. They keep us straight. They do the drafting, engrossing, the calendar, and the Journal for the Commission. Committee staffs are available for you for back-up support and, I can tell you, without these wonderful things being provided, we probably would not be able to function very well.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:38 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:18 p.m. The Secretary called the roll and a quorum was present—34:

Table with 4 columns: Name, Evans, Lowndes, Scott, Alfonso, Evans-Jones, Marshall, Smith, Anthony, Ford-Coates, Mathis, Sundberg, Argiz, Freidin, Mills, Thompson, Barkdull, Hawkes, Morsani, West, Barnett, Henderson, Nabors, Wetherington, Brochin, Jennings, Planas, Zack, Connor, Kogan, Riley, Corr, Langley, Rundle

Alternates:

Leesfield Logan

Excused: Commissioners Crenshaw; Butterworth at 1:15 p.m.; Al-ternate Barton

Chairman Douglass: Our next order of business is the remarks of former Constitution Revision Commission Chairmen. In this case, it will be The Honorable Chesterfield Smith who served as Chairman of the historic 1965 through 1968 Constitution Revision Commission. Chesterfield has been one of the great leaders of our state for many years. He has also been one of the great leaders of our country for many years. He's had the distinction, and distinctive service, as President of the American Bar Association and is known throughout the entire legal profession as one of the most astute thinkers in our profession. Chesterfield has a sort of "touch" at finding out what is best for the people. He probably got that when he was growing up in Arcadia. Other than the cattle, he's one of the great things that left Arcadia. But he grew up there and then he went to practice law with the late U.S. Senator Spessard Holland. He took that firm himself and built it into one of the great legal institutions, not only of Florida but of the entire country. He's recognized by everyone as being a great constitutional scholar. A man of vision, who age has not tempered, he was much the same when I first knew him 45 years ago as he is today. If there's one fault that Chesterfield has, if it's a fault, if you ask his opinion, he will give it to you; unvarnished and straight from the shoulder. It is my great pleasure to present to you, for his remarks to this Commission, The Honorable Chesterfield Smith.

REMARKS BY FORMER COMMISSION CHAIRMAN

Mr. Smith: It is pleasing to be here on this historic day before this august group, assembled for a singularly important purpose. I have had the privilege of addressing previous Constitution Revision Commissions, and the honor today is particularly significant. The convening of this particular Florida Constitution Revision Commission will undoubtedly be my last.

The eminent Chair of this Commission, Dexter Douglass, has advised me that I have an absolute maximum of 15 minutes in which to address this group. This allotment of time reflects a decision, probably a long-considered decision buttressed over the years by personal experience, that he should make me shut up quicker and sit down sooner.

Back in 1966, when I was Chair of Florida's Constitution Revision Commission, I had unlimited time to say whatever I wanted to say, and I said it. Mr. Chairman, it's good to be King, but in your dealings with me, please remember that you, too, will someday be an ex-King. I had 30 minutes to address the Commission, and I used it all. I intend to use much less here today than in 1966 and 1977. I also will make a bold prediction, some may say I am prone to do that; I promise, I commit, that I will not address the next Constitution Revision Commission which will convene in the year 2017, the year in which I will celebrate my 100th birthday.

Admittedly, my presence or absence here makes no difference; for no single person, no single idea, no single issue, is more important to this Commission than any other person, or idea, or issue. What matters most in the grand scheme of things, as I see it, is simply this, that we live in a place and a time when the people of this great state can exercise their sovereign power of self-governance—focusing the attention of their best and brightest, or some of their best and brightest, on the solemn task of examining, and re-examining, the legal instrument that provides bed-rock principles of government in this state. I charge you as a group, and I charge each of you individually to take this torch, hold it high, and carry it forward with confidence, and with reverence; your task is overwhelmingly important.

Quite obviously, I also am going to urge you, as you have already concluded to do, to apply your knowledge and experience to the task before you in a way that will better carry this great state into the next millennium with the constitutional rights of its people being the very best that they can be.

Florida is a sovereign state, and as a sovereign state its people, of course, are all-powerful. Article 1, Section 1 of the Constitution says it simply: "All political power is inherent in the people." The people's Constitution, and you will do well to remember that it is just that with which you are about to tinker, truly is primarily a restriction on governmental power. The people of the sovereign State of Florida simply have all power, unless and until it is restricted in the Florida Constitution.

The United States Constitution is, of course, the opposite. The federal government has no power except that which is granted in the United States Constitution. For that reason, the United States Constitution is much, much smaller in size than the usual state constitutions; much scantier in words than Florida's Constitution and, in my personal opinion, not as good as our Constitution, particularly with regard to the protection of its people in the declaration of rights.

Indeed, I consider the crowning achievement of our Constitution to be its Declaration of Rights, although, of course, that is not the exclusive source of human rights in Florida. Human rights also arise from the common law principles on which this country was founded. Our Declaration of Independence establishes fundamental principles of individual rights. "All people are created equal." "Government of the people, by the people, and for the people." I charge you to be ever mindful of these individual rights, perhaps to expand them and even specifically to include some of them in the Declaration of Rights, to reflect modern life and developing trends, such as: the Internet, the globalization of Florida's economy, and the new and improved communications and computerized knowledge systems. Indeed, on all issues before the Commission, I urge, I suggest, that you make the human rights of Florida's people your guide, your direction as you consider possible revisions to the fundamental law of Florida.

No other single area of the law has an equal impact on the day-to-day lives of Florida's citizens as does the area of constitutional human rights. Consider a small sampling of issues that have come before the courts recently, and think about how these issues affect real people in real ways every single day:

- Whether a minor must have parental consent to obtain an abortion.
—Whether competent but terminally ill individuals have a right to medically assisted suicide.
—Whether an employer has the right to refuse to hire smokers.
—Whether same-sex couples should be allowed to adopt children.

We, of course, can do much with the individual freedoms now protected under Florida's Constitution, but it is probable, or at least possible, that those specifics can be improved.

To protect the rights of the individual citizens of Florida, you must know what they are. Each of you should read them, and re-read them periodically and often. Consider them carefully:

- The right to enjoy and defend life and liberty.
- The right to pursue happiness.
- The right to be rewarded for industry.
- The right to acquire, possess, and protect property.
- Freedom of religion.
- Freedom of speech and of the press.
- The right to assemble peaceably.
- The right to instruct representatives.
- The right to petition for redress of grievances.
- The right to work.
- The right to bear arms.
- The right to due process and other protections in criminal cases.
- The right to trial by jury.
- The right of privacy, to be let alone.
- The right to a uniform system of free public schools and institutions of higher learning.

And many more rights, both explicit and implicit, now in Florida's Constitution, many that are not specifically contained in the United States Constitution, or in the constitutions of other states. Largely because of these express rights, most people feel that the Florida Constitution protects them as individuals, and generally it does. Even so, we occasionally see notable and tragic exceptions. This Commission, in my mind, should have as its primary mission the protection and enhancement of the great document that now so well protects our people to ensure that it continues to do so even more effectively.

This Commission will almost certainly be asked to consider dozens of issues, such as:

- The structure of state government.
- Funding for public education.
- The use of constitutional initiatives, or the creation of statutory initiatives.
- Selection and retention of judges, the retirement age of justices, and whether the state or local government should pay to operate our trial court systems.
- Fiscal home rule powers for local governments.
- Keeping or abolishing the homestead exemption and limitations on the devise of homesteads.
- Choices in health care providers.
- The scope of the right to privacy as it affects abortion.
- Assisted suicide, the workplace, and the exchange of information over the Internet.
- Making the Florida Constitution a well-written document, neutral in gender, free of legislative-style enactments.

Many other issues will arise. In 1977, I took the liberty of giving the Commission my personal views on a number of matters that I thought would come before the Commission. I do not do that today, not because I lack opinions, which can never be true, but because, as I said in my opening, one person's opinions are much less important than the integrity of the process and the care taken to protect and preserve a well-spring of individual rights. I thus urge you, foremost and first, to make

the great State of Florida a leader, a pioneer, among states, of expanding and protecting human rights. Government structure is important, but in finality, not near so important as human rights.

In closing, I remind you that, in 1978, the voters of Florida rejected all of the Commission's proposed revisions. I submit that the outcome of that vote was not a failure, far from it, because the hard work of the Commission provided invaluable insight into the most serious and far-reaching issues facing the state at that time. Happily, many of that Commission's proposals have since found their place in the law of Florida. Doing the work, doing it right, doing it well, thus lays a foundation for long-term success, even if it is used in ways not contemplated at its origination.

You are called to serve the people of Florida in a year-long journey into the basic law of this state. Take with you, then, the heart of a servant, the wisdom of a god, the savvy of a politician, the nurturing care of a parent; for beginning today you are the potential mothers and fathers of Florida's Constitution, foster parents perhaps, and only for a time, because it does end. Use your time well, and you will never be sorry. You will never forget the Commission and your colleagues in service.

Chairman Douglass: Chester, if I'd known you were going to be that good I would have certainly given you five more minutes. That was very inspiring. I didn't want to be accused of cutting anybody off. If you'd like to extend your remarks, I have no objection. Thank you very much.

INTRODUCTION OF FORMER COMMISSION MEMBERS

Chairman Douglass: At this time, we were going to hear from Sandy D'Alemberte, the 1978 Commission Chairman. He had to go to Europe, so, he could not be here. I even asked him to do what Ben Franklin did, which was to write a speech and send it by his General Counsel who could read it. He declined, so we're going to miss him today, but I'm sure at some point during our service that, when he is available, he will appear before us.

The Chairman recognized Judge Thomas H. Barkdull, Jr., and himself, as former Commissioners currently serving, and introduced former Constitution Revision Commission member Kenneth A. Plante, who was present in the gallery.

REMARKS BY FORMER COMMISSION MEMBERS

The Chairman recognized former commissioners, Justice Ben Overton, 1977-1978 Commission and Stephen C. O'Connell, 1965-1968 Commission, who addressed the Commission.

Justice Overton: Mr. Chairman, members of the Commission, I am honored and privileged to have this opportunity to address you. Each of you by your appointment to this Commission has the very significant responsibility of defining a way of life for the citizens of the state in a rapidly changing age.

Our State Constitution is an extremely important document. The United States Constitution, by design, was an incomplete document written with the understanding that it could work only within the framework of the then-existing state constitutions. Constitutional scholars have made it clear that under this federal/state constitutional structure, the people have the most direct opportunity to structure their own affairs and manage their daily lives in their state constitutions. The establishment of our state government and, more particularly, our educational structure and local governmental entities, including county commissions, school boards, and local officials, together with our tax structure for government services, defines to a large degree our way of life in this state.

In these remarks, I would like to address briefly two items that I believe are significant issues for your consideration. The first is technology and its effect on our privacy. The second is the initiative petition process for amending our Constitution.

Technology has already impacted our governmental structure. Because of that technology, the public can now hear, see, and instantly respond to what public officials are doing. Twenty years ago, I made

remarks to the 1978 Constitution Revision Commission as an appointing authority. In those remarks I stated:

Another factor that should be recognized is that changes in our way of life occur very rapidly. Thomas Jefferson said that this country was "advancing rapidly to destinies beyond the reach of mortal eyes." That quotation is very true in this day and time. Our technological advances continue to surpass our imagination, but our political and economic problems are also increased with this advancement. And who ten years ago really understood that personal and financial data on a substantial part of our population could be collected by government or business and held for easy distribution by computer-operated information systems? There is a public concern about how personal information concerning an individual citizen is used.

At the time I made those remarks, the major concern was how to prevent government from intruding into the lives of individuals. Additionally, even though there was concern regarding technological intrusions, few, if any, of us could have envisioned the advances in technology that have occurred in the last 20 years. As a result, the public is now looking at a new challenge—the right to be let alone from commercial as well as governmental intrusion.

Recent polls reflect that eight percent of Americans believe they have lost all control of their personal information and that 90 percent favor legislation to provide additional protection. The reason for this concern is the direct result of sophisticated technological advances that make it both cheap and easy to categorize and track what was once thought to be private information.

Who knows what about you? Technology has made it possible to pry into almost every area of our lives. Where we were once warned to watch out for "Big Brother"—the government—we are now being cautioned to look out for "Little Brother," meaning private parties and entities.

Just how is our privacy invaded in this respect? Consider these examples. Whenever you use an automatic teller machine, purchase something from a store, purchase an airline ticket, rent a movie or hotel room, surf the Internet, or simply use the telephone, an electronic record is generated. All of these activities can be traced and included in various databases which act as storage banks for this information. Through a process called "data matching," a compilation of your purchases and activities can be sorted and matched to form a profile on you, listing your personal tastes, buying patterns, and lifestyle. As one author has stated, "The information is digitized, linked, packaged, sold, and resold." New technology has made access to this type of personal information very accessible. With very little effort, information can be obtained regarding your credit files, driving records, health records, employment files, vehicle registrations, social security information, warranty registrations, music club purchases, charitable donations, magazine subscriptions, mail order and catalog purchases, frequent flyer records—the list goes on and on. Details of our finances and family structure are also available on some databases. While restrictions are placed on obtaining some of this information, with relatively minor effort, it can be located.

In writing a law review article on this subject, we tested the type of information that is available using a very basic database contained in Westlaw called "Information America." We put in my name. In a short period of time we had my full name, the address of my Tallahassee residence, my telephone number, date of birth, social security number, and the same information for my wife, the median income of my neighborhood, the names of my ten closest neighbors, their addresses and telephone numbers, and similar information on a condominium that I own in St. Petersburg. All of the information, including the neighbors' names, addresses, and telephone numbers, was correct. In addition, we were able to obtain information from the county property appraiser's reports, detailing the property values, square footage, and mortgage value of my property. By placing into the computer my address and zip code, we were also able to obtain a map to my residence with details of how to reach my home.

Today, we also use a vast array of electronic communication gadgets such as cell phones, portable phones, pagers, and computers, that are all creating avenues for privacy invasions. While technology has made our lives easier, and in many respects has provided our lives with useful information at the touch of a button, it also has opened wide a door for our privacy to be invaded.

Why is this subject one that should be of interest to this commission? The reason is because the United States Supreme Court has declared that the protection against invasions of privacy by nongovernmental entities is a state responsibility. In distinguishing an individual's privacy from governmental intrusion, the United States Supreme Court has said, "The protection of a person's general right to privacy, his right to be let alone by other people, is, like the protection of his property and his very life, left largely to the law of the individual states."

As a result, any constitutional protections from intrusions by private persons or commercial entities in the area of informational privacy in this new age of technology will have to come from the states.

Clearly, privacy concerns in the age of technology are in their infancy. How we should protect those concerns is in an evolutionary state. Further, whatever is done must be done with the understanding of our existing public records constitutional provision in Article I, Section 24.

While our Constitution does contain an explicit privacy provision to protect individuals against governmental intrusion, it does nothing to protect against nongovernmental intrusion. To correct this omission, I suggest that the Commission consider a provision that would expand our current privacy provision to include the right to be let alone and free from private intrusion as well as governmental intrusion. How to craft an amendment that will provide adequate protection, yet be flexible enough to maintain our open public records philosophy and allow the law of privacy to develop as technology develops, will be the challenge for both this Commission and the Legislature. I suggest that the Commission consider amending the privacy provision contained in Article I, Section 23, by including a sentence reading: Every natural person has the right to be let alone and free from nongovernmental intrusion into his or her private life except as provided by law.

Katherine Giddings and I have written a law review article that sets forth in detail problems regarding this issue and suggested solutions. It will be made available to you by Florida State University in their September Constitution Revision Law Review issue.

The second subject I would like to address is the initiative process for amending the Constitution. At this time, both proponents and opponents of constitutional initiatives are unhappy with how that process has worked. This is especially true, I am sure, of those who have had proposals rejected from placement on the ballot after expending a substantial amount of time, effort, and money in attempting to do so. Others believe that most proposals should be considered as statutes rather than constitutional amendments and that the proposers have no understanding of how a particular proposed initiative will affect other provisions of the Constitution.

There have been thirty-two proposed initiatives presented to the Supreme Court of Florida for approval for placement on the ballot. During my tenure on the Court, I have participated in decisions involving thirty-one of those proposals. Thirteen have been rejected by the Court.

Presently, the Court's responsibility in the initiative process is limited to two issues. First, we must review whether the proposed amendment embraces more than one subject. Second, we must review whether the ballot title and summary describing the proposed amendment are misleading. The initiative process is one of five ways that the Constitution may be amended. It is, however, the only method that requires that an amendment embrace but one subject. The single subject requirement was determined to be necessary by the drafters because, unlike the other amendment procedures, the initiative amendment procedure does not provide a filtering legislative process for the drafting of any specific proposed constitutional amendment. The other methods afford public hearing and debate, not only on the proposal itself but also in the drafting and content of the proposal and full consideration of how it affects other existing provisions of the Constitution without expressly referring to them in the proposed amendment.

It has been a major concern for me that proponents of constitutional amendments would freely admit in oral argument that they did not know how important parts of their proposal would be applied and that it should be left to the discretion of the Court to make that determination. In one instance, the proponents stated that, not only did they not know which constitutional provisions were amended by their proposals, but it was the responsibility of the Court to identify and redraft the amended provisions by judicial construction after the people adopted the proposal.

How a proposed constitutional amendment is going to be integrated into the Constitution as a whole is extremely important. The public needs to know what parts of the existing Constitution are going to be affected by any proposal.

In my view, the initiative process must remain in some form. I believe any proposal to eliminate the process would be unsuccessful. Therefore, I suggest the following for consideration. First, the initiative process would begin as it is currently structured by requiring the collection of the necessary signatures from the required congressional districts. The second step would be the presentation of the proposal to a constitutional revision commission body, such as this, that would be convened every four or six years. The commission would have the authority to review and modify a proposal so that it could be integrated into the present Constitution appropriately or, alternatively, write it as a statute. The commission would then place the proposal as either a statute or a constitutional amendment on the ballot.

The second initiative problem, the problem of misrepresentations contained in either the ballot title or ballot summary, can be easily resolved by adopting the Oregon method. That state has an independent entity, the Attorney General, draft an objective ballot title and ballot summary that describes the proposal and then allows proponents and opponents to object and seek review of the language in the state Supreme Court. The Supreme Court, upon review, is then authorized to modify the descriptive ballot title and ballot summary. Importantly, this ballot title and ballot summary modification changes nothing about the substantive part of the proposal, but makes sure that the public is fairly advised as to its effect.

While these suggestions may not be a perfect solution to the problem, I believe that they provide the Commission with a starting point for addressing the changes needed in the initiative process.

As many of you know, I have for many years strongly supported merit selection and retention of trial judges. I still hold that view, but I believe I have taken up enough of your time.

In conclusion, each of you has the opportunity to contribute in a very meaningful way on how this state and its citizens will meet the new challenges in a very fast-changing world. You are a newly created collegial body. Look around you and you will find people who will become friends for many years to come. Even though you may all have different backgrounds and different philosophies, it is important for you to keep an open mind during this process. It is the melding of these different views and ideas that makes this country great. And remember, look to the future rather than to the present and the past. As Jefferson said, we are "advancing rapidly to destinies beyond the reach of mortal eyes."

Chairman Douglass: Thank you very much, Justice Overton. I was thinking earlier in this session, as I looked up at the portraits of the Senate Presidents, I could see Stuart Gillis who is the first President of the Senate that I have known. I have known them all up to the current president. The citizens of Florida, that are here today, probably start with a more recent president. The same perspective that many of us have, that goes back over this great period of time, is not available to the general public. Therefore, it is important that we hear from these gentlemen that have been a part of the great building of this state. It is for them, and for their efforts, that we are what we are today.

It is always remarkable to me, as I'm sure it is to you, how people tend to discard the past, make light of it and cynically try to put it in different perspectives. Those of us, and I'm sure you join me in this, know that in truth and reality the people that have served this state, both in the Senate and elsewhere, have done it with the public good and the public interest in mind. They have worked and given their lives to get what we have. I often wonder how they can be so critical, some people that come here, of our state without having any knowledge of how we got where we are. I understand that we live today; we live by sound bytes now; we live by television news; all of these things were not available in 1978. We only had three or four channels that people could watch in 1978, so we had extensive coverage of the Constitution Revision Commission. Now I think of the country music song that says, "there are fifty-one channels and nothing on." I've got two hundred and there's nothing on. People are going to have a real struggle to follow us, except for the print media and what the television can do. It is for that reason that I think it is extremely important that we hear from these gentlemen today.

The next person I call on here is one who is truly a part of Florida. He grew up here. He was a kind of orphan as he described to me how he was raised, not by a village, but by somebody way back in the Everglades. As he was growing up, his older brother was a great inspiration to him. I am speaking of the gentleman whom I tease for the tough job of being an athletic center. That is what the O'Connell Center is. Our next speaker is Stephen C. O'Connell, who has served, not only on the Supreme Court of Florida, but in many other capacities. He served as President of the University of Florida during a very difficult time in our history. He has contributed as much, or more, to the lives of Floridians in a positive manner as most anyone I know. He is a fine Christian gentleman, which was, without offense to anyone, one of the University of Florida requirements in effect when my father went there in 1920. Steve, however, has recognized the diversity of everyone's beliefs and has fought to protect them, both as a member of the court, as a member of the Constitution Revision Commission, and as President of the University of Florida. It is with great humility that I have the opportunity to bring this great man to you for his comments and I commend them to you. Let's give a big welcome to Stephen C. O'Connell.

Mr. O'Connell: You will all have to get accustomed to bowing as you address the Chairman, former special counsel, assistant governor and now Chairman. Justice B.K. Roberts and I were the two justices appointed to the 1967 Commission. I was appointed because, as Chairman of the Judicial Council of Florida, I had been trying for several years to convince the Legislature to submit a change in the Constitution of the trial court system of Florida. The 1967 Commission members quickly, over my opposition, deleted the judicial article from consideration, claiming that opposition from very potent trial court judges' organizations might endanger passage of other recommendations of the Commission. In retrospect, it was a wise move.

While the responsibility of you individual Commissioners is considerably the same as the members of my commission, the task of this Commission, it seems to me, will be considerably different. Ours was to modernize, streamline, and reorganize a host of governmental agencies, widen the distribution of executive power under a one-hundred-year-old document heavily encrusted with amendments, many resembling local bills. We accomplished much of this in the Executive Department by providing that the Executive be exercised by no more than twenty-five departments of government. We visited the Cabinet system and the dissolution of the power of the Chief Executive, but the Cabinet system, the Cabinet members, had too many friends on the Commission and, I think, among the voters as well as the Legislature.

We dealt with the Legislature. We provided for membership limits on both bodies, for reapportionment, and for annual rather than biennial sessions.

We did what results in your sitting here, providing for review of the Constitution by commission, first one in 10 years, and then successively each 20 years thereafter.

I think we all agree that was a wise decision, but there is lingering doubt that the initiative provision that we erected for further ways of amending the Constitution was not a wise one.

As I see it, it may not be your view of it, your task is to correct the mistakes that time's passage has shown that we made; to do the things that we left undone. In assessing that, you have the benefit of the work, the efforts and the results of the one Commission's works in 1977 and 1978.

Much of the success of our Commission's work is due to the masterful, autocratic, undemocratic, dictatorial, sometimes bombastic performance of our chairman, Chesterfield Smith. He proved, there again, that he is a great leader and a great Floridian. Floridians will be indebted to him for many, many years for what he has done. I, like most of the other members of the Commission, became his sycophant before our work was over.

May I say that I detect in your Chairman many of the qualities and personal attributes exhibited so forcefully by Chesterfield Smith. So, in advance, I offer my sympathy for your certain-to-be wounded egos.

This Commission, too, is fortunate to have as a member, Judge Tom Barksdall, who, because of his valuable experience, guidance, and contributions in the first and second bodies, is able to offer you valuable insights in your proceedings.

I leave you with the hope that you will only propose change where there is demonstrated need for it in the public's interest. Change is an infectious, exhilarating process and it can cause many to succumb to it who otherwise, on thought, would not. I thank you for letting me speak. I wish you Godspeed in your deliberations.

Chairman Douglass: Thank you, Judge O'Connell. Don't believe him, I'm really not a little Chesterfield Smith. I'm not that well versed in the law, not that well versed in many things, and I certainly don't have the biggest law firm in the State of Florida. I do appreciate the compliment, sir, to be compared to that lion of Florida's constitutional law. I can assure you that I cannot lick the constitutional boot straps of so great a man as Chesterfield Smith. Thank you.

We are going to vary just a little bit here. We are very fortunate to have with us today one of our former governors, who played a major unrecognized part in the adoption of the Constitution of 1968. Without his leadership, which Judge Barkdull and Chairman Smith have reminded me of, we would not have had the revision of the Constitution that occurred in 1968. It was a fortuitous circumstance of history that brought him to the Governor's chair. Being the first Republican elected since Reconstruction, having to deal with Democratic bodies in both houses who had never thought they would ever see such a thing, and working through the conflicts and confrontations that naturally occur, out of that, because of his willingness to meet on even terms with these people and his participation in some of these meetings and sessions, the Constitution of 1968 became a reality.

I'm not sure many of you knew that, but when you talk to the people who were involved then, they will always tell you that was the case. So, in spite of his own efforts sometimes to shoot himself in the foot when he makes comments off the cuff, you must be forewarned that he is a very brilliant student of government and he is also a very brilliant man. He is also a man who served the State of Florida for four years during a period of great change, which, in spite of what many people would have you remember, resulted in the educational system of Florida being improved more in the four years he was Governor than in any time before or since. That may be attributed to Senator Pope, whom he referred to as Senator Foghorn, and him with their constant going at each other; but both trying to outspend the other in improving the school system, which resulted in that occurring. So, however things happen, if we will let them, they usually happen for the best. Part of the best we are going to bring you right now, and that is the comments and advice we seek from our former Governor, The Honorable Claude Kirk. Would you please give him a good welcome.

REMARKS BY FORMER GOVERNOR

The Chairman recognized former Governor Claude Kirk, who served as Governor during the 1968 Commission, to address the Commission.

Governor Kirk: Here we go, thank you very much. I'm delighted to be with you. First, let me tell you I love you. I'm excited about being here because you are my opportunity to live in a better Florida for the next 20 years. What you do will affect my family, my grandchildren, everything that is going on in my life. I really do love you. I've done a lot of work here. I could be speaking for all of the other governors also, because they are not here. Obviously they didn't read their instructions and I was always a diligent student of instructions.

When I say I love you, it is because I'm about to tell you that I worked like hell on this document. I didn't normally work on my documents as a lot of people know. I generally spoke whatever was in my mind. Realizing that this was a desperate and important time, as you have heard from these learned gentlemen, this Constitution is a very serious matter, and for me to be invited to come talk about it with my comments and thoughts was a serious responsibility of mine. I wrote a two-page document here, which I think has a lot of hidden meaning in it. It isn't as verbose as some others, but I wanted to be sure that if you wanted to know what I had to say, here it is. There is a lot of hidden meaning in here. There are threats. There are innuendoes. There are demands. But, if you can't read because you went through our public school system, then I do have copies for you. Remember, I said I love you to start with because you gave me an opportunity.

As Chesterfield said, you have a torch and you are the torch and I see you on a glory trail that's going to give me 20 great years of better government. All we have in the world today is government, is it not?

There are governments everywhere. This government will be the government to watch. You either do a grand job and I will love you the more for it at the end, or, if you don't, I will still be called Governor and then I'll miss you. In any case, these are the remarks that I have prepared seriously, and everything in there is a balance of thought, whether you get it or not is not my problem.

It is also to try and corral the media too. There is a good bit of Florida history, folks, that I am looking out at today in this new Senate chamber. There was a lot more history, folks, in the old Senate chamber in December 1966 that I looked down on from my seat. You must understand that I was invited to sit, but not to talk. Day after day I enjoyed watching everything going on, all these beautiful people making their speeches and it was a serious matter. I was not allowed to speak to anyone except Chesterfield, who from time to time, might or might not answer my questions. As I looked down on that chamber from my seat as a just-elected enemy guest, beside Chesterfield Smith, I remember turning and whispering to Chesterfield, "Who is that chap at the well now?" He replied, "Askew, Pensacola." I sat back and thought to myself, the rest aren't much, but now that guy, I could really sell him.

Florida is an all-powerful sovereign state, number four in the nation, now. The United States, in its Constitution, is not all-powerful, nor sovereign; with its Bill of Rights merely a discussion as to what ought to be. You are a blessed historical group to compose a new power control and directing document, any needed length, to talk to the folks for their making a law to live by or to reject your works. Please record and make part of Florida all those great phrases, concepts, and intents that we believe to be the law, but are not; such as, all persons are created equal and others of our study and confirmation.

You have a blessed opportunity to give the now and next Florida the freedoms we all deserve and desire, but have never gotten. No unaccountable Cabinet can lead to or even toward any of the freedoms we pay for every day. Convince yourselves, and then convince our old faint-hearted of the state as well as the new and confused folks of Florida, to make the Governor the Governor. Demand a leader to lead. Give the next governors the responsibility and the appointed control of the Department of Education and the Office of Attorney General. The rest you can leave with the lobbyists, if you must.

Then, if you can respond to my request for the folks, and the folks confirm your work on this, one request regarding schools, you, our Legislature, could be challenged to cast off union lobbyist control of themselves. You heard me, unions are controlled by lobbyists themselves and devoted to cleanse away the union stalemates in time to provide a real education for my grandchildren's children.

Please create a screening method to study these single-purpose citizen's petitions to see if they are worthy of the people's vote or if they should be diverted to the legislators for study; slow and tough as the legislature may be as they do work for the people. You do understand the Legislature is supposed to work for the people? Working on any and all the people's problems all the time, and we pay them all the time, so it's something to work on. Now, that's the end of the two pages. I hope you got a little bit of it. I happen to have a few thousand copies of this available to you if you don't remember. I still have another hour, right? I would point out to you that I do love you.

You do have the opportunity, and we did work diligently to be sure the people accepted the 1967-1968 work in that Constitution, and we are delighted we passed it; however, if you really think about it a minute, when I was elected Governor, I was a lame duck. I had never been tested in another race. I could have gone on to be Vice President—then President—without ever being tested at all. I wouldn't have had a race and you would have all the opportunities in the world. So, maybe some things ought not to be changed. I think you did the right thing, because you made the Governor actually have to work for four years to see if he can get reelected. If anything, I cleansed the Democratic Party. We got more folks coming out of the woodwork, and we had a great government and all things worked to the good. Therefore, I say to you, I love you now, I'm going to love you tomorrow, but if you don't come up with a good Constitution, I'll still be called Governor and I'll miss you.

Chairman Douglass: Governor Kirk, we love you. We return your affection and we are delighted to hear from you. As usual your comments, if we can take time to study them, have some great merit for our consideration and we will consider them. I'm delighted that you could be

here. For your information, the man who you said you thought you could get elected sometime, Governor Askew, will be here tomorrow. He will address this group as well.

I'm delighted that we had the opportunity to have these gentlemen speak to us today. We have moved right along here, so we are going to be moving on pretty quickly. Immediately after we leave this Chamber, everybody is to please go to the front steps of the old Capitol for a photograph, which is to be taken in the same location where the 1978

and the 1968 Commissions' photographs were taken. These will be for posterity or for whatever purpose. It has been arranged for them to be there promptly when we arrive.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 2:35 p.m. to reconvene at 9:30 a.m., Tuesday, June 17.

JOURNAL OF THE CONSTITUTION REVISION COMMISSION

Daily Index for

SUBJECT INDEX

Call to Order	1, 8	Remarks by Chairman Douglass	1, 4
Introduction of Former Commission Members	9	Remarks by Former Commission Chairman Smith	8
Introduction of Members	1	Remarks by Former Commission Member O'Connell	11
Introductions	7	Remarks by Former Commission Member Overton	9
Oath of Office Administered	4	Remarks by Former Governor Kirk	12
Remarks by Appointing Authorities	5		

**CONSTITUTION REVISION COMMISSION
B-11 HISTORIC CAPITOL
TALLAHASSEE, FLORIDA 32399-1300**