



Journal of the 1997-1998 Constitution Revision Commission

Number 10

Wednesday, December 10, 1997

CONTENTS

Call to Order	104, 111
Committee Meeting Change	112
Introduction of Proposals	104
Matters on Reconsideration	111
Motions	109, 111, 112
Pages	112
Reports of Committees	109
Special Guests	110, 111
Special Order	109, 112

CALL TO ORDER

The Commission was called to order by the Chairman at 9:05 a.m. A quorum was present—34:

Mr. Chairman	Evans	Marshall	Smith
Alfonso	Evans-Jones	Mathis	Sullivan
Anthony	Ford-Coates	Mills	Sundberg
Barkdull	Freidin	Morsani	Thompson
Barnett	Hawkes	Nabors	Wetherington
Brochin	Henderson	Planas	Zack
Butterworth	Kogan	Riley	
Connor	Langley	Rundle	
Corr	Lowndes	Scott	

Alternates:

Barton

Excused: Commissioner Argiz; Commissioner Crenshaw until 11:00 a.m.; Commissioner Jennings until 10:25 a.m. and Commissioner Kogan at 2:00 p.m.; Alternate Logan

PRAYER

The following prayer was offered by Dr. Darden Battle, Pastor, East Hill Baptist Church.

Join me as we pray. Almighty and everloving God we call upon you for your wisdom and your understanding. We pray Father, that you will be with those who deliberate today, that they would seek not to know what is best for them or their concerns, but they would know what is best under your wisdom and your guidance. That you would give them the leadership to make those decisions that are best for those whom they represent. Bless them now Father, in the name of Christ we pray. Amen.

PLEDGE

Commissioner Hawkes led the Commission in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF PROPOSALS

By Commissioner Henderson—

Proposal 102—A proposal to revise ARTICLE X, Fla. Const.; adding s. 18 to provide restrictions on the disposition of conservation and recreation lands.

—was referred to the General Provisions Committee.

By Commissioner Henderson—

Proposal 103—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing for immunity of certain municipal property from taxation; providing for exemption of property owned by a governmental entity from taxation.

—was referred to the Finance and Taxation Committee.

By Commissioner Evans—

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

—was referred to the Declaration of Rights Committee.

By Commissioner Planas—

Proposal 105—A proposal to revise ARTICLE III, s. 15, Fla. Const., and ARTICLE VI, s. 4, Fla. Const.; increasing the term of office of state representatives and state senators; increasing the number of years such officers may serve.

—was referred to the Legislative Committee.

By Commissioner Hawkes—

Proposal 106—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing a tax exemption for property owned by any governmental entity.

—was referred to the Finance and Taxation Committee.

By Commissioner Connor—

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

—was referred to the Declaration of Rights Committee.

By Commissioner Connor—

Proposal 108—A proposal to revise ARTICLE VI, s. 4, Fla. Const.; providing that judicial officers may not hold office for more than eight consecutive years.

—was referred to the Judicial Committee.

By Commissioner Mills—

Proposal 109—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing a conservation tax exemption for private landowners.

—was referred to the Finance and Taxation Committee.

By Commissioner Mills—

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

—was referred to the Finance and Taxation Committee.

By Commissioner Mills—

Proposal 111—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; providing that public education is a fundamental right of the people.

—was referred to the Education Committee.

By Commissioner Mills—

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

—was referred to the Finance and Taxation Committee.

By Commissioner Evans-Jones—

Proposal 113—A proposal to revise ARTICLE IV, s. 2, Fla. Const.; providing additional powers and duties for the Lieutenant Governor.

—was referred to the Executive Committee.

By Commissioner Corr—

Proposal 114—A proposal to revise ARTICLE VI, Fla. Const.; providing that campaign contributions may be made by only a natural person.

—was referred to the Ethics and Elections Committee.

By Commissioner Corr—

Proposal 115—A proposal to revise ARTICLE V, s. 10, Fla. Const.; prohibiting judicial candidates from soliciting and accepting campaign contributions from members of The Florida Bar.

—was referred to the Ethics and Elections Committee.

By Commissioner Corr—

Proposal 116—A proposal to revise ARTICLE IX, Fla. Const.; revising s. 6 to provide funding for an educational scholarship fund; adding s. 7 to authorize the creation of an educational scholarship fund.

—was referred to the Finance and Taxation Committee.

By Commissioner Corr—

Proposal 117—A proposal to revise ARTICLE IX, s. 2, Fla. Const.; amending the membership of the state board of education; providing for the appointment of the board by the governor.

—was referred to the Executive Committee.

By Commissioner Corr—

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

—was referred to the Education Committee.

By Commissioner Corr—

Proposal 119—A proposal to revise ARTICLE IX, s. 6, Fla. Const.; amending the eligibility requirements for receiving state school funds.

—was referred to the Education Committee.

By Commissioner Henderson—

Proposal 120—A proposal to revise ARTICLE VII, s. 9, Fla. Const.; providing a statewide millage cap for water management purposes.

—was referred to the General Provisions Committee.

By Commissioner Freidin—

Proposal 121—A proposal to revise ARTICLE VII, Fla. Const., Finance and Taxation, to establish a Unified State Tax.

—was referred to the Finance and Taxation Committee.

By Commissioner Barkdull—

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

—was referred to the Executive Committee.

By Commissioner Barkdull—

Proposal 123—A proposal to revise ARTICLE XI, Fla. Const.; repealing s. 6 relating to the Taxation and Budget Reform Commission.

—was referred to the General Provisions Committee.

By Commissioner Ford-Coates—

Proposal 124—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing an exemption from ad valorem taxation of certain tangible personal property.

—was referred to the Finance and Taxation Committee.

By Commissioners Mathis, Connor, Hawkes, Evans and Alfonso—

Proposal 125—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that born and unborn natural persons are equal before the law and have inalienable rights.

—was referred to the Declaration of Rights Committee.

By Commissioners Mathis, Connor, Hawkes, Evans and Alfonso—

Proposal 126—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that the basic rights of natural persons accrue at the point of their conception and continue until their natural death.

—was referred to the Declaration of Rights Committee.

By Commissioner Ford-Coates—

Proposal 127—A proposal to revise ARTICLE VIII, s. 2, Fla. Const.; providing that a municipality may be abolished only by vote of the electors of the municipality.

—was referred to the Local Government Committee.

By Commissioner Ford-Coates—

Proposal 128—A proposal to revise ARTICLE VI, s. 5, Fla. Const.; providing for primary elections.

—was referred to the Ethics and Elections Committee.

By Commissioner Marshall—

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

—was referred to the Bonding and Investments Committee.

By Commissioner Barkdull—

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

—was referred to the General Provisions Committee.

By Commissioner Marshall—

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

—was referred to the Ethics and Elections Committee.

By Commissioner Barkdull—

Proposal 132—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; increasing the percentage of electors who must sign an initiative petition.

—was referred to the General Provisions Committee.

By Commissioner Scott—

Proposal 133—A proposal to revise ARTICLE III, s. 19(d), Fla. Const.; providing guidelines for the public review period for general appropriation acts.

—was referred to the Finance and Taxation Committee.

By Commissioner Marshall—

Proposal 134—A proposal to revise ARTICLE III, s. 3, Fla. Const.; providing for length of regular legislative sessions.

—was referred to the Legislative Committee.

By Commissioner Henderson—

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

—was referred to the Finance and Taxation Committee.

By Commissioner Henderson—

Proposal 136—A proposal to revise ARTICLE VII, s. 9, Fla. Const.; authorizing local taxing authorities to classify real property and improvements to promote redevelopment and infill.

—was referred to the Finance and Taxation Committee.

By Commissioner Evans-Jones—

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

—was referred to the Finance and Taxation Committee.

By Commissioner Nabors—

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

—was referred to the Education Committee.

By Commissioner Mathis—

Proposal 139—A proposal to revise ARTICLE IX, s. 4, Fla. Const.; prohibiting the election of district school board members in countywide elections.

—was referred to the Education Committee.

By Commissioner Mathis—

Proposal 140—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; providing for free public schools and universities.

—was referred to the Education Committee.

By Commissioner Mathis—

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

—was referred to the Declaration of Rights Committee.

By Commissioner Smith—

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

—was referred to the Ethics and Elections Committee.

By Commissioner Sundberg—

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

—was referred to the Education Committee.

By Commissioner Barnett—

Proposal 144—A proposal to revise ARTICLE I, s. 17, Fla. Const., relating to punishment for crime.

—was referred to the Declaration of Rights Committee.

By Commissioner Barnett—

Proposal 145—A proposal to revise ARTICLE II, s. 8, Fla. Const.; providing that all elected officials or candidates for such offices must file public financial disclosure statements.

—was referred to the Ethics and Elections Committee.

By Commissioner Barnett—

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

—was referred to the Legislative Committee.

By Commissioner Scott—

Proposal 147—A proposal to revise ARTICLE VII, Fla. Const., Finance and Taxation, to modify provisions governing finance and taxing authority.

—was referred to the Finance and Taxation Committee.

By Commissioner Barkdull—

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

—was referred to the Legislative Committee.

By Commissioner Scott—

Proposal 149—A proposal to revise ARTICLE IV, Fla. Const., Executive, to modify provisions governing the executive.

—was referred to the Executive Committee.

By Commissioner Scott—

Proposal 150—A proposal to revise ARTICLE III, Fla. Const., Legislature, to modify provisions governing the legislature.

—was referred to the Legislative Committee.

By Commissioner Barkdull—

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

—was referred to the Bonding and Investments Committee.

By Commissioner Barkdull—

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

—was referred to the General Provisions Committee.

By Commissioner Barkdull—

Proposal 153—A proposal to revise ARTICLE V, s. 12, Fla. Const.; providing for membership of the judicial qualifications commission.

—was referred to the Judicial Committee.

By Commissioner Barkdull—

Proposal 154—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; authorizing the Legislature to modify an adopted initiative petition after a period of time.

—was referred to the General Provisions Committee.

By Commissioner Scott—

Proposal 155—A proposal to revise ARTICLE III, s. 16(a), Fla. Const.; providing for the Legislature to apportion the state into single-member senatorial districts of contiguous territory and single-member representative districts of contiguous territory.

—was referred to the Legislative Committee.

By Commissioner Barkdull—

Proposal 156—A proposal to revise ARTICLE V, s. 12, Fla. Const.; providing for the inclusion of two members of The Florida Bar on group II of the judicial qualifications commission.

—was referred to the Judicial Committee.

By Commissioner Mills—

Proposal 157—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; providing for a fundamental right to an adequate system of public education; defining the term “adequate provision” as applicable to the system of public education.

—was referred to the Education Committee.

By Commissioner Marshall—

Proposal 158—A proposal to revise ARTICLE IX, s. 4, Fla. Const.; providing for nonpartisan school board elections.

—was referred to the Ethics and Elections Committee.

By Commissioner Mathis—

Proposal 159—A proposal to revise ARTICLE IV, ss. 3, 4, and 8, and ARTICLE XII, s. 9, Fla. Const.; providing for membership of the Florida Cabinet.

—was referred to the Executive Committee.

By Commissioner Smith—

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

—was referred to the General Provisions Committee.

By Commissioner Brochin—

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

—was referred to the Legislative Committee.

By Commissioner Evans-Jones—

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

—was referred to the Legislative Committee.

By Commissioner Evans-Jones—

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

—was referred to the Executive Committee.

By Commissioner Freidin—

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

—was referred to the General Provisions Committee.

By Commissioner Corr—

Proposal 165—A proposal to revise ARTICLE IV, ss. 4, 5, Fla. Const.; providing membership of the Florida Cabinet and qualifications for Cabinet members and for the Governor and Lieutenant Governor.

—was referred to the Executive Committee.

By Commissioner Riley—

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

—was referred to the Executive Committee.

By Commissioner Rundle—

Proposal 167—A proposal to revise ARTICLE VIII, s. 5, Fla. Const.; providing for the electors of a county to regulate the possession, purchase, and sale of firearms; providing that a county may not prohibit the possession, purchase, or sale of firearms and ammunition.

—was referred to the Local Government Committee.

By Commissioner Corr—

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

—was referred to the Executive Committee.

By Commissioner Hawkes—

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

—was referred to the Judicial Committee.

By Commissioner Mills—

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

—was referred to the Executive Committee.

By Commissioner Mills—

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

—was referred to the Declaration of Rights Committee.

By Commissioner Thompson—

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

—was referred to the Legislative Committee.

By Commissioner Riley—

Proposal 173—A proposal to revise ARTICLE VIII, s. 1, Fla. Const.; authorizing counties to elect county officers in nonpartisan elections; providing procedures.

—was referred to the Ethics and Elections Committee.

By Commissioner Sundberg—

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

—was referred to the Executive Committee.

By Commissioner Alfonso—

Proposal 176—A proposal to revise ARTICLE IV, s. 6, Fla. Const.; deleting the provision that allows the governor and cabinet jointly to administer a state agency.

—was referred to the Executive Committee.

By Commissioner Evans-Jones—

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

—was referred to the Legislative Committee.

REPORTS OF COMMITTEES

December 10, 1997

The Rules and Administration Committee submits the following proposals to be placed on the Special Order for Thursday, December 11, 1997: Committee Substitute for Proposal 70, Proposal 85, Committee Substitute for Proposal 47, Proposal 18, Committee Substitute for Proposal 79, Proposal 142, Proposal 80, Proposal 84, Proposal 114, Proposal 128, Proposal 131, Proposal 158, Proposal 1, Proposal 56, Proposal 97 if received, Proposal 104 if received, Proposal 107 if received, Proposal 125 if received, Proposal 126 if received, Proposal 74, Proposal 94 if received, Proposal 108 if received, Proposal 153 if received, Proposal 60 if received.

The Commission will proceed to proposals placed on the calendar at the conclusion of Special Order.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

The Ethics and Elections Committee recommends the following pass: Proposal 114, Proposal 80, Proposal 128, Proposal 158

The Finance and Taxation Committee recommends the following pass: Proposal 135

The proposals contained in the foregoing reports were placed on the calendar.

The Ethics and Elections Committee recommends the following not pass: Proposal 142, Proposal 84, Proposal 115, Proposal 131

The Finance and Taxation Committee recommends the following not pass: Proposal 52

The proposals contained in the foregoing reports were placed on the calendar.

The Ethics and Elections Committee recommends committee substitutes for the following: Proposal 79, Proposal 81

The Finance and Taxation Committee recommends a committee substitute for the following: Proposal 133

The proposals with committee substitutes attached contained in the foregoing reports were placed on the calendar.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and **Committee Substitute for Proposals 31 and 55, Committee Substitute for Proposal 66, Proposal 61, Proposal 74, Proposal 115, Committee Substitute for Proposal 45, Committee Substitute for Proposal 13, Proposal 1, Proposal 24, Proposal 40, Proposal 85, Committee Substitute for Proposal 70, Committee Substitute for Proposal 47, Proposal 63 and Proposal 18** were established as the Special Order for this day.

Commissioner Mills moved that the rules be waived and consideration of **Committee Substitute for Proposals 31 and 55** scheduled for 2:00 p.m. this day be deferred until Friday, December 12 at 9:00 a.m.

Commissioner Langley offered a substitute motion to allow the Select Committee on Article V Costs to meet Thursday, December 11 to consider **Committee Substitute for Proposals 31 and 55**; and to defer further consideration until the January meetings. The motion was adopted.

On motion by Commissioner Barkdull, the rules were waived and **Committee Substitute for Proposal 45** was removed from the Special Order and referred to the Legislative Committee.

On motion by Commissioner Riley, the rules were waived and **Proposal 40** was removed from the Special Order and referred to the Education Committee to be placed on the agenda for Thursday, December 11.

SPECIAL ORDER

Committee Substitute for Proposal 66—A proposal to revise ARTICLE V, ss. 10 and 11, Fla. Const.; providing for circuit court judges and county court judges to run for reelection unless the electors within the circuit or within the county approve a local option whereby the circuit court judges or the county court judges are selected by merit selection and are subject to a vote of retention.

—was read.

Commissioner Langley moved the following amendment which was adopted:

Amendment 1—On page 2, line 28, delete “2004” and insert 2000

Commissioner Langley moved the following amendment:

Amendment 2—On page 2, line 31, after the period (.) insert: *Any future election to exercise the local option to select circuit court judges by merit selection and retention rather than by election shall be invoked by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the circuit in the last preceding election in which presidential electors were chosen. Any future election to exercise the local option to select county court judges by merit selection and retention rather than by election shall be invoked by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen.*

Commissioner Sundberg moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 1, line 1, and line 5 delete “future election” and insert *election after the year 2000*

Amendment 2 as amended was adopted. The vote was:

Yeas—31

Mr. Chairman	Evans-Jones	Marshall	Scott
Alfonso	Ford-Coates	Mathis	Smith
Anthony	Freidin	Mills	Sullivan
Barkdull	Hawkes	Morsani	Sundberg
Brochin	Henderson	Nabors	Thompson
Butterworth	Kogan	Planas	Wetherington
Connor	Langley	Riley	Zack
Evans	Lowndes	Rundle	

Nays—None

Commissioner Barkdull moved the following amendment:

Amendment 3—On page 4, line 13, insert:

Schedule of this proposal.—If adopted in 1998 then in all circuits and counties wherein this proposal received a majority vote of approval there shall be a merit retention election for all circuit and county judges in such circuits and counties at all subsequent general elections.

Commissioner Barkdull moved the following amendment to **Amendment 3** which failed:

Amendment 3A—On page 1, line 2, and line 6 delete “and counties”

The question recurred on **Amendment 3**, which was withdrawn on motion by Commissioner Barkdull.

Commissioner Smith moved the following amendment to the proposal as amended which was adopted:

Amendment 4—On page 2, line 31, after the period (.) insert: *Any election after the year 2000 to exercise the local option to select or elect circuit court judges by merit selection and retention or election rather than by election shall be invoked by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the circuit in the last preceding election in which presidential electors were chosen. Any election (after the year 2000) to exercise the local option to select or elect county court judges by merit selection and retention or election rather than by election shall be invoked by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen.*

COMMISSIONER THOMPSON PRESIDING

CHAIRMAN DOUGLASS PRESIDING

SPECIAL GUEST

Chairman Douglass introduced newly appointed Supreme Court Justice, Barbara Pariente, who was present in the chamber.

Upon request of the Chairman, Justice Pariente was escorted to the rostrum where she addressed the Commission.

COMMISSIONER THOMPSON PRESIDING

On motion by Commissioner Wetherington, **Committee Substitute for Proposal 66** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—29

Mr. Chairman	Ford-Coates	Mathis	Smith
Alfonso	Freidin	Mills	Sullivan
Anthony	Henderson	Morsani	Sundberg
Barkdull	Jennings	Nabors	Wetherington
Barnett	Kogan	Planas	Zack
Butterworth	Langley	Riley	
Crenshaw	Lowndes	Rundle	
Evans-Jones	Marshall	Scott	

Nays—4

Brochin	Connor	Corr	Evans
---------	--------	------	-------

Vote after roll call:

Yea—Hawkes

Nay—Thompson

CHAIRMAN DOUGLASS PRESIDING

Consideration of **Proposal 61** was deferred.

Proposal 74—A proposal to revise ARTICLE V, s. 10, Fla. Const.; providing for the election of justices of the supreme court and judges of a district court of appeal; providing for public financing for judicial elections.

—was read.

On motion by Commissioner Langley, the rules were waived and **Proposal 74** was removed from the Special Order and referred to the Ethics and Elections Committee.

Proposal 115—A proposal to revise ARTICLE V, s. 10, Fla. Const.; prohibiting judicial candidates from soliciting and accepting campaign contributions from members of The Florida Bar.

—was read.

Commissioner Corr moved **Proposal 115** which failed. The vote was:

Yeas—7

Alfonso	Connor	Hawkes	Thompson
Brochin	Corr	Marshall	

Nays—27

Mr. Chairman	Evans-Jones	Mathis	Scott
Anthony	Ford-Coates	Mills	Smith
Barkdull	Henderson	Morsani	Sullivan
Barnett	Jennings	Nabors	Sundberg
Butterworth	Kogan	Planas	Wetherington
Crenshaw	Langley	Riley	Zack
Evans	Lowndes	Rundle	

Proposal 61—A proposal to revise Article V, ss. 10 and 11, Fla. Const.; providing for circuit and county judges to be subject to a vote of retention rather than running for reelection.

—was read.

Commissioner Brochin moved the following amendment which was adopted:

Amendment 1—On page 1, line 16, through page 3, line 4, delete those lines and insert:

(a) Any justice of the supreme court, ~~or~~ any judge of a district court of appeal, *or circuit judge* may qualify for retention by a vote of the electors in the general election next preceding the expiration of his term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice ~~of the supreme court~~ or a judge ~~of a district court of appeal~~ so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years. *The term of the justice or judge retained shall commence commencing* on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

(b) ~~Circuit judges and~~ Judges of county courts shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts. ~~The terms of circuit judges shall be for six years. The terms of judges of county courts shall be for four years.~~

SECTION 11. Vacancies.—

(a) *Whenever a vacancy occurs in a judicial office, the governor shall fill the each vacancy on the supreme court or on a district court of appeal* by appointing, for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy ~~on a circuit court or~~ on a county court by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to him.

(d) There shall be a separate judicial nominating

And the title is amended as follows:

On page 1, line 3, delete that line and insert: providing for circuit judges to be

Commissioner Wetherington moved **Proposal 61** as amended which failed. The vote was:

Yeas—11

Anthony	Brochin	Mills	Sundberg
Barkdull	Butterworth	Riley	Wetherington
Barnett	Freidin	Rundle	

Nays—22

Mr. Chairman	Connor	Evans	Ford-Coates
Alfonso	Corr	Evans-Jones	Hawkes

Henderson	Lowndes	Nabors	Thompson
Jennings	Marshall	Scott	Zack
Kogan	Mathis	Smith	
Langley	Morsani	Sullivan	

SPECIAL GUESTS

Chairman Douglass introduced attorneys Cris Martinez and Debbie Ben-David as the newest members of the Constitution Revision Commission staff, who were present in the chamber.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:48 a.m. to reconvene at 12:30 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 12:48 p.m. A quorum present—36:

Mr. Chairman	Crenshaw	Langley	Rundle
Alfonso	Evans	Lowndes	Scott
Anthony	Evans-Jones	Marshall	Smith
Barkdull	Ford-Coates	Mathis	Sullivan
Barnett	Freidin	Mills	Sundberg
Brochin	Hawkes	Morsani	Thompson
Butterworth	Henderson	Nabors	Wetherington
Connor	Jennings	Planas	Zack
Corr	Kogan	Riley	

Alternates:

Barton

MATTERS ON RECONSIDERATION

The motion by Commissioner Barkdull on November 14 that the Commission reconsider the vote by which **Proposal 87** passed as amended November 13 was taken up and the motion was adopted. The vote was:

Yeas—15

Mr. Chairman	Butterworth	Mills	Sullivan
Anthony	Evans-Jones	Nabors	Thompson
Barkdull	Jennings	Planas	Zack
Brochin	Lowndes	Scott	

Nays—12

Alfonso	Corr	Ford-Coates	Langley
Barnett	Crenshaw	Henderson	Riley
Connor	Evans	Kogan	Wetherington

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

COMMISSIONER SCOTT PRESIDING

MOTIONS

Commissioner Mills moved to defer consideration of **Proposal 87**. The motion failed. The vote was:

Yeas—12

Mr. Chairman	Butterworth	Mills	Sullivan
Barkdull	Marshall	Morsani	Thompson
Barnett	Mathis	Nabors	Zack

Nays—21

Alfonso	Corr	Ford-Coates	Jennings
Anthony	Crenshaw	Freidin	Kogan
Brochin	Evans	Hawkes	Langley
Connor	Evans-Jones	Henderson	Lowndes

Planas Rundle Smith Wetherington
Riley

Commissioner Douglass moved to refer **Proposal 87** to the Select Committee on Article V Costs. The motion failed.

Commissioner Wetherington moved **Proposal 87** which failed. The vote was:

Yeas—15

Crenshaw	Hawkes	Lowndes	Smith
Evans	Henderson	Mathis	Sullivan
Ford-Coates	Kogan	Morsani	Wetherington
Freidin	Langley	Nabors	

Nays—19

Mr. Chairman	Brochin	Jennings	Rundle
Alfonso	Butterworth	Marshall	Scott
Anthony	Connor	Mills	Thompson
Barkdull	Corr	Planas	Zack
Barnett	Evans-Jones	Riley	

SPECIAL ORDER, continued

On motion by Commissioner Brochin, consideration of **Committee Substitute for Proposal 13** was deferred to the January meetings.

On motion by Commissioner Smith, consideration of **Proposal 1** was deferred.

On motion by Commissioner Rundle, consideration of **Proposal 24** was deferred.

On motion by Commissioner Smith, consideration of **Proposal 85** was deferred.

CHAIRMAN DOUGLASS PRESIDING

The Commission resumed consideration of—

Committee Substitute for Proposal 70—A proposal to revise ARTICLE X, s. 4, Fla. Const.; providing a value limitation on the homestead exemption; authorizing the legislature to change the amount of the value limitation; providing that the homestead exemption does not apply to certain property.

—with pending **Amendment 1** by Commissioner Planas, which was previously considered November 14.

MOTION

On motion by Commissioner Barkdull, time of recess was extended until completion of **Committee Substitute for Proposal 70** and announcements.

Commissioner Mills moved the following substitute amendment:

Amendment 2—

On page 2, lines 16 and 17, delete those lines and insert: *paragraph (a)(1). For purposes of this section,*

Commissioner Hawkes moved the following amendments to **Amendment 2** which were adopted:

Amendment 2A—

On page 2, line 14, delete “change” and insert: raise

Amendment 2B—

On page 2, line 23, delete the words “hinder, delay or”

Commissioner Scott moved the following amendment to **Amendment 2**:

Amendment 2C—

On page 1, line 23, delete the word “two” and insert *four*

Commissioner Planas moved the following substitute amendment for **Amendment 2C** which was adopted:

Amendment 2D—

On page 1, line 23, delete the word “two” and insert *five*

On motion by Commissioner Barkdull, consideration of **Committee Substitute for Proposal 70** with pending **Amendment 2** as amended was deferred.

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Bonding and Investments Committee, Declaration of Rights Committee, Executive Committee, Finance and Taxation Committee, and Judicial Committee would meet at 2:30 p.m. in lieu of 2:00 p.m.; the Declaration of Rights Committee would meet at 4:30 p.m. in lieu of 4:00 p.m.; and the Rules and Administration Committee would meet at 5:30 p.m. in lieu of 5:00 p.m.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and all proposals remaining on the Special Order this day, except those deferred until January were established as the Special Order for Thursday, December 11.

On motion by Commissioner Barnett, by unanimous consent **Proposal 145** and **Proposal 146** were withdrawn from further consideration.

On motion by Commissioner Rundle, by unanimous consent **Proposal 63** was withdrawn from further consideration.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 14 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 2:27 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Thursday, December 11, 1997.

PAGES

December 8-12

Under the direction of their advisor, Mary Hensarling, the following students from Cobb Middle School in Tallahassee served as pages: Laura Deeb, Brett Guido, Carolanna Lawson, Angela Pinder, Rachel Sandler, Justin Sorrell, Linh Trang, Helen Travis, Forrest Underwood, and Sarah Woodberry.

CONSTITUTION REVISION COMMISSION

Daily Indices for
December 10, 1997

NUMERIC INDEX

CS — Committee Substitute
CR — Committee Report
IR — Introduction of Proposals

MO — Motion
PA — Proposal Action

Proposal 1 (CR) 109, (MO) 109, (PA) 112
Proposal 13 (CS) (MO) 109, (PA) 112
Proposal 18 (CR) 109, (MO) 109
Proposal 24 (MO) 109, (PA) 112
Proposals 31 and 55 (CS) (MO) 109
Proposal 40 (MO) 109
Proposal 45 (CS) (MO) 109
Proposal 47 (CS) (CR) 109, (MO) 109
Proposal 52 (CR) 109
Proposal 56 (CR) 109
Proposal 60 (CR) 109
Proposal 61 (MO) 109, (PA) 110, (PA) 111
Proposal 63 (MO) 109, (PA) 112
Proposal 66 (CS) (MO) 109, (PA) 109
Proposal 70 (CS) (CR) 109, (MO) 109
Proposal 74 (CR) 109, (MO) 109, (PA) 110
Proposal 79 (CS) (CR) 109
Proposal 80 (CR) 109
Proposal 81 (CR) 109
Proposal 84 (CR) 109
Proposal 85 (CR) 109, (MO) 109, (PA) 112
Proposal 87 (PA) 111, (PA) 112
Proposal 94 (CR) 109
Proposal 97 (CR) 109
Proposal 102 (IR) 104
Proposal 103 (IR) 104
Proposal 104 (IR) 104, (CR) 109
Proposal 105 (IR) 104
Proposal 106 (IR) 104
Proposal 107 (IR) 104, (CR) 109
Proposal 108 (IR) 104, (CR) 109
Proposal 109 (IR) 105
Proposal 110 (IR) 105
Proposal 111 (IR) 105
Proposal 112 (IR) 105
Proposal 113 (IR) 105
Proposal 114 (IR) 105, (CR) 109
Proposal 115 (IR) 105, (CR) 109, (MO) 109, (PA) 110
Proposal 116 (IR) 105
Proposal 117 (IR) 105
Proposal 118 (IR) 105
Proposal 119 (IR) 105
Proposal 120 (IR) 105
Proposal 121 (IR) 105
Proposal 122 (IR) 105
Proposal 123 (IR) 105
Proposal 124 (IR) 105
Proposal 125 (IR) 105, (CR) 109
Proposal 126 (IR) 106, (CR) 109
Proposal 127 (IR) 106

Proposal 128 (IR) 106, (CR) 109
Proposal 129 (IR) 106
Proposal 130 (IR) 106
Proposal 131 (IR) 106, (CR) 109
Proposal 132 (IR) 106
Proposal 133 (IR) 106, (CR) 109
Proposal 134 (IR) 106
Proposal 135 (IR) 106, (CR) 109
Proposal 136 (IR) 106
Proposal 137 (IR) 106
Proposal 138 (IR) 106
Proposal 139 (IR) 106
Proposal 140 (IR) 106
Proposal 141 (IR) 106
Proposal 142 (IR) 107, (CR) 109
Proposal 143 (IR) 107
Proposal 144 (IR) 107
Proposal 145 (IR) 107, (PA) 112
Proposal 146 (IR) 107, (PA) 112
Proposal 147 (IR) 107
Proposal 148 (IR) 107
Proposal 149 (IR) 107
Proposal 150 (IR) 107
Proposal 151 (IR) 107
Proposal 152 (IR) 107
Proposal 153 (IR) 107, (CR) 109
Proposal 154 (IR) 107
Proposal 155 (IR) 107
Proposal 156 (IR) 107
Proposal 157 (IR) 107
Proposal 158 (IR) 108, (CR) 109
Proposal 159 (IR) 108
Proposal 160 (IR) 108
Proposal 161 (IR) 108
Proposal 162 (IR) 108
Proposal 163 (IR) 108
Proposal 164 (IR) 108
Proposal 165 (IR) 108
Proposal 166 (IR) 108
Proposal 167 (IR) 108
Proposal 168 (IR) 108
Proposal 169 (IR) 108
Proposal 170 (IR) 108
Proposal 171 (IR) 108
Proposal 172 (IR) 109
Proposal 173 (IR) 109
Proposal 174 (IR) 109
Proposal 176 (IR) 109
Proposal 177 (IR) 109

SUBJECT INDEX

Call to Order 104, 111
Committee Meeting Change 112
Introduction of Proposals 104
Matters on Reconsideration 111
Motions 109, 111, 112

Pages 112
Reports of Committees 109
Special Guests 110, 111
Special Order 109, 112

**CONSTITUTION REVISION COMMISSION
B-11 HISTORIC CAPITOL
400 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32399-1300**