



Journal of the 1997-1998 Constitution Revision Commission

Number 12

Friday, December 12, 1997

CONTENTS

Call to Order	127, 128
Committee Appointed	130
Motions	127, 130
Reports of Committees	127
Special Order	127

CALL TO ORDER

The Commission was called to order by the Chairman at 8:49 a.m. A quorum was present—28:

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

Alternates:

Barton

Excused: Commissioners Anthony, Argiz, Crenshaw, Langley, Planas, Scott, Sullivan and Thompson; Alternate Logan

PRAYER

The following prayer was offered by Dr. David Hortin, Senior Pastor, Trinity United Methodist Church:

Creator God, we pause before these proceedings to seek Your blessing and guidance upon these who gather to revise the constitution of the State of Florida. We turn to you because we think of you as the source of wisdom and truth, as the source of inspiration and insight. We regard you as the motivation for equity and justice.

We always need your encouragement as we work with those who come from different perspectives. Help them all to work toward government that serves the people of Florida with efficiency and economy. In the name of all that is Holy and worthy we pray. Amen.

PLEDGE

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

REPORTS OF COMMITTEES

The Education Committee recommends the following pass: Proposal 118

The proposal was placed on the calendar.

The Education Committee recommends the following not pass: Proposal 116, Proposal 119

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

The Education Committee recommends a committee substitute for Proposal 157; and recommends that it pass.

The proposal with committee substitute attached was placed on the calendar.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and **Committee Substitute for Proposal 47, Proposal 18, Committee Substitute for Proposal 79, Proposal 80, Proposal 84, Proposal 114, Proposal 128, Proposal 158, Proposal 1, Proposal 56, Committee Substitute for Proposal 64, Proposal 39, Proposal 151, Proposal 91, Committee Substitute for Proposal 69, Proposal 168, Proposal 52, Proposal 135, Committee Substitute for Proposal 133, Proposal 94, Committee Substitute for Proposal 108, Proposal 153, Proposal 60, Proposal 95, Committee Substitute for Proposal 14, Committee Substitute for Proposal 21, Proposal 17, and Proposal 5** were established as the Special Order Calendar for this day.

SPECIAL ORDER

Committee Substitute for Proposal 47—A proposal to create ARTICLE VIII, s. 7, Fla. Const. and revise ARTICLE XI, s. 3, Fla. Const.; providing that the power of self-government of a county or municipality may not be diminished except by general law, county charter, or special act approved by the electors of the county or municipality; providing that a constitutional initiative that limits the powers of municipalities or limits the ability of municipalities to raise revenue must be approved by the electors of a municipality in order to take effect within the municipality.

—was read.

Commissioner Nabors moved the following amendment which was adopted:

Amendment 1—Delete everything after the proposing clause and insert:

Section 1. Section 3 of Article XI of the Florida Constitution is revised by amending that section to read:

ARTICLE XI AMENDMENTS

SECTION 3. Initiative.—The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, *county and municipal power of local self-government with respect to matters of local concern may not be diminished except by a general law enacted by the legislature, a provision of the county charter, or a special act approved by the electors of the respective county or municipality. All revisions or amendments any such revision or amendment*, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the secretary of state a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

And the title is amended as follows:

Delete everything before the proposing clause and insert:

A proposal to revise ARTICLE XI, s. 3, Fla. Const.; providing that the power of self-government with respect to local matters may not be diminished except by general law, county charter provision, or special act approved by the electors of the affected county or municipality.

Commissioner Nabors, on behalf of Commissioner Anthony, moved **Committee Substitute for Proposal 47** as amended which failed. The vote was:

Yeas—5

Brochin	Nabors	Riley	Sundberg
Jennings			

Nays—21

Mr. Chairman	Evans	Kogan	Smith
Alfonso	Evans-Jones	Lowndes	Wetherington
Barkdull	Ford-Coates	Marshall	Zack
Barnett	Freidin	Mathis	
Connor	Hawkes	Mills	
Corr	Henderson	Morsani	

Vote after roll call:

Yea to Nay—Sundberg

Proposal 18—A proposal to revise Article VI, s. 5, Fla. Const.; providing for elections to be held on Saturday and Sunday and prohibiting second primaries.

—was read.

Commissioner Riley moved the following amendment which was adopted:

Amendment 1—On page 1, lines 14 and 15, delete the words "*Saturday and Sunday Tuesday*" and insert: *Tuesday*

Commissioner Riley moved **Proposal 18** as amended which failed. The vote was:

Yeas—11

Connor	Henderson	Mathis	Riley
Evans	Jennings	Mills	Smith
Ford-Coates	Lowndes	Morsani	

Nays—16

Mr. Chairman	Brochin	Freidin	Nabors
Alfonso	Butterworth	Hawkes	Sundberg
Barkdull	Corr	Kogan	Wetherington
Barnett	Evans-Jones	Marshall	Zack

Committee Substitute for Proposal 79—A proposal to revise ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of a candidate with no party affiliation or minor party candidate on an election ballot must not be greater than the requirements for major party candidates.

—was read.

RECESS

The Chairman declared the Commission in informal recess at 10:22 a.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 10:30 a.m. A quorum was present.

Commissioner Hawkes moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, delete all of said line and insert: *greater than the requirements of a candidate of the party having the majority of registered voters at the time provided by general law.*

On motion by Commissioner Riley, **Committee Substitute for Proposal 79** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—28

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

Nays—None

COMMISSIONER MILLS PRESIDING

Proposal 80—A proposal to revise ARTICLE III, s. 18, Fla. Const.; requiring that a code of ethics for persons or entities in the exercise of governmental duties which prohibits conflict between public duty and private interests be prescribed by law.

—was read.

Commissioner Freidin moved the following amendment which failed:

Amendment 1—On page 1, line 17, delete all of said line and insert: *or entities that have contracted with government to perform governmental functions which prohibits*

Commissioner Freidin moved **Proposal 80** which failed. The vote was:

Yeas—6

Butterworth	Freidin	Sundberg	Zack
Ford-Coates	Smith		

Nays—18

Alfonso	Corr	Lowndes	Nabors
Barkdull	Evans	Marshall	Riley
Barnett	Evans-Jones	Mathis	Wetherington
Brochin	Henderson	Mills	
Connor	Kogan	Morsani	

Vote after roll call:

Nay—Hawkes

CHAIRMAN DOUGLASS PRESIDING

Proposal 84—A proposal to revise ARTICLE VI, s. 5, Fla. Const.; providing that campaign contributions may be made only by persons who are eligible to vote for the candidate to whom they are making the contribution.

—was read.

Commissioner Corr moved the following amendment which was adopted:

Amendment 1—On page 1, lines 15-18, delete those lines and insert:

SECTION 5. Contribution disclosure.—All contributions to a candidate must be disclosed and listed on the official ballot, in addition to the candidates name, in the election for which the contributions are made. This disclosure must include the total amount of each contribution and the contributor's name and occupation, or the special interest if other than a natural person. The legislature shall create the Campaign Finance Disclosure Trust Fund during the first regular legislative session following the adoption of this amendment, to be established by a fee

representing a percentage of total contributions made by non-natural persons. The fee must be adequate to fund the cost of listing and disclosing contributions on the ballot. No candidate may accept any contribution within 30 days prior to the election for which the contribution is made. Failure to disclose all contributions in good faith shall constitute a felony of the third degree.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: campaign contributions be disclosed on the ballot.

Commissioner Corr moved **Proposal 84** as amended which failed. The vote was:

Yeas—3

Alfonso	Corr	Hawkes
---------	------	--------

Nays—19

Barnett	Ford-Coates	Marshall	Riley
Brochin	Henderson	Mathis	Smith
Connor	Jennings	Mills	Sundberg
Evans	Kogan	Morsani	Zack
Evans-Jones	Lowndes	Nabors	

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

—was read.

Commissioner Corr moved **Proposal 114** which failed. The vote was:

Yeas—9

Alfonso	Corr	Hawkes	Marshall
Brochin	Ford-Coates	Lowndes	Nabors
Butterworth			

Nays—15

Barkdull	Evans-Jones	Mathis	Sundberg
Barnett	Henderson	Morsani	Wetherington
Connor	Jennings	Riley	Zack
Evans	Kogan	Smith	

Vote after roll call:

Nay—Mills

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

—was read.

Commissioner Ford-Coates moved the following amendment which was adopted:

Amendment 1—On page 1, line 13, delete the word “as” and insert: *if*

On motion by Commissioner Ford-Coates, **Proposal 128** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—19

Mr. Chairman	Corr	Mathis	Smith
Alfonso	Ford-Coates	Mills	Sundberg
Barkdull	Jennings	Morsani	Wetherington
Brochin	Lowndes	Nabors	Zack
Connor	Marshall	Riley	

Nays—7

Barnett	Evans	Hawkes	Kogan
Butterworth	Evans-Jones	Henderson	

RECONSIDERATION

On motion by Commissioner Hawkes, the rules were waived and the Commission reconsidered the vote by which—

Committee Substitute for Proposal 79—A proposal to revise ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of a candidate with no party affiliation or minor party candidate on an election ballot must not be greater than the requirements for major party candidates.—

—as amended was adopted this day.

On motion by Commissioner Hawkes, the Commission reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Commissioner Hawkes moved the following amendment which was adopted:

Amendment 2—On page 1, lines 23 and 24, delete those lines and insert: *be no greater than the requirements for a candidate from the party having the largest number of registered voters at the time as provided by general law.*

On motion by Commissioner Hawkes, **Committee Substitute for Proposal 79** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—24

Mr. Chairman	Connor	Jennings	Morsani
Alfonso	Corr	Kogan	Nabors
Barkdull	Evans	Lowndes	Riley
Barnett	Ford-Coates	Marshall	Sundberg
Brochin	Hawkes	Mathis	Wetherington
Butterworth	Henderson	Mills	Zack

Nays—None

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

—was read.

Commissioner Henderson moved the following amendment which was adopted:

Amendment 1—On page 1, lines 19-22, delete everything after the word “law.”

On motion by Commissioner Marshall, **Proposal 158** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—19

Mr. Chairman	Corr	Marshall	Smith
Barkdull	Evans-Jones	Mathis	Sundberg
Barnett	Henderson	Morsani	Wetherington
Brochin	Kogan	Nabors	Zack
Butterworth	Lowndes	Riley	

Nays—7

Alfonso	Evans	Hawkes	Mills
Connor	Ford-Coates	Jennings	

Proposal 1—A proposal to revise ARTICLE I, s. 9, Fla. Const.; providing that private property may not be forfeited unless the owner is convicted of a felony and has exhausted all appeals.

—was read.

MOTION

On motion by Commissioner Barkdull, time of recess was extended until completion of **Proposal 1**, motions and announcements.

Commissioner Wetherington moved the following amendment:

Amendment 1—On page 1, lines 14-19, delete those lines and insert:

SECTION 9. Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself. *Private property may be forfeited only upon proof beyond all reasonable doubt that the property was used in or was the product of the commission of a felony by the property owner.*

Commissioner Hawkes moved the following substitute amendment which failed:

Amendment 2—On page 1, lines 14-19, delete those lines and insert:

SECTION 9. Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself. *Private property may be forfeited only upon proof beyond all reasonable doubt that the property was used in or was the product of the commission of a felony by the property owner. All proceeds from forfeitures shall be used for the enhancement of education as provided by law.*

The question recurred on **Amendment 1** which was adopted. The vote was:

Yeas—19

Barnett	Ford-Coates	Mathis	Smith
Connor	Hawkes	Mills	Sundberg
Corr	Henderson	Morsani	Wetherington
Evans	Kogan	Nabors	Zack
Evans-Jones	Lowndes	Riley	

Nays—6

Alfonso	Brochin	Jennings	Marshall
Barkdull	Butterworth		

On motion by Commissioner Sundberg, **Proposal 1** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—17

Mr. Chairman	Hawkes	Morsani	Wetherington
Barnett	Henderson	Nabors	Zack
Connor	Kogan	Riley	
Corr	Lowndes	Smith	
Ford-Coates	Mathis	Sundberg	

Nays—9

Alfonso	Butterworth	Evans-Jones	Marshall
Barkdull	Evans	Jennings	Mills
Brochin			

MOTIONS

On motion by Commissioner Barnett, by unanimous consent consideration of **Proposal 15** was withdrawn from further consideration.

Commissioner Barkdull moved that the rules be waived and that committees be granted an extension of time until Tuesday, January 13, for consideration of all pending proposals.

Commissioner Jennings offered a substitute motion that the rules be waived and that committees be granted an extension of time until Friday, January 16, for consideration of all pending proposals. The motion was adopted.

COMMITTEE APPOINTED

The Chairman announced the appointment of Commissioner Mills, Chairman; Commissioners Barnett, Alfonso and Lowndes to the Style and Drafting Committee.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of December 11 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 1:34 p.m. to reconvene Monday, January 12 at 1:00 p.m.

CONSTITUTION REVISION COMMISSION

**Daily Indices for
December 12, 1997**

NUMERIC INDEX

CS — Committee Substitute
CR — Committee Report

MO — Motion
PA — Proposal Action

Proposal 1	(MO) 127, (PA) 129, (PA) 130	Proposal 91	(MO) 127
Proposal 5	(MO) 127	Proposal 94	(MO) 127
Proposal 14 (CS)	(MO) 127	Proposal 95	(MO) 127
Proposal 15	(PA) 130	Proposal 108 (CS)	(MO) 127
Proposal 17	(MO) 127	Proposal 114	(MO) 127, (PA) 129
Proposal 18	(MO) 127, (PA) 128	Proposal 116	(CR) 127
Proposal 21 (CS)	(MO) 127	Proposal 118	(CR) 127
Proposal 39	(MO) 127	Proposal 119	(CR) 127
Proposal 47 (CS)	(MO) 127, (PA) 127, (PA) 128	Proposal 128	(MO) 127, (PA) 129
Proposal 52	(MO) 127	Proposal 133 (CS)	(MO) 127
Proposal 56	(MO) 127	Proposal 135	(MO) 127
Proposal 60	(MO) 127	Proposal 151	(MO) 127
Proposal 64 (CS)	(MO) 127	Proposal 153	(MO) 127
Proposal 69 (CS)	(MO) 127	Proposal 157	(CR) 127
Proposal 79 (CS)	(MO) 127, (PA) 128, (PA) 129	Proposal 158	(MO) 127, (PA) 129
Proposal 80	(MO) 127, (PA) 128	Proposal 168	(MO) 127
Proposal 84	(MO) 127, (PA) 128, (PA) 129		

SUBJECT INDEX

Call to Order	127, 128	Reports of Committees	127
Committee Appointed	130	Special Order	127
Motions	127, 130		

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