



Journal of the 1997-1998 Constitution Revision Commission

Number 14

Tuesday, January 13, 1998

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CALL TO ORDER

The Commission was called to order by the Chairman at 8:37 a.m. A quorum was present—25:

Mr. Chairman	Connor	Kogan	Riley
Alfonso	Evans	Lowndes	Rundle
Anthony	Evans-Jones	Mathis	Smith
Barkdull	Ford-Coates	Mills	West
Barnett	Freidin	Morsani	
Brochin	Hawkes	Nabors	
Butterworth	Henderson	Planas	

Alternates:

Barton	Logan
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Excused: Commissioners Corr, Jennings, Sullivan, Sundberg and Wetherington

PRAYER

The following prayer was offered by Reverend Robert Shelley, Pastor of the Christian Heritage Church, Tallahassee.

I would like to pray with you the petition of Micah 6:8—He has showed you, O man, what is good and, what the Lord requires of you, but to do justly, to love mercy, and to walk humbly with your God.

Our Father God, you have shown us down through the millenniums by your revelation of knowledge what you desire from man. So we would pray this morning that the same revelation of knowledge that has been a part of our heritage move and touch and impress each mind, each heart that is here. That each law that is being considered, each word might be considered with justice. It would be equitable and fair to all men. And, Lord, we would pray also that each one of us would love mercy, that compassion would touch our heart today as we consider the far-reaching effect of each decision. And Lord, that we might walk humbly before you, that we might lean upon your strength, upon your wisdom and your knowledge as we contemplate this very important agenda. We ask this in the name of Jesus Christ, our Lord. Amen.

PLEDGE

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

REPORTS OF COMMITTEES

January 13, 1998

The Rules and Administration Committee submits the following proposals to be placed on the Special Order for Wednesday, January 14, 1998: Proposal 91, Committee Substitute for Proposal 116, Proposal

135, Proposal 119, Proposal 107, Proposal 23, Proposal 50, Committee Substitute for Proposal 69, Proposal 72, Proposal 118, Proposal 161, Proposal 169, Committee Substitute for Proposal 64, Proposal 51, Committee Substitute for Proposal 170, Proposal 174, Committee Substitute for Proposals 112 and 124, Proposal 2, Proposal 11, Proposal 86, Proposal 104, Proposal 141, Proposal 171

At the completion of the Special Order, we will revert to Proposals Placed on Calendar.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

The Declaration of Rights Committee recommends the following pass: Proposal 2, Proposal 11, Proposal 141, Proposal 144

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

The Declaration of Rights Committee recommends the following not pass: Proposal 86, Proposal 97, Proposal 104, Proposal 107, Proposal 171

The Executive Committee recommends the following not pass: Proposal 101, Proposal 113, Proposal 117, Proposal 165, Proposal 174

The Finance and Taxation Committee recommends the following not pass: Proposal 33

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

The Declaration of Rights Committee makes no recommendation for Proposal 3

The proposal was placed on the calendar.

The Executive Committee recommends committee substitutes for the following: Proposal 159, Proposal 163 and Proposal 182; Proposal 166

The Finance and Taxation Committee recommends committee substitutes for the following: Proposal 112 and Proposal 124; Proposal 6; Proposal 51

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

The Executive Committee recommends a committee substitute for Proposal 170; and recommends that it not pass.

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

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and **Proposal 60, Proposal 39, Proposal 151, Proposal 91, Proposal 96,**

Proposal 98, Proposal 127, Committee Substitute for Proposal 116, Proposal 135, Proposal 119, Committee Substitute for Proposal 133, Proposal 168, Proposal 97, Proposal 107, Committee Substitute for Proposal 157, Committee Substitute for Proposal 13, Proposal 144, Committee Substitute for Proposal 81, Proposal 63 and Committee Substitute for Proposal 64 were established as the Special Order Calendar for this day.

On motion by Commissioner Barnett, Committee Substitute for Proposal 13 and Proposal 144 were removed from Special Order.

On motion by Commissioner Rundle, by unanimous consent Committee Substitute for Proposal 81 was withdrawn from further consideration.

On motion by Commissioner Freidin, by unanimous consent Proposal 88 was withdrawn from further consideration.

On motion by Commissioner Anthony, by unanimous consent Proposal 52 was withdrawn from further consideration.

On motion by Commissioner Alfonso, by unanimous consent Proposal 176 was withdrawn from further consideration.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 8:49 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:04 p.m. A quorum present—30:

Table listing members: Mr. Chairman, Connor, Lowndes, Rundle, Alfonso, Crenshaw, Marshall, Scott, Anthony, Evans, Mathis, Smith, Argiz, Evans-Jones, Mills, Thompson, Barkdull, Ford-Coates, Morsani, West, Barnett, Freidin, Nabors, Zack, Brochin, Henderson, Planas, Butterworth, Kogan, Riley

Alternates:

Table listing alternates: Barton, Leesfield, Logan

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Declaration of Rights Committee would meet at 6:15 p.m. Thursday, January 15.

Commissioner Ford-Coates announced that the Local Government Committee meeting scheduled for 2:00 p.m. Wednesday, January 14 was cancelled.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and the Declaration of Rights Committee was granted an extension of time until the completion of the 6:15 p.m. meeting Thursday, January 15, for consideration of pending proposals.

On motion by Commissioner Barkdull, by unanimous consent Proposal 122 was withdrawn from further consideration.

On motion by Commissioner Planas, by unanimous consent Proposal 98 was withdrawn from further consideration.

On motion by Commissioner Riley, by unanimous consent Proposal 3 was withdrawn from further consideration.

On motion by Commissioner Anthony, by unanimous consent Proposal 100 was withdrawn from further consideration.

On motion by Commissioner Henderson, by unanimous consent Proposal 136 was withdrawn from further consideration.

SPECIAL ORDER

Proposal 60—A proposal to revise ARTICLE V, s. 2, Fla. Const.; providing for the cross-assignment of judges.

—was read.

Commissioner Kogan, on behalf of Commissioner Langley moved Proposal 60 which failed. The vote was:

Yeas—12

Table listing yeas: Barkdull, Crenshaw, Henderson, Riley, Barnett, Ford-Coates, Kogan, Thompson, Butterworth, Freidin, Mathis, Zack

Nays—15

Table listing nays: Alfonso, Connor, Marshall, Planas, Anthony, Evans, Mills, Smith, Argiz, Evans-Jones, Morsani, West, Brochin, Lowndes, Nabors

The Commission resumed consideration of—

Proposal 39—A proposal to revise ARTICLE X, Fla. Const.; creating the Florida Land and Water Conservation Trust Fund and providing for its source of funds and purposes.

—which was previously considered and amended January 12.

Commissioner Crenshaw moved the following amendment to Proposal 39 as amended which was adopted:

Amendment 2—On page 2, line 19, delete , and for such multiple purposes as provided by general law

Commissioner Butterworth moved the following amendment to Proposal 39 as amended which was adopted:

Amendment 3—On page 2, line 16, delete related interests and insert: related natural resources

RECONSIDERATION OF AMENDMENT

On motion by Commissioner Butterworth, the Commission reconsidered the vote by which Amendment 3 was adopted. Amendment 3 was withdrawn.

Commissioner Mills moved the following amendment to Proposal 39 as amended which was adopted:

Amendment 4—On page 2, line 16, after the word related insert: property

On motion by Commissioner Henderson, Proposal 39 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—25

Table listing yeas: Alfonso, Crenshaw, Marshall, Smith, Anthony, Evans-Jones, Mathis, Thompson, Argiz, Ford-Coates, Mills, West, Barnett, Freidin, Morsani, Zack, Brochin, Henderson, Planas, Butterworth, Kogan, Riley, Connor, Lowndes, Scott

Nays—2

Table listing nays: Barkdull, Evans

MOTION

On motion by Commissioner Barkdull, by unanimous consent Proposal 151 was withdrawn from further consideration.

Consideration of **Proposal 91** was deferred.

Proposal 96—A proposal to revise ARTICLE I, s. 5, Fla. Const.; prescribing types of communication that are within the purview of the people’s right to instruct their representatives.

—was read.

On motion by Commissioner Nabors, **Proposal 96** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—27

Alfonso	Connor	Lowndes	Rundle
Anthony	Evans	Marshall	Scott
Argiz	Evans-Jones	Mathis	Smith
Barkdull	Ford-Coates	Mills	Thompson
Barnett	Freidin	Morsani	West
Brochin	Henderson	Planas	Zack
Butterworth	Kogan	Riley	

Nays—None

INTRODUCTION

At the request of the Chairman, Commissioner Barnett introduced her daughter Sarah Barnett, a junior at Oldfields School of Baltimore, Maryland, who was serving as page for the day.

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 read.

Commissioner Ford-Coates moved **Proposal 127** which failed. The vote was:

Yeas—10

Anthony	Evans	Riley	Smith
Argiz	Evans-Jones	Rundle	West
Butterworth	Ford-Coates		

Nays—17

Alfonso	Crenshaw	Marshall	Scott
Barkdull	Freidin	Mathis	Thompson
Barnett	Henderson	Mills	
Brochin	Kogan	Morsani	
Connor	Lowndes	Planas	

Vote after roll call:

Nay—Nabors

Committee Substitute for 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 read.

On motion by Commissioner Barnett, consideration of **Committee Substitute for Proposal 116** was deferred.

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 read.

On motion by Commissioner Henderson, consideration of **Proposal 135** was deferred.

Consideration of **Proposal 119** was deferred.

Committee Substitute for 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 read.

On motion by Commissioner Scott, **Committee Substitute for Proposal 133** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—28

Alfonso	Connor	Lowndes	Riley
Anthony	Crenshaw	Marshall	Rundle
Argiz	Evans	Mathis	Scott
Barkdull	Evans-Jones	Mills	Smith
Barnett	Ford-Coates	Morsani	Thompson
Brochin	Freidin	Nabors	West
Butterworth	Kogan	Planas	Zack

Nays—None

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 read.

On motion by Commissioner Nabors, consideration of **Proposal 168** was deferred.

Proposal 97—A proposal to revise ARTICLE I, s. 23, Fla. Const.; prohibiting the performance of a partial-birth abortion, as defined, except in specified circumstances; providing that a woman upon whom such an abortion is performed is not subject to prosecution under this section.

—was read.

Commissioner Evans moved **Proposal 97** which failed. The vote was:

Yeas—12

Brochin	Evans	Mathis	Thompson
Connor	Evans-Jones	Planas	West
Crenshaw	Marshall	Scott	Zack

Nays—16

Anthony	Butterworth	Kogan	Nabors
Argiz	Ford-Coates	Lowndes	Riley
Barkdull	Freidin	Mills	Rundle
Barnett	Henderson	Morsani	Smith

RECESS

The Chairman declared the Commission in informal recess at 4:19 p.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 4:32 p.m. A quorum was present.

MOTION

On motion by Commissioner Rundle, the rules were waived and the motion to reconsider **Proposal 1** was placed on the calendar for consideration January 14.

SPECIAL ORDER, continued

Consideration of **Proposal 107** was deferred.

Committee Substitute for Proposal 157—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; defining the term "adequate provision" as applicable to the system of public education.

—was read.

Commissioner Brochin moved the following amendment which was adopted:

Amendment 1—On page 1, line 23, after the period, delete the remaining language

COMMISSIONER THOMPSON PRESIDING

On motion by Commissioner Mills, consideration of **Committee Substitute for Proposal 157** as amended was deferred.

Proposal 63—A proposal to revise ARTICLE II, s. 8, Fla. Const.; strengthening the powers of the Florida Commission on Ethics.

—was read.

Commissioner Connor moved **Proposal 63** which failed. The vote was:

Yeas—7

Connor	Henderson	Mathis	Zack
Evans	Marshall	Morsani	

Nays—17

Mr. Chairman	Brochin	Kogan	Smith
Anthony	Crenshaw	Nabors	West
Argiz	Evans-Jones	Planas	
Barkdull	Ford-Coates	Riley	
Barnett	Freidin	Scott	

MOTION

On motion by Commissioner Barkdull, time of recess was extended until consideration of **Committee Substitute for Proposal 157** as amended and **Committee Substitute for Proposal 64** and completion of motions and announcements.

The Commission resumed consideration of—

Committee Substitute for Proposal 157—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; defining the term "adequate provision" as applicable to the system of public education.

—which was previously considered and amended this day.

Commissioners Brochin and Douglass offered the following amendment which was moved by Commissioner Brochin and adopted:

Amendment 2—On page 1, lines 19-24, delete those lines and insert:

(b) As used in this section, the term "adequate provision" means an efficient, safe, secure, and high quality system of public education in all public schools for the purpose of allowing students to achieve the highest

possible educational level and for providing access to attend, under reasonable policies, public institutions of higher learning or education.

Commissioner Zack moved the following amendment which was adopted:

Amendment 3—On page 1, lines 19-24, delete those lines and insert:

(b) As used in this section, the term "adequate provision" means an efficient, safe, secure, and high quality system of public education in all public schools for the purpose of allowing students the opportunity to achieve a high quality educational level and for providing access to attend, under reasonable policies, public institutions of higher learning or education.

On motion by Commissioner Mills, **Committee Substitute for Proposal 157** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—23

Mr. Chairman	Connor	Kogan	Planas
Anthony	Crenshaw	Marshall	Riley
Argiz	Evans-Jones	Mathis	Smith
Barkdull	Ford-Coates	Mills	West
Barnett	Freidin	Morsani	Zack
Brochin	Henderson	Nabors	

Nays—1

Evans

Consideration of **Committee Substitute for Proposal 64** was deferred.

CHAIRMAN DOUGLASS PRESIDING

MOTION TO RECONSIDER

Commissioner Scott moved that the Commission reconsider the vote by which **Substitute Proposal 123** as amended was adopted January 12. The motion was placed on the calendar for consideration January 14.

COMMITTEE MEETING CHANGE

On motion by Commissioner Barkdull, the rules were waived and the Finance and Taxation Committee was granted an extension of time until Thursday, January 29 for consideration of pending proposals.

Commissioner Barkdull announced that the Rules and Administration Committee would meet upon adjournment.

MOTIONS

On motions by Commissioner Evans-Jones, by unanimous consent **Proposal 101** and **Proposal 113** were withdrawn from further consideration.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 12 was corrected and approved.

The Journal of November 14 was corrected and approved as follows:

Page 100, column 2, line 5 delete "Finance and Tax" and insert: Bonding and Investments

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 6:12 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 8:30 a.m., Wednesday, January 14, 1998.

CONSTITUTION REVISION COMMISSION

Daily Indices for January 13, 1998

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