



Journal of the 1997-1998 Constitution Revision Commission

Number 15

Wednesday, January 14, 1998

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CALL TO ORDER

The Commission was called to order by the Chairman at 8:39 a.m. A quorum was present—29:

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

Alternates:

Barton	Logan
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Excused: Commissioners Alfonso, Sullivan, Sundberg and Wetherington; Commissioner Jennings until 11:21 a.m.; Alternate Leesfield

PRAYER

The following prayer was offered by Rev. Larry Perry, Pastor, First Assembly of God Church, Tallahassee:

Romans 15:1-5a says:

We who are strong ought to bear with the failings of the weak and not to please ourselves.

Each of us should please his neighbor for his good, to build him up. For even Christ did not please himself; but, as it is written, the insults of those who insulted you have fallen on me. For everything that was written in the past was written to teach us, so that through endurance and the encouragement of scripture we might have hope. May the God who gives endurance and encouragement give you a spirit of unity among yourselves

Heavenly Father, we thank you for this day that you have given us, and I pray that you would help us to use it to the benefit not of our ourselves, Lord, but to those that we represent, those that you have called us to serve. Lord, I pray not for the work today of this committee, but for each and every individual in this place, that you by your grace would support, sustain and strengthen and give wisdom and instruction.

Some may be suffering at home, Lord. Some may need a special touch today. I ask you, Lord Jesus, to touch by your presence, by your Holy Spirit. Bless this day. Bless this work, Lord. In Jesus' name, we pray. Amen.

PLEDGE

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

RECEIVING COMMUNICATIONS

January 12, 1998

The Honorable Toni Jennings
President, The Florida Senate

Dear Toni:

It is with regret that I must resign from the Florida Constitution Revision Commission. The commitments that must be met with my business and family outweigh the ability to successfully attend the scheduled meetings for the Commission.

Toni, I have enjoyed the experience. The opportunity you afforded me has given me greater insight in our process of government. I am grateful to you for this.

I know the proposal(s) that go to the public will be well thought out and more than likely successful. I regret not being able to follow through on this process. Please let me know if I can be of any assistance as the public begins debate.

Continued success to you and thank you again for this experience.

My highest regards,
Chris Sullivan

On motion by Commissioner Jennings, the Commission accepted the resignation of Commissioner Sullivan.

MATTERS ON RECONSIDERATION

On motion by Commissioner Barkdull, consideration of **Proposal 1** and **Proposal 123** was deferred until the call of the Chairman.

SPECIAL ORDER

Proposal 91—A proposal to revise ARTICLE VII, s. 4, Fla. Const.; providing for certain pollution control devices to be classified by general law and assessed solely on the basis of character or use.

—was read.

Proposal 91 failed. The vote was:

Yeas—1

Langley

Nays—22

Anthony	Evans	Mathis	Smith
Argiz	Evans-Jones	Morsani	Thompson
Barnett	Ford-Coates	Nabors	West
Brochin	Freidin	Planas	Zack
Connor	Henderson	Riley	
Corr	Lowndes	Scott	

Vote after roll call:

Nay—Barkdull, Crenshaw

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.

Commissioner Corr moved **Committee Substitute for Proposal 116** which failed. The vote was:

Yeas—10

Argiz	Crenshaw	Marshall	Thompson
Connor	Evans	Planas	West
Corr	Langley		

Nays—15

Anthony	Ford-Coates	Lowndes	Scott
Barkdull	Freidin	Morsani	Smith
Barnett	Henderson	Nabors	Zack
Brochin	Kogan	Riley	

Vote after roll call:

Yea—Evans-Jones

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, **Proposal 135** was removed from the Special Order.

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

—was read.

Commissioner Corr moved **Proposal 119** which failed. The vote was:

Yeas—14

Argiz	Crenshaw	Lowndes	Thompson
Brochin	Evans-Jones	Marshall	West
Connor	Ford-Coates	Planas	
Corr	Langley	Scott	

Nays—14

Mr. Chairman	Evans	Mills	Smith
Anthony	Freidin	Morsani	Zack
Barkdull	Henderson	Nabors	
Barnett	Kogan	Riley	

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 read.

COMMISSIONER THOMPSON PRESIDING

CHAIRMAN DOUGLASS PRESIDING

Commissioner Connor moved **Proposal 107** which failed. The vote was:

Yeas—12

Connor	Evans	Langley	Scott
Corr	Evans-Jones	Marshall	Thompson
Crenshaw	Hawkes	Mathis	West

Nays—18

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

MOTIONS

On motion by Commissioner Rundle, by unanimous consent **Proposal 23** was withdrawn from further consideration.

On motion by Commissioner Anthony, by unanimous consent **Proposal 50** was withdrawn from further consideration.

SPECIAL ORDER, continued

Consideration of **Committee Substitute for Proposal 69, Proposal 72** and **Proposal 118** was deferred.

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 read.

Commissioner Brochin moved **Proposal 161** which failed. The vote was:

Yeas—8

Barnett	Butterworth	Ford-Coates	Rundle
Brochin	Evans	Freidin	Zack

Nays—16

Anthony	Evans-Jones	Marshall	Scott
Barkdull	Hawkes	Morsani	Smith
Connor	Kogan	Nabors	Thompson
Corr	Lowndes	Riley	West

MOTION

On motion by Commissioner Barkdull, by unanimous consent **Proposal 169** was removed from the Special Order Calendar and recommitted to the Judicial Committee to be reported not later than the February 9 meeting.

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

OATH OF OFFICE ADMINISTERED

January 13, 1998

The Honorable Pat Barton

Dear Pat:

In June 1997, pursuant to Article XI, Section 2 of The Florida Constitution, I appointed you as an alternate to the 1997-1998 Constitution Revision Commission based upon your extensive qualifications and keen interest in good government. Due to the recent and unfortunate resignation by Commissioner Chris Sullivan, I am pleased to appoint you as a permanent "voting" member of the Constitution Revision Commission effective immediately.

Thank you for your continued commitment to the state of Florida and I look forward to working with you on the Commission.

Very truly yours,
Toni Jennings

Commissioner Jennings appointed Alternate Commissioner Barton to replace him pursuant to Article XI, s. 2 of the Constitution.

The Chairman appointed Commissioners Jennings, Marshall, Ford-Coates and Evans-Jones to escort Commissioner Barton to the rostrum where the oath of office was administered by the Honorable Chief Justice Kogan.

SPECIAL ORDER, continued

Committee Substitute for Proposal 51—A proposal to revise ARTICLE VII, s. 4, Fla. Const.; requiring the assessment of improvements to real property which occur between assessment dates.

—was read.

Commissioner Anthony moved **Committee Substitute for Proposal 51** which failed. The vote was:

Yeas—13

Anthony	Henderson	Mills	Scott
Butterworth	Kogan	Nabors	Smith
Crenshaw	Mathis	Rundle	Zack
Freidin			

Nays—15

Mr. Chairman	Connor	Ford-Coates	Riley
Barkdull	Corr	Hawkes	Thompson
Barnett	Evans	Langley	West
Barton	Evans-Jones	Marshall	

Consideration of **Committee Substitute for Proposal 170 and Proposal 174** was deferred.

Committee Substitute for Proposals 112 and 124—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing for an exemption from ad valorem taxation for certain tangible personal property.

—was read.

On motion by Commissioner Ford-Coates, **Committee Substitute for Proposals 112 and 124** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—26

Anthony	Evans	Kogan	Scott
Argiz	Evans-Jones	Marshall	Smith
Barkdull	Ford-Coates	Mathis	Thompson
Barnett	Freidin	Mills	West
Barton	Hawkes	Nabors	Zack
Butterworth	Henderson	Riley	
Corr	Jennings	Rundle	

Nays—None

On motion by Commissioner Barkdull, the rules were waived and the Commission concluded the Special Order and proceeded to consideration of:

MOTIONS

On motion by Commissioner Rundle, the rules were waived and the motion to reconsider **Proposal 1** was placed on the calendar for consideration January 15.

COMMITTEE MEETING CHANGE

Commissioner Mills announced that the Select Committee on Article V Costs would meet upon adjournment of session Thursday, January 15.

Commissioner Barkdull announced that the Declaration of Rights Committee would consider **Proposal 187** at the meeting January 15.

Commissioner Barkdull announced that the Rules and Administration Committee meeting scheduled for 5:00 p.m. this day was cancelled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 13 was corrected and approved.

RECONSIDERATION

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

Proposal 91—A proposal to revise ARTICLE VII, s. 4, Fla. Const.; providing for certain pollution control devices to be classified by general law and assessed solely on the basis of character or use.

—failed this day.

On motion by Commissioner Hawkes, **Proposal 91** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—16

Argiz	Ford-Coates	Langley	Morsani
Corr	Hawkes	Lowndes	Scott
Crenshaw	Henderson	Marshall	Smith
Evans	Jennings	Mills	West

Nays—11

Anthony	Barton	Mathis	Thompson
Barkdull	Butterworth	Nabors	Zack
Barnett	Freidin	Riley	

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 12:01 p.m. to reconvene at 12:45 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 12:53 p.m. A quorum present—32:

Mr. Chairman	Corr	Jennings	Nabors
Anthony	Crenshaw	Kogan	Riley
Argiz	Evans	Langley	Rundle
Barkdull	Evans-Jones	Lowndes	Scott
Barnett	Ford-Coates	Marshall	Smith
Barton	Freidin	Mathis	Thompson
Butterworth	Hawkes	Mills	West
Connor	Henderson	Morsani	Zack

MOTIONS

On motions by Commissioner Mathis, by unanimous consent **Proposal 42**, **Proposal 139** and **Proposal 140** were withdrawn from further consideration.

On motion by Commissioner Scott, the rules were waived and the Commission reverted to:

MATTERS ON RECONSIDERATION

The motion by Commissioner Scott to reconsider the vote by which—

Proposal 123—A proposal to revise ARTICLE XI, Fla. Const.; deleting certain requirements with respect to votes by the members of the commission to amend this constitution.

—as amended was adopted January 12 was taken up and adopted.

On motion by Commissioner Barkdull, further consideration of **Proposal 123** was deferred.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 1:47 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 8:30 a.m., Thursday, January 15, 1998.

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