



Journal of the 1997-1998 Constitution Revision Commission

Number 16

Thursday, January 15, 1998

CONTENTS

Call to Order	145, 147, 148
Committee Appointed	149
Committee Change	149
Committee Meeting Change	147, 149
Co-Sponsors	149
Matters on Reconsideration	148
Motions	146, 149
Pages	149
Reports of Committees	145
Special Order	146, 147, 148
Statement of Intent	147

CALL TO ORDER

The Commission was called to order by the Chairman at 8:35 a.m. A quorum was present—29:

Mr. Chairman	Crenshaw	Langley	Riley
Anthony	Evans	Lowndes	Rundle
Argiz	Evans-Jones	Marshall	Smith
Barkdull	Ford-Coates	Mathis	Sundberg
Barton	Freidin	Mills	Thompson
Brochin	Henderson	Morsani	
Connor	Jennings	Nabors	
Corr	Kogan	Planas	

Excused: Commissioners Alfonso, Barnett, Scott, West, Wetherington and Zack; Commissioners Argiz and Planas at 11:30 a.m., Commissioner Evans at 1:25 p.m., Commissioner Crenshaw at 4:30 p.m.; Alternate Leesfield

PRAYER

The following prayer was offered by Penny B. Hunt of Tallahassee:

Commissioners, I would like to thank you for inviting me here today to give the invocation. Our church, Unity of Tallahassee, considers this a privilege and an honor. We send along words of encouragement and blessings for the important work being done here. Would you please join me now in a moment of prayer?

As we close our eyes and take in a deep breath, blow it out, and relax. Take in another deep breath, and just for a moment, set aside any worries or concerns of the day, begin appreciating a close friend, smelling your favorite flower, seeing the majestic colors in the sky at sunset. With this deep sense of gratitude, we pray.

Sweet Heavenly Spirit, the Creator of all life, we come together now, as one body, one mind, one heart, we give thanks in advance that today, through your loving guidance, great work will be accomplished here. As these committed representatives of the people, for the people, function as a winning team, exploring and sharing ideas and opinions, arriving at just and fair conclusions based on a win-win principle.

Like the sounds of different musical instruments, coming together, forming a melody of humanity and bringing harmony right now into this room, into Tallahassee, and into this great State of Florida. This we affirm in the name and nature through the power of the living, loving, spirit of truth abiding within us all. Amen, and God Bless You!

PLEDGE

Students from Raa Middle School, Tallahassee, serving as pages today 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 181

The Ethics and Elections Committee recommends the following pass: Proposal 186

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

The Declaration of Rights Committee recommends the following not pass: Proposal 17, Proposal 125, Proposal 126, Proposal 187

The Education Committee recommends the following not pass: Proposal 40, Proposal 54

The Ethics and Elections Committee recommends the following not pass: Proposal 74, Proposal 76

The General Provisions Committee recommends the following not pass: Proposal 130, Proposal 132, Proposal 154, Proposal 160, Proposal 164

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

The Education Committee makes no recommendation for the following: Proposal 143

The proposal was placed on the calendar.

The Education Committee recommends a committee substitute for Proposal 138 and Proposal 89; and recommends that it pass.

The Ethics and Elections Committee recommends committee substitutes for Proposal 16, Proposal 173, Proposal 184; and recommends that they pass.

The General Provisions Committee recommends a committee substitute for Proposal 102; and recommends that it pass.

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

The General Provisions Committee recommends committee substitutes for Proposal 36 and Proposal 38; Proposal 83; and recommends that they not pass.

The proposals with committee substitutes attached were placed on the calendar.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and **Committee Substitute for Proposal 170, Proposal 174, Proposal 2, Proposal 11, Proposal 86, Proposal 104, Proposal 141, Proposal 171, Proposal 168, Committee Substitute for Proposal 16, Proposal 76, Proposal 186, Proposal 135, Proposal 72, Proposal 130, Proposal 132, Proposal 154, Proposal 160, Proposal 65, Proposal 164, Proposal 118, Proposal 54, Committee Substitute for Proposals 138 and 89, Proposal 181, Proposal 74, Committee Substitute for Proposal 173, Committee Substitute for Proposal 184, Proposal 117, Proposal 165, Committee Substitute for Proposal 166, Committee Substitute for Proposals 36 and 38, Committee Substitute for Proposal 102 and Committee Substitute for Proposal 83** were established as the Special Order for this day.

SPECIAL ORDER

Consideration of **Committee Substitute for Proposal 170, Proposal 174, Proposal 2, Proposal 11 and Proposal 86** was deferred.

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 read.

Commissioner Evans moved **Proposal 104** which failed. The vote was:

Yeas—10

Barton	Crenshaw	Jennings	Mathis
Connor	Evans	Langley	Planas
Corr	Evans-Jones		

Nays—18

Anthony	Freidin	Mills	Smith
Argiz	Henderson	Morsani	Sundberg
Barkdull	Kogan	Nabors	Thompson
Brochin	Lowndes	Riley	
Ford-Coates	Marshall	Rundle	

Proposal 174—A proposal to revise 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 read.

On motion by Commissioner Sundberg, **Proposal 174** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—15

Anthony	Corr	Henderson	Nabors
Barkdull	Evans-Jones	Kogan	Smith
Brochin	Ford-Coates	Lowndes	Sundberg
Butterworth	Freidin	Mathis	

Nays—11

Argiz	Hawkes	Marshall	Riley
Barton	Jennings	Mills	Thompson
Crenshaw	Langley	Morsani	

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 read.

Commissioner Mathis moved **Proposal 141** which failed. The vote was:

Yeas—9

Anthony	Hawkes	Mathis	Smith
Argiz	Kogan	Riley	Sundberg
Freidin			

Nays—18

Barkdull	Corr	Jennings	Nabors
Barton	Crenshaw	Langley	Planas
Brochin	Evans-Jones	Lowndes	Thompson
Butterworth	Ford-Coates	Marshall	
Connor	Henderson	Morsani	

Vote after roll call:

Nay—Mills

On motion by Commissioner Mills, by unanimous consent **Proposal 171** was withdrawn from further consideration.

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.

Commissioner Henderson moved the following amendment which was adopted:

Amendment 1—On page 1, line 22, delete "the governor and cabinet," and insert: ~~the governor and cabinet,~~

On motion by Commissioner Corr, further consideration of **Proposal 168** as amended was deferred.

Proposal 11—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that persons may not be deprived of their rights because of gender.

—was read.

Commissioner Freidin moved the following amendment which was adopted:

Amendment 1—On page 1, line 13, after the word "persons" insert: , *female and male alike*, and on page 1, line 21, delete the word "*gender*"

On motion by Commissioner Freidin, **Proposal 11** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—25

Mr. Chairman	Ford-Coates	Marshall	Rundle
Anthony	Freidin	Mathis	Smith
Argiz	Hawkes	Mills	Sundberg
Barton	Henderson	Morsani	Thompson
Connor	Jennings	Nabors	
Crenshaw	Kogan	Planas	
Evans-Jones	Lowndes	Riley	

Nays—4

Barkdull	Brochin	Corr	Langley
----------	---------	------	---------

Vote after roll call:

Nay to Yea—Corr

STATEMENT OF INTENT

Mr. Chairman, we ask that the following remarks be placed in the Journal of the Constitution Revision Commission to help clarify the intent of Proposal 11 as it was finally adopted by the Commission. The intent of Proposal 11, as adopted, was to affirm explicitly that all natural persons, female and male alike, are equal before the law. The proposal as adopted is not intended, and should not be construed, to confer any right to same-sex marriages in this state. Many in the body were concerned that the proposal as it was originally proposed, if adopted by the people, would have opened the door to same-sex marriages in Florida. That was not an acceptable result to many members of this Commission. Consequently, the purpose of amending the original proposal and adopting it in its amended form was to assure that the proposal would not be deemed in any way to countenance same-sex marriages.

- s/Pat Barton
- s/Chris Corr
- s/Paul Hawkes
- s/Frank Morsani
- s/J. Stanley Marshall
- s/Judith Byrne Riley
- s/Barbara Williams Ford-Coates
- s/Kenneth L. Connor
- s/Marilyn Evans-Jones
- s/Jacinta M. Mathis
- s/James Harold Thompson
- s/HT Smith
- s/Clay Henderson

MOTION

On motion by Commissioner Freidin, by unanimous consent **Proposal 86** was withdrawn from further consideration.

MOTION TO RECONSIDER

Commissioner Argiz moved that the Commission reconsider the vote by which **Proposal 107** failed January 14. The motion was placed on the calendar.

COMMISSIONER THOMPSON PRESIDING

Proposal 2—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing for citizens to enjoy equal opportunity to employment, housing, public accommodations, public education, and other benefits and authorizing governmental agencies to take actions to remedy the effects of past discrimination in certain areas.

—was read.

CHAIRMAN DOUGLASS PRESIDING

RECESS

The Chairman declared the Commission in informal recess at 11:50 a.m. to reconvene upon call of the Chairman.

CALL TO ORDER

The Commission was called to order by the Chairman at 12:01 p.m. A quorum was present.

SPECIAL ORDER, continued

The Commission resumed consideration of—

Proposal 2—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing for citizens to enjoy equal opportunity to employment, housing, public accommodations, public education, and other benefits and authorizing governmental agencies to take actions to remedy the effects of past discrimination in certain areas.

—which was previously considered this day.

Commissioner Sundberg moved that consideration of **Proposal 2** be deferred and that the proposal be placed first on the Special Order at the next session of the Commission. The motion was adopted.

COMMITTEE MEETING CHANGE

Commissioner Mills announced that the Select Committee on Article V Costs meeting scheduled this day was cancelled.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 12:12 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:25 p.m. A quorum present—28:

- | | | | |
|--------------|-------------|----------|----------|
| Mr. Chairman | Corr | Jennings | Morsani |
| Anthony | Crenshaw | Kogan | Nabors |
| Barkdull | Evans-Jones | Langley | Riley |
| Barton | Ford-Coates | Lowndes | Rundle |
| Brochin | Freidin | Marshall | Smith |
| Butterworth | Hawkes | Mathis | Sundberg |
| Connor | Henderson | Mills | Thompson |

SPECIAL ORDER, continued

COMMISSIONER JENNINGS PRESIDING

Committee Substitute for Proposal 16—A proposal to create ARTICLE VI, s. 7, Fla. Const., and ARTICLE XII, s. 23, Fla. Const.; providing for public financing of campaigns for elective statewide office and for spending limits.

—was read.

Commissioner Corr moved the following amendment:

Amendment 1—On page 1, line 22 after the word “campaigns” insert: *Candidates who accept public campaign financing shall forebear accepting contributions from non natural persons, including political action committees.*

Commissioner Barkdull moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 1, lines 20-21, delete “, including political action committees”

Amendment 1 as amended failed. The vote was:

Yeas—11

- | | | | |
|----------|-------------|-----------|----------|
| Brochin | Evans-Jones | Henderson | Marshall |
| Corr | Ford-Coates | Langley | Sundberg |
| Crenshaw | Hawkes | Lowndes | |

Nays—14

- | | | | |
|--------------|---------|---------|----------|
| Mr. Chairman | Connor | Mills | Smith |
| Barkdull | Freidin | Morsani | Thompson |
| Barton | Kogan | Nabors | |
| Butterworth | Mathis | Riley | |

On motion by Chairman Douglass, **Committee Substitute for Proposal 16** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—20

- | | | | |
|--------------|-------------|----------|----------|
| Mr. Chairman | Ford-Coates | Marshall | Riley |
| Barkdull | Freidin | Mathis | Rundle |
| Brochin | Henderson | Mills | Smith |
| Butterworth | Kogan | Morsani | Sundberg |
| Connor | Lowndes | Nabors | Thompson |

Nays—6

- | | | | |
|--------|-------------|--------|---------|
| Barton | Crenshaw | Hawkes | Langley |
| Corr | Evans-Jones | | |

CHAIRMAN DOUGLASS PRESIDING

The Commission resumed consideration of—

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.

—which was previously considered and amended this day.

Commissioners Corr, Henderson and Nabors offered the following amendment which was moved by Commissioner Nabors and adopted:

Amendment 2—On page 1, line 26, through page 2, line 4, delete those lines and insert: the head of that department is itself a department. However, direct supervision as a determinate factor of department classification shall not affect the status of any entity authorized by the Constitution to issue revenue bonds before July 1, 1999, except:

(b)(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(c)(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

Section 2. Section 23 of Article XII of the Florida Constitution is created to read:

ARTICLE XII
SCHEDULE

SECTION 23. The amendment to Article IV, Section 6 shall not affect the status of any entity created by the legislature which is in existence on the effective date of the adoption of such amendment until action by the legislature before July 1, 1999.

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: 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; providing that the amendment does not affect the status of such entities to issue revenue bonds before a specified date; and to create ARTICLE XII, s. 23, Fla. Const.; providing that the amendment does not affect the status of such entities in existence on the effective date of the adoption of the amendment.

On motion by Commissioner Corr, Proposal 168 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—25

Table with 4 columns: Name, Evans-Jones, Langley, Rundle, etc.

Nays—None

Proposal 76—A proposal to revise ARTICLE VI, s. 7, Fla. Const.; prohibiting a business entity or labor organization from making any contribution for the purpose of influencing an election held to fill a public office in the state; prohibiting a candidate or other person from knowingly accepting any such unlawful contribution; prohibiting an officer or director of a business entity or labor organization from consenting to any such unlawful contribution; providing that the establishment of an independent committee does not constitute an unlawful activity; specifying that the provision of certain indirect support services does not constitute an unlawful activity.

—was read.

Commissioner Sundberg moved Proposal 76 which failed. The vote was:

Yeas—6

Table with 4 columns: Name, Lowndes, Smith, Sundberg, etc.

Nays—18

Table with 4 columns: Name, Evans-Jones, Langley, Riley, etc.

RECESS

On motion by Commissioner Barkdull, the Commission stood in informal recess at 4:00 p.m. to reconvene at 4:15 p.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 4:17 p.m. A quorum was present.

SPECIAL ORDER, continued

On motion by Commissioner Thompson, consideration of Proposal 186 was deferred until the next session.

On motion by Commissioner Henderson, consideration of Proposal 135 was deferred until the next session.

Consideration of Proposal 72, Proposal 130, Proposal 132, Proposal 154, Proposal 160, Proposal 65, Proposal 164, Proposal 118, Proposal 54 and Committee Substitute for Proposals 138 and 89 was deferred.

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

MATTERS ON RECONSIDERATION

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

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.

—as amended was adopted December 12, was taken up and adopted.

On motion by Commissioner Rundle, further consideration of Proposal 1 was deferred.

SPECIAL ORDER, continued

Proposal 181—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; providing public rights to, and state duties to provide, complete and adequate public education.

—was read.

Commissioner Riley moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, delete the words "Ample Adequate" and insert: Adequate

Commissioner Lowndes moved the following amendment which was adopted:

Amendment 2—On page 1, lines 13 and 14, delete “*Each resident of this state*” and insert: *Each child in this state*

On motion by Commissioner Brochin, **Proposal 181** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—14

Mr. Chairman	Evans-Jones	Mills	Smith
Barkdull	Ford-Coates	Nabors	Sundberg
Barton	Freidin	Riley	
Brochin	Lowndes	Rundle	

Nays—9

Connor	Henderson	Marshall	Morsani
Corr	Langley	Mathis	Thompson
Hawkes			

On motion by Commissioner Langley, by unanimous consent **Proposal 74** was withdrawn from further consideration.

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

—was read.

Commissioner Riley moved the following amendment which was adopted:

Amendment 1—On page 2, lines 7 and 8, delete those lines and insert:

(2) *Any county may exercise the option to elect the county officers enumerated in this subsection in a nonpartisan election by either the filing*

And the title is amended as follows:

On page 1, line 3, delete that line and insert: counties to elect certain county officers in

Commissioner Riley moved **Committee Substitute for Proposal 173** as amended which failed. The vote was:

Yeas—10

Barkdull	Corr	Lowndes	Riley
Brochin	Freidin	Mills	Smith
Butterworth	Kogan		

Nays—15

Barton	Ford-Coates	Marshall	Rundle
Connor	Hawkes	Mathis	Sundberg
Evans	Henderson	Morsani	Thompson
Evans-Jones	Langley	Nabors	

Committee Substitute for Proposal 184—A proposal to revise ARTICLE VI, s. 1, Fla. Const.; providing that the legislature shall prohibit certain conduct in connection with elections.

—was read.

On motion by Commissioner Mills, consideration of **Committee Substitute for Proposal 184** was deferred.

MOTION TO RECONSIDER

Commissioner Mills moved that the Commission reconsider the vote by which **Proposal 91** was adopted January 14. The motion was placed on the calendar for consideration January 26.

MOTIONS

On motion by Commissioner Barkdull, by unanimous consent **Proposal 154** was withdrawn from further consideration.

On motion by Commissioner Thompson, the rules were waived and **Proposal 134, Proposal 90, Proposal 105, Proposal 150, Proposal 179 and Proposal 183** were withdrawn from the Legislative Committee and placed on the Calendar.

On motion by Commissioner Corr, by unanimous consent **Proposal 117 and Proposal 165** were withdrawn from further consideration.

COMMITTEE MEETING CHANGE

On motion by Commissioner Barkdull, the rules were waived and the Legislative Committee was granted an extension of time until Monday, January 26 for consideration of pending proposals.

Commissioner Barkdull announced that the Rules and Administration Committee meeting scheduled for 6:00 p.m. this day was cancelled.

SELECT COMMITTEE APPOINTED

The Chairman announced the appointment of Commissioner Freidin, Chairman; Commissioners Corr, Sundberg and Rundle to the Select Committee on Initiatives and announced the Committee would meet at 9:30 a.m. until noon Friday, January 16.

COMMITTEE MEMBERSHIP CHANGE

The Chairman announced that newly appointed Commissioner Barton would remain on the Declaration of Rights; and the Ethics and Elections Committees; and that due to the resignation of Commissioner Sullivan, he would be removed from the Bonding and Investments; and General Provisions Committees.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 14 was corrected and approved.

CO-SPONSORS

Commissioner Connor—Committee Substitute for Proposal 16

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 6:01 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 1:00 p.m., Monday, January 26, 1998.

PAGES

January 15

Under the direction of their advisor, Kathy Corder, the following students from Raa Middle School in Tallahassee served as pages: Ann Moffett, Brie Byrd, Casey Blanton, Crystal Moore, Ashley Davis, Greg Horne, Jane Donaldson, Domenic Esposito, Kianna Ferguson, Mary Wood, and Katey Gammon

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