



Journal of the 1997-1998 Constitution Revision Commission

Number 17

Monday, January 26, 1998

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CALL TO ORDER

The Commission was called to order by the Chairman at 1:05 p.m. A quorum was present—30:

Mr. Chairman	Connor	Jennings	Scott
Alfonso	Crenshaw	Lowndes	Smith
Anthony	Evans	Marshall	Thompson
Barkdull	Evans-Jones	Mathis	West
Barnett	Ford-Coates	Mills	Wetherington
Barton	Freidin	Nabors	Zack
Brochin	Hawkes	Riley	
Butterworth	Henderson	Rundle	

Alternates:

Logan

Excused: Commissioners Corr, Kogan, Planas and Sundberg

PRAYER

The following prayer was offered by Rev. Jerry Knight, Pastor, Lake-wood Baptist Church, Tallahassee:

Let's pray together. Our Father, we are grateful to thee for thy goodness to us and this good day you share with us. We thank you Lord, for your death, your burial, your resurrection. Thank you for the privilege to be here today with these friends who represent our community, our governments. We are admonished in your Word to pray for those who are over us in governmental authority. And Father, we do on a regular basis. We pray your blessings upon the session today, bless each one represented, give wisdom, give direction. We thank thee again for what thou dost mean to us. In Jesus' name. Amen.

PLEDGE

Allison and Jonathan Freidin, daughter and son of Commissioner Freidin led the Commission in the pledge of allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

January 26, 1998

The Rules and Administration Committee submits the following proposals to be placed on the Special Order for Tuesday, January 27, 1998: Proposal 105, Committee Substitute for Proposal 170, Proposal 2, Proposal 135, Proposal 33, Committee Substitute for Proposal 184, Committee Substitute for Proposal 36 and Proposal 38, Committee Substitute for Proposal 83, Committee Substitute for Proposal 64, Proposal

187, Proposal 183, Proposal 126, Proposal 125, Proposal 17, Proposal 40, Committee Substitute for Proposal 138 and Proposal 89, Proposal 118, Proposal 143, Proposal 54, Proposal 169, Committee Substitute for Proposal 13, Proposal 144

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

The Judicial Committee recommends the following not pass: Proposal 169

The proposal was placed on the calendar.

The Legislative Committee recommends a committee substitute for Proposal 172 and Proposal 162; and recommends that it pass.

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

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and **Proposal 134, Proposal 90, Proposal 105, Proposal 179, Committee Substitute for Proposal 170, Proposal 2, Proposal 186, Proposal 135, Proposal 33, Committee Substitute for Proposal 184, Committee Substitute for Proposals 159, 163 and 182, Committee Substitute for Proposal 166, Committee Substitute for Proposal 69, Committee Substitute for Proposals 36 and 38, Committee Substitute for Proposal 102, Committee Substitute for Proposal 83, Proposal 123, Committee Substitute for Proposal 64, Proposal 187, Proposal 183, Proposal 126, Proposal 125, Proposal 17, Proposal 40, Committee Substitute for Proposals 138 and 89, Proposal 118, Proposal 143, Proposal 54 and Committee Substitute for Proposal 6** were established as the Special Order this day.

MATTERS ON RECONSIDERATION

The motion by Commissioner Mills to reconsider 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.

—was adopted January 14, was taken up and adopted.

On motion by Commissioner Thompson, further consideration of **Proposal 91** was deferred.

SPECIAL ORDER

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

—was read.

On motion by Commissioner Marshall, by unanimous consent **Proposal 134** was withdrawn from further consideration.

Proposal 90—A proposal to revise ARTICLE III, s. 4, Fla. Const.; providing members of the Legislature with immunity with respect to any speech or debate in either house of the Legislature.

—was read.

Commissioner Hawkes moved **Proposal 90** which failed. The vote was:

Yeas—4

Hawkes	Henderson	Mathis	Thompson
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Nays—23

Alfonso	Butterworth	Jennings	Scott
Anthony	Connor	Lowndes	Smith
Barkdull	Evans	Marshall	West
Barnett	Evans-Jones	Mills	Wetherington
Barton	Ford-Coates	Nabors	Zack
Brochin	Freidin	Riley	

Consideration of **Proposal 105** was deferred.

Proposal 179—A proposal to revise ARTICLE III, ss. 8, 19, Fla. Const.; providing guidelines for legislative consideration of veto messages; revising calculation of the 72-hour public review period for general appropriation bills.

—was read.

Commissioners Jennings and Scott offered the following amendment which was moved by Commissioner Jennings and adopted:

Amendment 1—On page 2, lines 4-7, delete those lines and insert: special session, *whichever occurs first*, and they shall be entered on its journal. *If the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session.*

On motion by Commissioner Thompson, **Proposal 179** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—28

Alfonso	Connor	Jennings	Rundle
Anthony	Evans	Lowndes	Scott
Barkdull	Evans-Jones	Marshall	Smith
Barnett	Ford-Coates	Mathis	Thompson
Barton	Freidin	Mills	West
Brochin	Hawkes	Nabors	Wetherington
Butterworth	Henderson	Riley	Zack

Nays—None

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

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.

On motion by Commissioner Smith, consideration of **Proposal 2** was deferred.

Proposal 186—A proposal to revise ARTICLE VI, s. 1, Fla. Const.; limiting political contributions.

—was read.

COMMISSIONER SCOTT PRESIDING

Commissioner Thompson moved the following amendment which was adopted:

Amendment 1—On page 1, lines 16-19, delete “A person, political party, political committee, or committee of continuous existence may not accept more than \$500 per election from any entity or contribute more than \$500 per election to a candidate.” and insert:

(a) *Aggregate contributions from a contributor to a political party and its committees shall not exceed the amount that may be contributed to a candidate by an individual, other than the candidate, under Florida law.*

(b) *A political party and its committees may not contribute an aggregate amount to a candidate that exceeds the amount that any other entity, other than the candidate, may contribute to a candidate under Florida law.*

On motion by Commissioner Thompson, **Proposal 186** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—21

Mr. Chairman	Crenshaw	Mathis	Smith
Anthony	Ford-Coates	Mills	Thompson
Barkdull	Freidin	Nabors	Zack
Barnett	Henderson	Riley	
Brochin	Jennings	Rundle	
Butterworth	Lowndes	Scott	

Nays—9

Alfonso	Evans	Hawkes	West
Barton	Evans-Jones	Marshall	Wetherington
Connor			

Consideration of **Proposal 135** and **Proposal 33** was deferred.

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.

Commissioners Mills and Freidin offered the following amendment which was moved by Commissioner Mills:

Amendment 1—On page 1, lines 13-24, delete those lines and insert:

SECTION 1. Regulation of elections.—

(a) All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law.

(b) *Undue influence in connection with an election by the commission of bribery, fraud, deceit, or such other similar conduct as provided by law or as established by a judgment of slander or libel, shall, in addition to any penalties prescribed by law, constitute grounds for suspension and removal from the office won through such election.*

And the title is amended as follows:

On page 1, lines 3 and 4, delete those lines and insert: undue influence in connection with an election constitutes grounds for suspension and removal from office.

CHAIRMAN DOUGLASS PRESIDING

On motion by Commissioner Mills, consideration of **Committee Substitute for Proposal 184** with pending **Amendment 1** was deferred.

Committee Substitute for Proposals 159, 163 and 182—A proposal to revise ARTICLE IV, ss. 3(b), 4, and 8, and ARTICLE XII, s. 9(c), Fla. Const. and create s. 22, ARTICLE XII, Fla. Const.; providing for membership of the Florida Cabinet.

—was read.

Commissioner Thompson moved the following amendment which was adopted:

Amendment 1—On page 2, line 7, on page 3, line 1, on page 3, line 9, on page 3, line 16, and on page 8, line 1 delete "treasurer" and insert: chief financial officer

Commissioners Butterworth and Thompson offered the following amendment which was moved by Commissioner Butterworth and adopted:

Amendment 2—On page 3, between lines 19 and 20, insert:

(f) The governor as chair, the chief financial officer, and the attorney general shall constitute the agency head of the Department of Law Enforcement.

Commissioner Alfonso moved the following amendment:

Amendment 3—On page 4, line 18, insert:

Section 4. Section 2 of Article IX of the Florida Constitution is revised by amending that section to read:

ARTICLE IX
EDUCATION

SECTION 2. State board of education.—The governor and the members of the cabinet shall constitute a state board of education, which shall be a body corporate and have such supervision of the system of public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

(Renumber subsequent section 5)

Commissioner Henderson moved the following amendment to Amendment 3 which failed:

Amendment 3A—On page 4, lines 13 and 14, delete:

"The state board of education shall appoint the commissioner of education."

The vote was:

Yeas—8

Table with 4 columns: Barnett, Barton, Evans-Jones, Ford-Coates, Henderson, Jennings, Scott, West

Nays—19

Table with 4 columns: Alfonso, Anthony, Barkdull, Brochin, Butterworth, Connor, Crenshaw, Evans, Freidin, Lowndes, Marshall, Mathis, Mills, Nabors, Riley, Smith, Thompson, Wetherington, Zack

The question recurred on Amendment 3 which was adopted.

On motion by Commissioner Alfonso, Committee Substitute for Proposals 159, 163 and 182 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—20

Table with 4 columns: Mr. Chairman, Alfonso, Anthony, Barkdull, Brochin, Butterworth, Connor, Crenshaw, Evans, Freidin, Lowndes, Marshall, Mathis, Mills, Riley, Rundle, Smith, Thompson, Wetherington, Zack

Nays—9

Table with 4 columns: Barnett, Barton, Evans-Jones, Ford-Coates, Henderson, Jennings, Nabors, Scott, West

MOTION TO RECONSIDER

Commissioner Barkdull moved that the Commission reconsider the vote by which Proposal 168 was adopted January 15. The motion was placed on the calendar.

RECESS

On motion by Chairman Douglass, the Commission stood in informal recess at 4:34 p.m. to reconvene at 4:45 p.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 4:53 p.m. A quorum was present.

SPECIAL ORDER, continued

Committee Substitute for Proposal 166—A proposal to revise 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 read.

On motion by Commissioner Riley, Committee Substitute for Proposal 166 was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—14

Table with 4 columns: Alfonso, Anthony, Barnett, Connor, Freidin, Henderson, Lowndes, Marshall, Mills, Nabors, Riley, Scott, Smith, Wetherington

Nays—12

Table with 4 columns: Barkdull, Barton, Brochin, Butterworth, Evans, Evans-Jones, Ford-Coates, Hawkes, Jennings, Mathis, Rundle, West

Consideration of Committee Substitute for Proposal 69 and Committee Substitute for Proposals 36 and 38 was deferred.

Committee Substitute for 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 read.

On motion by Commissioner Henderson, Committee Substitute for Proposal 102 was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—23

Table with 4 columns: Alfonso, Anthony, Barkdull, Barnett, Barton, Brochin, Butterworth, Crenshaw, Evans-Jones, Ford-Coates, Freidin, Henderson, Jennings, Lowndes, Marshall, Mathis, Mills, Nabors, Riley, Rundle, Smith, Wetherington, Zack

Nays—3

Table with 3 columns: Evans, Hawkes, West

Consideration of **Committee Substitute for Proposal 83, Proposal 123, Committee Substitute for Proposal 64 and Proposal 187** was deferred.

MOTION

On motion by Commissioner Brochin, by unanimous consent **Proposal 183** was withdrawn from further consideration.

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 read.

On motion by Commissioner Mathis, consideration of **Proposal 126** was deferred.

Consideration of **Proposal 125** was deferred.

Proposal 17—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that no person shall be deprived of any right because of gender or sexual orientation.

—was read.

Commissioner Riley moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, delete “gender.”

On motion by Commissioner Freidin, consideration of **Proposal 17** as amended was deferred.

MOTION

On motion by Commissioner Barkdull, time of recess was extended until completion of **Proposal 123** and announcements.

The Commission resumed consideration of—

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.

—which was reconsidered as amended January 14.

Commissioner Scott moved the following amendment to **Proposal 123** as engrossed which was adopted:

Amendment 1—On page 1, delete everything after the proposing clause and insert:

Section 1. Section 6 of Article XI of the Florida Constitution is repealed.

And the title is amended as follows:

On page 1, delete everything before the proposing clause and insert: A proposal to revise ARTICLE XI, Fla. Const.; repealing s. 6, relating to the Taxation and Budget Reform Commission.

The vote was:

Yeas—15

Alfonso	Barton	Butterworth	Evans
Barkdull	Brochin	Crenshaw	Hawkes

Lowndes	Scott	Thompson	Zack
Nabors	Smith	West	

Nays—12

Anthony	Ford-Coates	Jennings	Mills
Barnett	Freidin	Marshall	Riley
Evans-Jones	Henderson	Mathis	Wetherington

Vote after roll call:

Yea to Nay—Smith

On motion by Commissioner Scott, **Proposal 123** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—15

Alfonso	Butterworth	Lowndes	Thompson
Barkdull	Crenshaw	Nabors	West
Barton	Evans	Riley	Zack
Brochin	Hawkes	Scott	

Nays—12

Anthony	Ford-Coates	Jennings	Mills
Barnett	Freidin	Marshall	Smith
Evans-Jones	Henderson	Mathis	Wetherington

MOTION

On motion by Commissioner Marshall, by unanimous consent **Proposal 129** was withdrawn from further consideration.

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Select Committee on Sovereign Immunity would meet Wednesday, January 28 at 12:00 noon.

Commissioner Barkdull announced that the Style and Drafting Committee would meet Wednesday, January 28 at 8:00 a.m.

SELECT COMMITTEE APPOINTED

The Chairman announced the appointment of Commissioner Connor, Chairman; Commissioners Hawkes, Morsani, Lowndes and Zack to the Select Committee on Sovereign Immunity.

COMMITTEE MEMBERSHIP CHANGE

The Chairman announced that Commissioner Ford-Coates was appointed to the Style and Drafting Committee.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 15 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 6:09 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Tuesday, January 27, 1998.

PAGES

January 26

Under the direction of their advisor, Joy Burke, the following students from Belle Vue Middle School in Tallahassee served as pages: Marisha Ash, Kailah Berigan, Farrah Cannon, Rachel Glenn, Lauren Hayman, Tara Merck and Stanford Thomas.

**CONSTITUTION REVISION COMMISSION
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