



Journal of the 1997-1998 Constitution Revision Commission

Number 18

CORRECTED

Tuesday, January 27, 1998

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CALL TO ORDER

The Commission was called to order by the Chairman at 9:02 a.m. A quorum was present—33:

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

Alternates:

Logan

Excused: Commissioners Kogan and Planas

PRAYER

The following prayer was offered by Rev. Candace McKibben, Singles' Minister, East Hill Baptist Church, Tallahassee:

Dear God, our creator, our parent - ruler of the universe, remind us that there is a power beyond our own power on which we may rely when called upon to make critical judgments that affect many lives not only today, but in the years and decades ahead.

Grant wisdom, discernment, compassion and a sense of justice to these who review the constitution of this great state. Grant each a clarity of thought and expression so that communication is open and purposeful.

May the revisions made, O God, uphold goodness and truth and the welfare of all who call themselves Floridians. Amen.

PLEDGE

Students from Nims Middle School, Tallahassee, serving as pages today led the Commission in the pledge of allegiance to the flag of the United States of America.

IN MEMORIUM

Chairman Douglass offered condolences on behalf of the Commission to Commissioner Alan Sundberg, whose son Alan Carl Sundberg, Jr. died January 23, 1998.

SPECIAL ORDER

Consideration of **Proposal 105** was deferred.

Committee Substitute for Proposal 170—A proposal to create ARTICLE IV, s. 14, Fla. Const.; providing for the establishment of a Citizens Advocate to be appointed by the Governor to aid the public in obtaining redress of grievances arising from administrative actions of state agencies or local governments.

—was read.

Commissioner Mills moved **Committee Substitute for Proposal 170** which failed. The vote was:

Yeas—12

Anthony	Butterworth	Henderson	Rundle
Barnett	Ford-Coates	Mills	Smith
Brochin	Freidin	Riley	Zack

Nays—16

Alfonso	Crenshaw	Lowndes	Nabors
Barkdull	Evans	Marshall	Sundberg
Barton	Evans-Jones	Mathis	West
Corr	Hawkes	Morsani	Wetherington

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

MATTERS ON RECONSIDERATION

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

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; 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.

—as amended was adopted January 15, was taken up and adopted. The vote was:

Yeas—21

Anthony	Crenshaw	Marshall	Sundberg
Barkdull	Evans-Jones	Mills	Thompson
Barnett	Ford-Coates	Morsani	Wetherington
Barton	Freidin	Nabors	
Brochin	Henderson	Riley	
Butterworth	Lowndes	Rundle	

Nays—6

Alfonso	Evans	Mathis	West
Corr	Hawkes		

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

SPECIAL ORDER, continued

Consideration of **Proposal 2** and **Proposal 135** was deferred.

Proposal 33—A proposal to revise ARTICLE VII, s. 5, Fla. Const.; eliminating the prohibition against levying a state income tax.

—was read.

Commissioner Barnett moved the following amendment which was adopted:

Amendment 1—On page 1, line 18, insert: *No tax upon the income of natural persons shall be levied unless authorized by a two-thirds (2/3) vote of the membership of each house of the legislature. There shall be exempt from any such tax not less than \$45,000 which amount shall be adjusted each year to reflect inflation.*

The vote was:

Yeas—15

Anthony	Evans-Jones	Marshall	Thompson
Barnett	Ford-Coates	Mills	Wetherington
Barton	Freidin	Nabors	Zack
Butterworth	Henderson	Riley	

Nays—14

Mr. Chairman	Corr	Lowndes	Scott
Alfonso	Crenshaw	Mathis	West
Barkdull	Evans	Morsani	
Brochin	Hawkes	Rundle	

Commissioner Barnett moved **Proposal 33** as amended which failed. The vote was:

Yeas—9

Barnett	Freidin	Henderson	Sundberg
Brochin	Hawkes	Riley	Wetherington
Ford-Coates			

Nays—23

Alfonso	Corr	Marshall	Scott
Anthony	Crenshaw	Mathis	Smith
Barkdull	Evans	Mills	Thompson
Barton	Evans-Jones	Morsani	West
Butterworth	Jennings	Nabors	Zack
Connor	Lowndes	Rundle	

Proposal 105—A proposal to revise ARTICLE III, s. 15, Fla. Const., and ARTICLE VI, s. 4, Fla. Const.; increasing the term of office of state representatives and state senators; increasing the number of years such officers may serve.

—was read.

Commissioner Thompson moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, through page 2, line 17, delete those lines

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: ARTICLE VI, s. 4, Fla. Const.; increasing the number of years state representatives and state senators may serve.

Amendment 2—On page 3, line 7 and line 17, after the word “years” insert: , *since 1992*

Commissioner Thompson moved **Proposal 105** as amended which failed. The vote was:

Yeas—11

Barkdull	Butterworth	Rundle	Thompson
Barnett	Ford-Coates	Scott	Wetherington
Brochin	Freidin	Sundberg	

Nays—20

Alfonso	Crenshaw	Jennings	Nabors
Anthony	Evans	Lowndes	Riley
Barton	Evans-Jones	Marshall	Smith
Connor	Hawkes	Mathis	West
Corr	Henderson	Morsani	Zack

Vote after roll call:

Yea—Mills

Consideration of **Committee Substitute for Proposal 184** was deferred.

Committee Substitute for Proposals 36 and 38—A proposal to revise ARTICLE II, s. 7, Fla. Const.; providing a right to clean and healthful air and water and providing for the abatement of pollution and noise.

—was read.

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

Amendment 1—On page 1, line 14, through page 2, line 2, delete those lines and insert:

SECTION 7. Natural resources and scenic beauty.—

(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty *for the health and welfare of its citizens and future generations*. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise *and for the protection of natural resources for future generations*.

(b) Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area or the Everglades Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution. For the purposes of this subsection, the terms “Everglades Protection Area” and “Everglades Agricultural Area” shall have the meanings as defined in statutes in effect on January 1, 1996.

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: ARTICLE II, s. 7, Fla. Const.; providing that it is the policy of the state to conserve natural resources and scenic beauty for the health and welfare of its citizens and future generations; providing for provision to be made by law to protect future generations.

Commissioner Barkdull moved the following amendment to **Amendment 1**:

Amendment 1A—On page 1, lines 18 and 19, delete “for the health and welfare of its citizens and future generations”

On motion by Commissioner Scott, further consideration of **Committee Substitute for Proposals 36 and 38** with pending **Amendment 1A** was deferred.

Committee Substitute for Proposal 83—A proposal to revise ARTICLE X, s. 6, Fla. Const.; providing conditions under which private property is assumed to be taken for a public purpose.

—was read.

Further consideration of **Committee Substitute for Proposal 83** was deferred.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:41 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:00 p.m. A quorum present—30:

Table listing members present: Mr. Chairman, Alfonso, Anthony, Barkdull, Barnett, Barton, Brochin, Connor, Corr, Crenshaw, Evans, Ford-Coates, Freidin, Henderson, Jennings, Lowndes, Marshall, Mathis, Mills, Morsani, Nabors, Riley, Rundles, Scott, Smith, Sundberg, Thompson, West, Wetherington, Zack.

Alternates:

Logan

SPECIAL ORDER, continued

The Commission resumed consideration of—

Committee Substitute for Proposal 83—A proposal to revise ARTICLE X, s. 6, Fla. Const.; providing conditions under which private property is assumed to be taken for a public purpose.

—which was previously considered this day.

Commissioner Corr moved Committee Substitute for Proposal 83 which failed. The vote was:

Yeas—9

Table listing yeas: Alfonso, Corr, Crenshaw, Evans, Jennings, Lowndes, Marshall, Smith, West.

Nays—17

Table listing nays: Anthony, Barkdull, Barton, Brochin, Connor, Ford-Coates, Freidin, Henderson, Mathis, Mills, Morsani, Nabors, Riley, Sundberg, Thompson, Wetherington, Zack.

The Commission resumed consideration of—

Committee Substitute for Proposals 36 and 38—A proposal to revise ARTICLE II, s. 7, Fla. Const.; providing a right to clean and healthful air and water and providing for the abatement of pollution and noise.

—which was previously considered this day.

Pending Amendment 1A by Commissioner Barkdull was adopted.

Amendment 1 as amended was adopted.

On motion by Commissioner Mills, Committee Substitute for Proposals 36 and 38 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—16

Table listing yeas: Mr. Chairman, Barkdull, Brochin, Crenshaw, Ford-Coates, Freidin, Henderson, Jennings, Marshall, Mills, Morsani, Riley, Smith, Sundberg, Thompson, Zack.

Nays—10

Table listing nays: Alfonso, Anthony, Barton, Corr, Evans, Lowndes, Mathis, Nabors, West, Wetherington.

Committee Substitute for Proposal 64—A proposal to revise ARTICLE VII, s. 11, Fla. Const.; providing for state bonds pledging all or part of a dedicated state tax revenue or the full faith and credit of the state for certain uses as provided by general law.

—was read.

Commissioner Henderson moved the following amendment:

Amendment 1—On page 2, lines 10-21, delete those lines and insert:

(e) State bonds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of natural land, water areas, and related property interests and resources for the purpose of conservation, outdoor recreation, water resource development, restoration of natural systems, or historic preservation.

Further consideration of Committee Substitute for Proposal 64 with pending Amendment 1 was deferred.

Proposal 187—A proposal to revise ARTICLE I, s. 3, Fla. Const.; limiting conditions for restrictions on the free exercise of religion.

—was read.

Commissioner Connor moved the following amendment which was adopted:

Amendment 1—On page 1, lines 21-27, delete those lines and insert: furthering that compelling interest. Religious

On motion by Commissioner Connor, Proposal 187 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—23

Table listing yeas: Alfonso, Barkdull, Barton, Brochin, Connor, Corr, Crenshaw, Evans, Ford-Coates, Henderson, Jennings, Lowndes, Marshall, Mathis, Mills, Nabors, Riley, Scott, Smith, Sundberg, West, Wetherington, Zack.

Nays—3

Table listing nays: Anthony, Barnett, Freidin.

Vote after roll call:

Yea—Thompson

The Chairman directed the consideration of Proposal 126 and Proposal 125 be taken in reverse order and the Commission proceeded to consideration of:

Proposal 125—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that born and unborn natural persons are equal before the law and have inalienable rights.

—was read.

Commissioner Mathis moved Proposal 125 which failed. The vote was:

Yeas—9

Table listing yeas: Alfonso, Connor, Corr, Crenshaw, Evans, Jennings, Marshall, Mathis, West.

Nays—18

Table listing nays: Barkdull, Barnett, Barton, Brochin, Ford-Coates, Freidin, Henderson, Lowndes, Mills, Morsani, Nabors, Riley.

Rundle Sundberg Wetherington Zack
Smith Thompson

CALL TO ORDER

The Commission was called to order by the Chairman at 4:05 p.m. A quorum was present.

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.

Commissioner Mathis moved **Proposal 126** which failed. The vote was:

Yeas—11

Alfonso	Corr	Hawkes	Mathis
Barton	Crenshaw	Jennings	West
Connor	Evans	Marshall	

Nays—18

Barkdull	Henderson	Riley	Thompson
Barnett	Lowndes	Rundle	Wetherington
Brochin	Mills	Scott	Zack
Ford-Coates	Morsani	Smith	
Freidin	Nabors	Sundberg	

The Commission resumed consideration of—

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.

—which was previously considered and amended January 26.

Commissioner Riley moved **Proposal 17** as amended which failed. The vote was:

Yeas—14

Anthony	Freidin	Riley	Wetherington
Barnett	Henderson	Rundle	Zack
Brochin	Lowndes	Smith	
Ford-Coates	Nabors	Sundberg	

Nays—16

Alfonso	Connor	Hawkes	Morsani
Barkdull	Corr	Jennings	Scott
Barton	Crenshaw	Marshall	Thompson
Butterworth	Evans	Mathis	West

RECESS

The Chairman declared the Commission in informal recess at 3:51 p.m. to reconvene at 4:00 p.m.

SPECIAL ORDER, continued

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.

Commissioner Sundberg moved the following amendment which was adopted:

Amendment 1—On page 1, lines 25-28, delete the words “*All citizens shall enjoy equal opportunity to employment, housing, public accommodations, public education, and other benefits of citizenship.*”

And the title is amended as follows:

On page 1, lines 2-8, delete those lines and insert: ARTICLE I, s. 2, Fla. Const.; authorizing governmental agencies to take actions to remedy the effects of past discrimination in the areas of employment, housing, public accommodations, and public education.

On motion by Commissioner Sundberg, consideration of **Proposal 2** as amended was deferred.

On motion by Commissioner Connor, the rules were waived by unanimous consent to allow for a motion to reconsider **Proposal 107**.

MOTION TO RECONSIDER

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

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 26 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 4:50 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Wednesday, January 28, 1998.

PAGES

January 27

The following students from Nims Middle School in Tallahassee served as pages: Cherrye Bess, Amber Gordon, Jamikal James, Shalonda Johnson, Rebekah Lambright, Gracie Mosley, Matt Rogers, Alfred Scruggs, Chiara Wesley and Kassy Willis.

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