



Journal of the 1997-1998 Constitution Revision Commission

Number 19

Wednesday, January 28, 1998

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CALL TO ORDER

The Commission was called to order by the Chairman at 9:07 a.m. A quorum was present—27:

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

Excused: Commissioners Butterworth, Kogan and Planas; Commissioner Marshall until 1:15 p.m.; Commissioner Evans at 9:45 a.m.; Commissioner Jennings at 1:15 p.m. and Commissioner Zack at 1:15 p.m.

PRAYER

The following prayer was offered by Rev. Lawrence W. Kilbourn, John Wesley United Methodist Church, Tallahassee:

Holy God, we thank you for waking us up this morning to another day of life. "This is the day which the Lord has made; we will rejoice and be glad in it." Thank you Father, that we live in a country where freedom is embraced, and we pray for those who still live in places where oppression and fear prevail. We pray this morning for all of those in authority over us: for our President and Vice President, for our other elected officials in Washington, D.C. Give them wisdom and patience to govern rightly.

We also pray today for those in state government here in Florida - our Governor and Cabinet, our state legislators and, especially for those represented here on the State Constitution Revision Commission. Watch over their deliberations today, guard against a spirit of protectionism or partisanship. Allow their discussions to flow freely so that in the end, your will will be done in regard to this most precious document—our State Constitution.

Then we'll be careful to give you the glory and honor, because, O God, you are so worthy and so deserving of our praise. In your Holy Name. Amen.

PLEDGE

Students from Deerlake Middle School, Tallahassee, led the Commission in the pledge of allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

The Finance and Taxation Committee recommends the following not pass: Proposal 180

The proposal was placed on the calendar.

The Finance and Taxation Committee recommends committee substitutes for Proposal 109; Proposal 49, Proposal 103 and Proposal 185; and recommends that they pass.

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

The Finance and Taxation Committee recommends a committee substitute for Proposal 106 and Proposal 137; and recommends it not pass.

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

MATTERS ON RECONSIDERATION

On motion by Commissioner Connor, the rules were waived and the motion to reconsider **Proposal 107** was placed on the calendar for consideration February 9.

MOTIONS

On motion by Commissioner Scott, the rules were waived and **Proposal 121, Proposal 26, Proposal 99** and **Proposal 41** were withdrawn from the Finance and Tax Committee.

On motion by Commissioner Freidin, by unanimous consent **Proposal 121** was withdrawn from further consideration.

SPECIAL ORDER

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.

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

Amendment 1—Delete everything after the proposing clause and insert:

Section 1. Section 3 of Article VII of the Florida Constitution is revised by amending that section to read:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for

educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties engaging in the rehabilitation or renovation of these properties in accordance with approved historic preservation guidelines. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(f) Any county or municipality may, for purposes of its respective tax levy and as authorized by general law, grant ad valorem tax exemptions to owners of property used for conservation purposes as defined by general law.

And the title is amended to read:

Delete everything before the proposing clause and insert: A proposal to revise ARTICLE VII, s. 3, Fla. Const.; allowing a local option tax exemption for owners of land used for conservation purposes; providing for authorization by general law.

On motion by Commissioner Henderson, **Proposal 135** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—23

Alfonso	Corr	Lowndes	Rundle
Anthony	Crenshaw	Mathis	Scott
Barkdull	Ford-Coates	Mills	Smith
Barnett	Freidin	Morsani	Sundberg
Barton	Henderson	Nabors	Thompson
Brochin	Jennings	Riley	

Nays—None

Vote after roll call:

Yea—Zack

The Commission resumed consideration of—

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.

—which was previously considered January 26.

Further consideration of **Committee Substitute for Proposal 184** with pending **Amendment 1** was deferred until a time certain of 1:30 p.m. this day.

The Commission resumed consideration of—

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.

—which was previously considered January 27.

Pending **Amendment 1** by Commissioner Henderson was adopted.

Commissioner Crenshaw moved the following amendment which was adopted:

Amendment 2—On page 2, line 8, delete “solely” and insert solely

On motion by Commissioner Nabors, **Committee Substitute for Proposal 64** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—26

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

Nays—None

Committee Substitute for Proposals 138 and 89—A proposal to revise ARTICLE X, s. 15, Fla. Const.; limiting the use of state lottery net proceeds to financing certain educational facilities or funding early childhood care and education programs.

—was read.

Commissioner Crenshaw moved the following amendment which failed:

Amendment 1—On page 1, lines 27 through 30, and page 2, lines 1 through 16, delete those lines and insert: The net proceeds derived from the lotteries shall be used to support improvements in public education and such proceeds not be used as a substitute for existing resources for public education.

The vote was:

Yeas—9

Mr. Chairman	Crenshaw	Jennings	Morsani
Anthony	Henderson	Lowndes	Zack
Barkdull			

Nays—16

Alfonso	Connor	Mathis	Scott
Barnett	Corr	Mills	Smith
Barton	Ford-Coates	Nabors	Sundberg
Brochin	Freidin	Riley	Thompson

Commissioner Corr moved the following amendment which failed:

Amendment 2—On page 2, lines 1-4, delete those lines and insert:

(1) For distribution directly to school advisory councils, by the legislature and as prescribed by general law, for the sole purpose of enhancing school programs; or

The vote was:

Yeas—3

Alfonso	Corr	Mathis
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Nays—20

Mr. Chairman	Brochin	Jennings	Scott
Anthony	Connor	Lowndes	Smith
Barkdull	Crenshaw	Mills	Sundberg
Barnett	Ford-Coates	Nabors	Thompson
Barton	Freidin	Riley	Zack

Commissioner Nabors moved the following amendment:

Amendment 3—On page 1, line 27 through page 2, line 16, delete those lines and insert:

(d) The appropriation of net lottery proceeds to enhance education programs shall be guaranteed by a dedication of lottery proceeds solely for the following uses:

(1) To finance or refinance, as provided by general law, bonds or certificates of indebtedness issued by the state or school districts to construct, improve, or renovate public schools;

(2) Provision of pre-kindergarten programs;

(3) Appropriations for early childhood care and education programs established by general law which are not provided on the effective date of this amendment; or

(4) Enhanced appropriations for existing programs of early childhood care and education at appropriation levels in excess of the state appropriation provided during state fiscal year 1998-1999 from state revenues.

Commissioner Corr moved the following amendment to **Amendment 3** which failed:

Amendment 3A—On page 1, line 30, insert:

(5) For distribution directly to school advisory councils, by the legislature and as prescribed by general law, for the sole purpose of enhancing school programs.

The vote was:

Yeas—12

Alfonso	Corr	Mathis	Smith
Barnett	Freidin	Morsani	Sundberg
Connor	Hawkes	Riley	Zack

Nays—12

Mr. Chairman	Barton	Jennings	Nabors
Anthony	Brochin	Lowndes	Scott
Barkdull	Ford-Coates	Mills	Thompson

The question recurred on **Amendment 3** which was adopted.

On motion by Commissioner Nabors, **Committee Substitute for Proposals 138 and 89** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—15

Alfonso	Brochin	Mills	Smith
Anthony	Ford-Coates	Nabors	Sundberg
Barnett	Freidin	Riley	Zack
Barton	Hawkes	Rundle	

Nays—9

Barkdull	Crenshaw	Mathis	Scott
Connor	Jennings	Morsani	Thompson

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:55 a.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:19 p.m. A quorum present—23:

Mr. Chairman	Connor	Marshall	Rundle
Alfonso	Corr	Mathis	Scott
Barkdull	Ford-Coates	Mills	Smith
Barnett	Freidin	Morsani	Sundberg
Barton	Henderson	Nabors	Thompson
Brochin	Lowndes	Riley	

MOTION TO RECONSIDER

Commissioner Alfonso moved that the Commission reconsider the vote by which **Committee Substitute for Proposals 138 and 89** as amended was adopted this day. The motion was placed on the calendar.

SPECIAL ORDER, continued

On motion by Commissioner Corr, by unanimous consent **Proposal 118** was withdrawn from further consideration.

On motion by Commissioner Sundberg, by unanimous consent **Proposal 143** was withdrawn from further consideration.

On motion by Commissioner Barkdull, on behalf of Commissioner Zack, by unanimous consent **Proposal 54** was withdrawn from further consideration.

Proposal 169—A proposal to revise ARTICLE V, ss. 1 and 4, Fla. Const.; establishing courts of criminal appeals; providing for a court of appeals to be located in each of three regional divisions; providing for justices of the courts of criminal appeals to be appointed by the Governor and be subject to confirmation by the Senate; providing for compensation of the justices; providing for terms of office; providing for the courts to have final appellate jurisdiction of criminal appeals, appeals of capital cases, and appeals based on habeas corpus or other postconviction claims; providing for the courts to convene an en banc panel to hear capital cases and to resolve conflicting rulings; authorizing the courts to issue specified writs; providing for the appointment of clerks for the courts; providing applicability of rules.

—was read.

On motion by Commissioner Barnett, further consideration of **Proposal 169** was deferred.

On motion by Commissioner Rundle, consideration of **Committee Substitute for Proposal 13** was deferred.

Proposal 144—A proposal to revise ARTICLE I, s. 17, Fla. Const., relating to punishment for crime.

—was read.

On motion by Commissioner Barnett, **Proposal 144** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—18

Alfonso	Brochin	Ford-Coates	Lowndes
Barnett	Connor	Freidin	Mathis
Barton	Corr	Henderson	Mills

Morsani	Riley	Smith	Sundberg
Nabors	Scott		
Nays—4			
Barkdull	Marshall	Rundle	Thompson

Proposal 40—A proposal to revise ARTICLE IX, s. 4, Fla. Const.; authorizing certain counties to be divided into more than one school district.

—was read.

Commissioner Riley moved the following amendment which was adopted:

Amendment 1—On page 1, line 26, delete the number “45,000” and insert: 75,000

Commissioner Butterworth offered the following amendment which was moved by Commissioner Marshall:

Amendment 2—On page 1, line 14, through page 2, line 4, delete those lines and insert:

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district; and provided further that a county with more than 45,000 students in the district schools within the county may be divided into two or more school districts, each school district to have no fewer than 15,000 students, as provided by law and subject to approval by a vote of the electors of the county. In order to divide a county school district under this provision, and notwithstanding other provisions of this constitution, a commission made up of residents of the county shall be created by special law to draw district boundary lines, allocate assets, and provide for the contractual obligations, debts, and bonded indebtedness of the school district, all of which shall be subject to review and approval by the circuit court for compliance with state and federal law. Funding for operation and capital outlay in school districts divided pursuant to this section shall be determined on a countywide basis and distributed to the districts per student

per capita as provided by law. Local school taxes in counties divided pursuant to this section, including voted millage for bonded indebtedness, shall be levied on a countywide basis as provided by law.

Commissioner Riley moved the following amendment which was adopted:

Amendment 2A—On page 1, line 19, delete the number “45,000” and insert: 75,000

Amendment 2 as amended was adopted.

Further consideration of **Proposal 40** as amended was deferred.

MOTION

On motion by Commissioner Connor, by unanimous consent **Proposal 178** was withdrawn from further consideration.

COMMITTEE MEMBERSHIP CHANGE

The Chairman announced that Commissioner Scott was appointed to the Style and Drafting Committee.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 27 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 3:14 p.m. to reconvene at 1:00 p.m., Monday, February 9, 1998.

PAGES

January 28

Under the direction of their advisors, Carla Cramer and Shane Syfrett, the following students from Deerlake Middle School in Tallahassee served as pages: Christian Baker, Brandon Goeke, Lindsey Hartsfield, Lindsey Johnson, Caitlin Kurtz, James Martinez, Holly Monroe, Eric Nash, Molly Scheiner and Bryce Young.

**CONSTITUTION REVISION COMMISSION
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