



Journal of the 1997-1998 Constitution Revision Commission

Number 20

Monday, February 9, 1998

CONTENTS

Call to Order	162, 164
Matters on Reconsideration	162
Motions	164
Special Order	162, 164

CALL TO ORDER

The Commission was called to order by the Chairman at 1:04 p.m. A quorum was present—33:

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

Excused: Commissioner Corr; Alternate Logan; Commissioner Smith until 4:21 p.m.

PRAYER

The following prayer was offered by Rev. John F. Green, Bethel A.M.E. Church, Tallahassee:

Eternal God who committest to us the swift and solemn trust of life; since we know not what a day may bring forth, but only that the hour for serving thee is always present. May we approach the afternoon of this day with a zeal to do thy holy will. Increase in us, O God, a true knowledge of thy holy will, that we may devote ourselves to thy service in word and deed; and that doing thy will with cheerfulness and diligence, and bearing all our trials with patience, we may go on, through thy mercy into the joy of everlasting life. Amen.

PLEDGE

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

MATTERS ON RECONSIDERATION

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

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.

—failed January 14 was taken up and the motion failed. The vote was:

Yeas—14

Mr. Chairman	Connor	Langley	Thompson
Alfonso	Evans	Marshall	West
Barton	Evans-Jones	Mathis	
Brochin	Hawkes	Planas	

Nays—14

Anthony	Ford-Coates	Mills	Sundberg
Barkdull	Freidin	Morsani	Zack
Barnett	Kogan	Nabors	
Butterworth	Lowndes	Riley	

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

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.

—as amended was adopted January 28 was taken up and adopted.

On motion by Commissioner Nabors, consideration of **Committee Substitute for Proposals 138 and 89** as amended was deferred.

SPECIAL ORDER

The Commission resumed consideration of—

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

—which was previously considered and amended January 28.

Commissioner Mills moved the following amendment which was adopted:

Amendment 3—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 75,000 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 and to ensure racial and ethnic balance. 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.

On motion by Commissioner Marshall, **Proposal 40** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—22

Alfonso	Barnett	Brochin	Connor
Barkdull	Barton	Butterworth	Crenshaw

Evans-Jones	Marshall	Planas	Thompson
Hawkes	Mills	Riley	West
Jennings	Morsani	Rundle	
Langley	Nabors	Scott	
Nays—10			
Anthony	Freidin	Lowndes	Sundberg
Evans	Henderson	Mathis	Zack
Ford-Coates	Kogan		

appointment of members to the commission; requiring that the chief justice of the supreme court fill certain vacancies on the commission; requiring meetings and records of the commission to be open to the public; providing certain exceptions; requiring that the commission file its final report with the secretary of state within a specified period; requiring that the supreme court determine the validity of the plans; providing for the supreme court to establish the districts under specified circumstances; providing for the assignment of senatorial terms that are shortened as a result of apportionment; deleting requirements that the Legislature apportion the state into legislative districts.

—was read.

Commissioner Zack moved the following amendment which was adopted:

Amendment 1—On page 2, line 22, after the period, insert: *Except to meet the foregoing requirements, division of counties should be avoided whenever possible. When counties are divided, the number of municipalities and towns whose territory is contained in more than one district of the same house shall be as small as possible.*

COMMISSIONER THOMPSON PRESIDING

On motion by Commissioner Evans-Jones, **Committee Substitute for Proposals 172 and 162** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—18

Mr. Chairman	Brochin	Kogan	Rundle
Anthony	Butterworth	Mills	Sundberg
Barkdull	Evans-Jones	Morsani	Zack
Barnett	Ford-Coates	Nabors	
Barton	Freidin	Riley	

Nays—13

Alfonso	Hawkes	Lowndes	Planas
Connor	Jennings	Marshall	Scott
Crenshaw	Langley	Mathis	West
Evans			

Consideration of **Proposal 148** and **Proposal 155** was deferred.

Committee Substitute for Proposal 6—A proposal to create ARTICLE VII, s. 19, Fla. Const.; providing limits on the adoption of exemptions and exclusions from the general state sales tax; reducing the rate of the general sales tax to 5 percent.

—was read.

Commissioner Nabors moved the following amendment:

Amendment 1—On page 1, line 15, through page 3, line 6, delete those lines and insert:

SECTION 19. Tax fairness initiative; exemptions and exclusions from general state sales tax.—

(a) TAX FAIRNESS INITIATIVE.—Each exemption to and exclusion from the general state sales tax shall satisfy or advance the state public purposes of encouraging economic development and competitiveness, supporting educational, governmental, religious, or charitable initiatives or institutions or securing tax fairness by the reduction or elimination of regressive tax burdens. To implement this tax reform, the legislature shall reduce the rate of the general state sales tax to a rate not greater than five percent for state fiscal year 2000-2001 and maintain revenue neutrality by taxing all exempted goods and excluded services if the exemption or exclusion serves a special interest by failing to satisfy or advance a state public policy. Provided, however, the existing general state sales tax exemptions for food, prescription and nonprescription drugs, medical services, residential household rent, electricity, and heating fuel shall not be repealed in the implementation of this tax fairness initiative.

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 and amended January 27.

Commissioner Smith offered the following amendment which was moved by Commissioner Sundberg:

Amendment 2—On page 1, line 25, through page 2, line 4, delete those lines and insert: *because of race, religion or physical handicap. The state, its agencies, political subdivisions, municipalities, counties, public colleges and universities, community colleges, school districts, special districts, authorities, and other government instrumentalities, may take actions, not including financial reparations, necessary to remedy the present effects of past discrimination in the areas of public housing, public employment, public accommodations, public education, the public procurement of goods and services, and the expenditure of public funds.*

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 public employment, public housing, public accommodations, public education, and the public procurement of goods and services.

Commissioner Connor moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 1, line 21, delete the words “*public housing,*” and insert: *publicly owned housing,*

Amendment 2 as amended was adopted.

COMMISSIONER THOMPSON PRESIDING

CHAIRMAN DOUGLASS PRESIDING

On motion by Commissioner Sundberg, **Proposal 2** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—23

Alfonso	Connor	Mathis	Scott
Anthony	Crenshaw	Mills	Sundberg
Barkdull	Ford-Coates	Nabors	Thompson
Barnett	Freidin	Planas	West
Barton	Jennings	Riley	Zack
Butterworth	Kogan	Rundle	

Nays—8

Brochin	Evans-Jones	Langley	Marshall
Evans	Hawkes	Lowndes	Morsani

Committee Substitute for Proposals 172 and 162—A proposal to repeal ARTICLE III, s. 16, Fla. Const., relating to legislative apportionment and create ARTICLE II, s. 10, Fla. Const.; providing for a commission to establish legislative and congressional districts; providing for the

(b) **PUBLIC DISCLOSURE OF EXEMPTIONS AND EXCLUSIONS.**—All exemptions and exclusions granted by the legislature after the effective date of this amendment shall be adopted in a general law that shall embrace no subject matter other than the singular exemption or exclusion granted and that shall declare the state public policy advanced or satisfied by the exemption or exclusion. Provided, however, the single-subject restriction in this subsection does not apply to general laws implementing the tax fairness initiative mandated in subsection (a).

(c) **REVENUE NEUTRALITY GUARANTEE.**—The general state sales tax revenues estimated by the legislature in general appropriations bills for state fiscal year 2000-2001 shall not be less than the adjusted general state tax revenues that is the amount of general state sales tax revenues collected during the prior fiscal year, adjusted by an amount for growth equal to the average annual rate of growth in general state sales tax revenues over the most recent twenty quarters, times the general state sales tax revenues collected during the prior fiscal year, plus an amount equal to the amount appropriated in fiscal year 1998-1999 from net lottery proceeds for programs not eligible for funding with lottery proceeds after the effective date of a simultaneously adopted constitutional amendment to Article X restricting the use of net lottery proceeds. General state sales tax revenues collected for state fiscal years 2001-2002, 2002-2003, or 2003-2004 which are in excess of the amount of the adjusted general state tax revenues shall be appropriated to reduce the ad valorem tax millage for school purposes established in the prior fiscal year for the funding of grades K through 12 under the established public school funding formula.

Further consideration of **Committee Substitute for Proposal 6** with pending **Amendment 1** was deferred.

RECESS

The Chairman declared the Commission in informal recess at 4:11 p.m.

CALL TO ORDER

CHAIRMAN DOUGLASS PRESIDING

The Commission was called to order by the Chairman at 4:21 p.m. A quorum was present.

MOTION

On motion by Commissioner Barkdull, time of recess was extended until completion of **Committee Substitute for Proposal 6**, motions and announcements.

SPECIAL ORDER, continued

The Commission resumed consideration of—

Committee Substitute for Proposal 6—A proposal to create ARTICLE VII, s. 19, Fla. Const.; providing limits on the adoption of exemptions and exclusions from the general state sales tax; reducing the rate of the general sales tax to 5 percent.

—with pending **Amendment 1** by Commissioner Nabors.

Commissioner Hawkes moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 1, line 26, after the words “2000-2001 and” insert: *may*

The vote was:

Yeas—14

Alfonso	Hawkes	Marshall	West
Barkdull	Jennings	Planas	Zack
Barnett	Kogan	Scott	
Connor	Langley	Thompson	

Nays—10

Barton	Freidin	Nabors	Smith
Brochin	Henderson	Riley	Sundberg
Ford-Coates	Lowndes		

Amendment 1B—On page 2, line 28, after the word “proceeds” insert: *, unless the legislature determines that the needs of the state may be met with less than an amount of revenue that would ensure revenue neutrality*

The vote was:

Yeas—17

Alfonso	Hawkes	Mathis	West
Barkdull	Jennings	Nabors	Zack
Barnett	Kogan	Planas	
Barton	Langley	Scott	
Connor	Marshall	Thompson	

Nays—9

Brochin	Henderson	Mills	Smith
Ford-Coates	Lowndes	Riley	Sundberg
Freidin			

Amendment 1 as amended was adopted.

Commissioner Barkdull moved the following amendment to the proposal as amended which failed:

Amendment 2—On page 1, line 26, delete “2000-2001” and insert: 2001-2002

The vote was:

Yeas—13

Barkdull	Jennings	Morsani	Scott
Butterworth	Kogan	Planas	West
Crenshaw	Marshall	Rundle	Zack
Hawkes			

Nays—15

Anthony	Evans	Lowndes	Riley
Barnett	Ford-Coates	Mathis	Smith
Barton	Freidin	Mills	Sundberg
Brochin	Henderson	Nabors	

On motion by Commissioner Nabors, **Committee Substitute for Proposal 6** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—20

Anthony	Evans-Jones	Kogan	Nabors
Barkdull	Ford-Coates	Lowndes	Riley
Barton	Freidin	Marshall	Rundle
Brochin	Hawkes	Mills	Smith
Butterworth	Henderson	Morsani	Sundberg

Nays—12

Alfonso	Crenshaw	Mathis	Thompson
Barnett	Evans	Planas	West
Connor	Jennings	Scott	Zack

MOTION TO RECONSIDER

Commissioner Mills moved that the Commission reconsider the vote by which **Proposal 144** was adopted January 28. The motion was placed on the calendar.

MOTION

On motion by Commissioner Barkdull, **Proposal 148** was withdrawn from further consideration.

COMMITTEE MEETING CHANGE

Commissioner Mills announced that the Select Committee on Article V Costs would meet Tuesday, February 10 from 12:00 noon until 1:00 p.m.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 19 was corrected and approved.

The Journal of January 15 was corrected and approved follows:

Page 147, column 1, delete lines 1-21 and insert:

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/Clarence Anthony
s/Jon Mills
s/Carlos Planas

s/Kenneth L. Connor
s/Marilyn Evans-Jones
s/Jacinta M. Mathis
s/James Harold Thompson
s/HT Smith
s/Clay Henderson
s/Ander Crenshaw
s/Toni Jennings
s/John F. Lowndes

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 5:47 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Tuesday, February 10, 1998.

**CONSTITUTION REVISION COMMISSION
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