



Journal of the 1997-1998 Constitution Revision Commission

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CONTENTS

Call to Order	166, 168
Introduction	171
Matters on Reconsideration	166
Motions	172
Special Order	166, 168

CALL TO ORDER

The Commission was called to order by the Chairman at 9:09 a.m. A quorum was present—31:

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

Excused: Commissioners Argiz, Corr, Marshall and West; Commissioner Kogan until 1:00 p.m.; Commissioner Planas after 11:20 a.m.

PRAYER

The following prayer was offered by Rev. Ray Hanselman, Assistant Pastor, Calvary Chapel, Tallahassee

Heavenly Father, today I am humbled as I stand in the presence of these your people; people who have been chosen by you to lead this state. So I honor you and I glorify your Holy name in the presence of them all. And today Lord, our prayer is for wisdom. Lord, there is a great deal of knowledge among these people, and I pray that wisdom would be abundant. The ability to use the knowledge that they have. Lord, I pray that you would give them the understanding that they need, the cooperation that they need, to bring about the revisions to this constitution that you would require. Lord I ask that you bless each of them as they work together administering all of the plans and the actions that need to be done for this state. Lord, I ask that you would as your word says "Give them great wisdom".

Lord, where there would be strife and envy, Lord that it would be removed, and that it would be something that could be worked with among them as they cooperate together, administering the laws for this state. I pray for each of the governing officials in their homes and their family lives. Lord, as they are involved in things that are outside of these chambers, that those things can be used also to help in your plan and your will.

Lord, I pray as each of them discover in their own hearts what it is for you that they will do because we know that we will all stand before you one day and give account of the things that are done, even in these chambers. I pray God, that there would be a humility among everyone, that they could administer the truth, the truth that you have for this state. We will ask all of these things in Jesus' name. Amen.

PLEDGE

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

MATTERS ON RECONSIDERATION

On motion by Commissioner Barkdull, the rules were waived and the motion to reconsider **Proposal 144** was placed on the calendar for consideration at a later date.

SPECIAL ORDER

On motion by Commissioner Scott, the rules were waived and **Proposal 155** was withdrawn from the Legislative Committee.

Proposal 155—A proposal to revise ARTICLE III, s. 16(a), Fla. Const.; providing for the Legislature to apportion the state into single-member senatorial districts of contiguous territory and single-member representative districts of contiguous territory.

—was read.

On motion by Commissioner Scott, **Proposal 155** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—25

Alfonso	Evans-Jones	Lowndes	Scott
Anthony	Ford-Coates	Mills	Smith
Barkdull	Freidin	Morsani	Thompson
Barton	Hawkes	Nabors	Zack
Brochin	Henderson	Planas	
Butterworth	Jennings	Riley	
Crenshaw	Langley	Rundle	

Nays—2

Barnett Evans

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

MOTION TO RECONSIDER

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

RECESS

The Chairman declared the Commission in informal recess at 9:36 a.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 9:41 a.m. A quorum was present.

SPECIAL ORDER, continued

Proposal 180—A proposal to revise ARTICLE VII, s. 4, Fla. Const.; providing that, after a specified date, the "Save-Our-Homes" assessment limitation applies only to homestead parcels that have a just value of more than a specified amount; requiring provision to be made by general law for the coordination of this limitation with other assessment limitations set forth in Article VII, s. 4(c), Fla. Const.; allowing provision to be made by general law for adjusting the maximum just value to accommodate inflation.

—was read.

COMMISSIONER THOMPSON PRESIDING

Commissioner Brochin moved **Proposal 180** which failed. The vote was:

Yeas—7

Anthony Barnett	Brochin Evans-Jones	Ford-Coates Freidin	Zack
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Nays—19

Alfonso Barkdull	Evans Hawkes	Mathis Morsani	Rundle Scott
Barton Connor	Jennings Langley	Nabors Planas	Smith Sundberg
Crenshaw	Lowndes	Riley	

Consideration of **Proposal 91** was deferred.

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.

—with pending **Amendment 1** by Commissioners Mills, Freidin and Rundle which was considered January 26.

Commissioners Rundle, Freidin and Mills offered the following substitute amendment which was moved by Commissioner Rundle and adopted:

Amendment 2—Delete everything after the proposing clause and insert:

Section 1. Section 7 of Article IV of the Florida Constitution is revised by amending that section to read:

ARTICLE IV EXECUTIVE

SECTION 7. Suspensions; filling office during suspensions.—

(a) By executive order stating the grounds and filed with the secretary of state, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

(b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.

(c) By order of the governor any elected municipal officer indicted for crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

(d) A public official may be removed from office if convicted of a criminal offense committed during and related to the campaign for that office.

And the title is amended as follows:

Delete everything before the proposing clause and insert: A proposal to revise ARTICLE IV, s. 7, Fla. Const.; providing that a public official may be removed from office if convicted of a criminal offense committed during and related to the campaign for that office.

Commissioner Mills moved **Committee Substitute for Proposal 184** as amended which failed. The vote was:

Yeas—7

Ford-Coates Freidin	Mills Planas	Riley Rundle	Zack
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Nays—16

Alfonso Anthony Barkdull Barton	Brochin Connor Crenshaw Evans	Evans-Jones Hawkes Langley Lowndes	Morsani Nabors Smith Sundberg
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Committee Substitute for Proposal 13—A proposal to revise ARTICLE I, s. 22, Fla. Const.; providing that a defendant charged with a capital offense may not be sentenced to death unless such sentence is recommended by 9 members of a jury of 12 persons.

—was read.

Commissioner Brochin moved the following amendment:

Amendment 1—On page 1, delete lines 20-22 and insert:

(b) No person shall be sentenced to death unless unanimously recommended by a twelve person jury. This subsection shall not retroactively affect any death sentence imposed before its effective date.

Commissioner Douglass moved the following substitute amendment:

Amendment 2—On page 1, lines 20-22, delete those lines and insert:

(b) The jury shall sentence a defendant convicted of a capital offense. The jury shall sentence a defendant convicted of a capital offense to:

- (1) death by a vote of nine members of the jury;
- (2) life imprisonment in solitary confinement without possibility of parole by a vote of seven members of the jury; or to
- (3) life imprisonment without possibility of parole by a vote of seven members of the jury.

In the event of a nondecisive jury vote, the sentence of life imprisonment without possibility of parole shall be imposed.

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

Amendment 2A—On page 1, line 16, delete the word “nine” and insert: “seven”

The vote was:

Yeas—16

Mr. Chairman Alfonso Barkdull Barton	Butterworth Connor Crenshaw Evans	Hawkes Jennings Langley Mathis	Mills Rundle Scott Zack
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Nays—12

Anthony Barnett Brochin	Evans-Jones Ford-Coates Freidin	Henderson Lowndes Nabors	Riley Smith Sundberg
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Commissioner Langley moved the following amendment to **Amendment 2** which was adopted:

Amendment 2B—On page 1, delete lines 14-15, and on line 16 delete “of a capital offense to:” and insert:

The judge shall, upon recommendation of the jury, sentence the defendant convicted of a capital offense as follows:

Amendment 2 as amended was adopted.

The vote was:

Yeas—17

Mr. Chairman	Crenshaw	Langley	Scott
Alfonso	Evans	Mathis	Zack
Barkdull	Evans-Jones	Mills	
Barton	Hawkes	Morsani	
Butterworth	Jennings	Rundle	

Nays—11

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

On motion by Commissioner Douglass, **Committee Substitute for Proposal 13** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—16

Mr. Chairman	Freidin	Lowndes	Riley
Alfonso	Hawkes	Mathis	Rundle
Barkdull	Jennings	Mills	Scott
Butterworth	Langley	Morsani	Zack

Nays—13

Anthony	Connor	Evans-Jones	Nabors
Barnett	Crenshaw	Ford-Coates	Smith
Barton	Evans	Henderson	Sundberg
Brochin			

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:53 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:19 p.m. A quorum present—31:

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

SPECIAL ORDER, continued

On motion by Commissioner Morsani, on behalf of Commissioner Langley, **Proposal 26** was withdrawn from further consideration.

Proposal 99—A proposal to revise ARTICLE VII, s. 18, Fla. Const.; providing that a county or municipality is not bound by any agency action or administrative rule that requires the expenditure of funds, reduces revenue raising authority, or reduces the percentage of shared state taxes.

—was read.

On motion by Commissioner Langley, **Proposal 99** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—15

Alfonso	Connor	Henderson	Riley
Anthony	Crenshaw	Langley	Scott
Barnett	Ford-Coates	Lowndes	Smith
Barton	Hawkes	Morsani	

Nays—8

Barkdull	Evans	Freidin	Sundberg
Butterworth	Evans-Jones	Nabors	Zack

Consideration of **Committee Substitute for Proposal 109** was deferred.

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.

Commissioner Hawkes moved the following amendment which was adopted:

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

Section 1. Sections 1 and 4 of Article V of the Florida Constitution are revised by amending those sections to read:

ARTICLE V
JUDICIARY

SECTION 1. Courts.—The judicial power shall be vested in a supreme court, a court of criminal appeals, district courts of appeal, circuit courts, and county courts. No other courts may be established by the state, any political subdivision, or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Commissions established by law, or administrative officers or bodies, may be granted quasi-judicial power in matters connected with the functions of their offices. The legislature may establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions.

SECTION 4. Court of criminal appeals; district courts of appeal.—

(a) COURT OF CRIMINAL APPEALS.—

(1) Organization.—There shall be a court of criminal appeals. The court of criminal appeals shall be headquartered and shall sit as provided by general law.

(2) Justices.—The court of criminal appeals shall consist of no fewer than seven justices, and the legislature may create more judicial offices for the court as provided by general law. Each justice shall be nominated and appointed by the governor, with the nomination subject to confirmation by the Florida senate. The qualifications for office and amount of compensation for each justice shall be the same as those for a justice of the supreme court. In cases of demonstrated unfitness to hold office or other judicial misconduct by a justice of a court of criminal appeals, the justice shall be subject to those disciplinary sanctions, including removal from office in appropriate cases, which would be applicable to a justice of the supreme court. The terms of the justices shall be for six years. A justice may be renominated and reappointed for a subsequent term by the governor, subject to confirmation of the senate.

(3) Jurisdiction.—The court of appeals shall have final appellate jurisdiction coextensive with the limits of the state, and its determinations shall be final, in all criminal cases of whatever grade, with such exceptions and under such provisions as may be provided in the state constitution or as prescribed by general law. The court of criminal appeals may have exclusive and final jurisdiction to review all criminal appeals in this state, including appeals of capital cases and those appeals or requests for relief which are based on habeas corpus or other postconviction claims, or which are based on constitutional issues involving matters of criminal law.

a. The legislature may provide by general law procedures for the court to resolve conflicting decisions of law or inconsistent rulings from within the courts of this state requiring statewide resolution.

b. The court of criminal appeals may issue writs of habeas corpus, mandamus, certiorari, prohibition, or quo warranto, and other writs necessary to the complete exercise of its jurisdiction.

(4) Clerk.—The court of criminal appeals shall appoint a clerk, who shall hold office during the pleasure of the court and perform such ministerial duties as the court directs. The clerk's compensation shall be fixed by general law.

(5) Applicability of current rules of court.—The Florida Rules of Criminal Procedure, the Florida Rules of Juvenile Procedure, and other applicable court rules of this state shall remain in effect until they are superseded by the adoption of rules for practice and procedure in the court of criminal appeals, as provided by general law.

(b)(a) DISTRICT COURTS OF APPEAL.—

(1) Organization.—There shall be a district court of appeal serving each appellate district. Each district court of appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

(2)(b) Jurisdiction.—

a.(4) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

b.(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

c.(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

(3)(e) Clerks and marshals.—Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

And the title is amended as follows:

Delete everything before the proposing clause and insert: A proposal to revise ARTICLE V, ss. 1 and 4, Fla. Const.; establishing a court of criminal appeals; providing for justices of the court 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 court to have final appellate jurisdiction of criminal appeals, appeals of capital cases, and appeals based on habeas corpus or other postconviction claims; authorizing the court to issue specified writs; providing for the appointment of clerks for the court; providing applicability of rules.

Commissioner Hawkes moved **Proposal 169** as amended which failed. The vote was:

Yeas—5

Barton Hawkes Jennings Scott
Evans

Nays—22

Alfonso Evans-Jones Mathis Smith
Anthony Ford-Coates Mills Sundberg
Barkdull Freidin Morsani Thompson
Barnett Henderson Nabors Zack
Brochin Kogan Riley
Butterworth Lowndes Rundle

The Commission resumed consideration of—

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.

—which was reconsidered as amended January 15.

On motion by Commissioner Sundberg, the rules were waived and **Proposal 1** was withdrawn from further consideration.

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; 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.

—which was reconsidered as amended January 27.

Commissioner Barkdull moved the following amendment to **Proposal 168** as engrossed which was adopted:

Amendment 1—On page 1, line 29, delete the phrase “the governor and cabinet,” and insert: the governor and cabinet,

Commissioner Alfonso moved the following amendment to **Proposal 168** as engrossed which was adopted:

Amendment 2—On page 2, between lines 14 and 15, insert:

Section 2. Section 14 of Article IV of the Florida Constitution is created to read:

ARTICLE IV
EXECUTIVE

SECTION 14. State board of agriculture.—The state board of agriculture shall be a body corporate and have such duties as are provided by law. The state board of agriculture shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of agriculture shall appoint the commissioner of agriculture.

[ReNUMBER subsequent section(s).]

And the title is amended as follows:

On page 1, line 8, after the semicolon insert: creating ARTICLE IV, s. 14, Fla. Const.; creating a State Board of Agriculture; providing for the board to appoint the Commissioner of Agriculture;

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

Yeas—18

Alfonso Ford-Coates Mills Sundberg
Anthony Hawkes Morsani Thompson
Barton Jennings Nabors Zack
Evans Langley Scott
Evans-Jones Mathis Smith

Nays—5

Barnett Kogan Riley Rundle
Freidin

On motion by Commissioner Scott, the rules were waived and **Proposal 149** was withdrawn from the Executive Committee.

Proposal 149—A proposal to revise ARTICLE IV, Fla. Const., Executive, to modify provisions governing the executive.

—was read.

Commissioner Connor moved the following amendment which was adopted:

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

Section 1. Subsection (a) of section 5 of Article IV of the Florida Constitution is revised by amending that subsection to read:

ARTICLE IV
EXECUTIVE

SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. *In primary elections, all candidates for the office of governor shall run without a lieutenant governor candidate.* In the general election and in party primaries, if held, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

And the title is amended as follows:

Delete everything before the proposing clause and insert: A proposal to revise ARTICLE IV, s. 5, Fla. Const.; providing for the candidate for the office of governor to run without a lieutenant governor candidate.

On motion by Commissioner Scott, **Proposal 149** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—25

Mr. Chairman	Evans	Mathis	Smith
Alfonso	Ford-Coates	Mills	Sundberg
Barkdull	Freidin	Morsani	Thompson
Barnett	Hawkes	Nabors	Zack
Barton	Jennings	Riley	
Butterworth	Kogan	Rundle	
Connor	Lowndes	Scott	

Nays—3

Anthony	Evans-Jones	Langley
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The Commission resumed consideration of—

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.

—which was reconsidered as amended February 9.

COMMISSIONER JENNINGS PRESIDING

CHAIRMAN DOUGLASS PRESIDING

Commissioners Riley, Sundberg and Nabors offered the following amendment to **Committee Substitute for Proposals 138 and 89** as engrossed which was moved by Commissioner Riley:

Amendment 1—On page 1, line 27 through page 2, line 16, delete all of said 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 heretofore 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.*

(5) *To School Advisory Councils established pursuant to section 229.58, Florida Statutes, or their successors in function, for use to enhance educational programs.*

(e) *SCHEDULE AND IMPLEMENTATION. After appropriating amounts for awards made prior to state fiscal year 2000-2001 authorized in the Florida Bright Futures Scholarship Act, created in chapter 97-77, Laws of Florida, debt service on bonds pledging lottery proceeds issued prior to the effective date of this amendment to the constitution, and pre-kindergarten programs established prior to or during the state fiscal year 1998-1999, the appropriation of one third of the net lottery proceeds in fiscal year 2000-2001, two thirds of such proceeds in fiscal year 2001-2002 and all such proceeds thereafter shall be used exclusively for the purposes authorized in this constitutional amendment.*

Commissioners Riley, Sundberg and Nabors offered the following amendment to **Amendment 1** which was moved by Commissioner Riley and adopted:

Amendment 1A—On page 1, between lines 10 and 11, after paragraph (5), insert:

(6) *To fund scholarships established by general law for attendance at a Florida public or private postsecondary education institution.*

On motion by Commissioner Riley, **Committee Substitute for Proposals 138 and 89** with pending **Amendment 1** as amended was deferred.

Proposal 167—A proposal to revise ARTICLE VIII, s. 5, Fla. Const.; providing for the electors of a county to regulate the possession, purchase, and sale of firearms; providing that a county may not prohibit the possession, purchase, or sale of firearms and ammunition.

—was read.

Commissioner Rundle moved the following amendment:

Amendment 1—On page 1, lines 26-29, delete those lines and insert:

(b) *Each county shall have the authority to require a background check and a waiting period of not less than 3 days, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. For purposes of this subsection, the term "sale" means the transfer of money or other valuable consideration for any firearm.*

And the title is amended as follows:

On page 1, lines 2-7, delete those lines and insert: ARTICLE VIII, s. 5, Fla. Const.; authorizing each county to require a background check and waiting period in connection with the sale of any firearm; defining the term "sale."

Commissioners Scott and Smith offered the following amendment to **Amendment 1** which was moved by Commissioner Scott:

Amendment 1A—On page 1, line 20, insert: *Holders of a concealed weapons permit as prescribed in Florida law shall not be subject to the provisions of this subsection.*

Commissioner Sundberg moved the following substitute amendment which was adopted:

Amendment 1B—On page 1, line 20, insert: *Holders of a concealed weapons permit as prescribed in Florida law shall not be subject to the provisions of this subsection when purchasing a firearm.*

Commissioners Alfonso and Evans-Jones offered the following amendment to **Amendment 1** which was moved by Commissioner Alfonso and adopted:

Amendment 1C—On page 1, line 15, after the comma insert: *nor more than 5 days*,

The vote was:

Yeas—23

Alfonso	Connor	Langley	Scott
Barkdull	Evans	Lowndes	Smith
Barnett	Evans-Jones	Mathis	Sundberg
Barton	Henderson	Morsani	Thompson
Brochin	Jennings	Nabors	Zack
Butterworth	Kogan	Riley	

Nays—4

Anthony	Ford-Coates	Freidin	Rundle
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Amendment 1 as amended was adopted.

On motion by Commissioner Rundle, **Proposal 167** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—20

Alfonso	Butterworth	Kogan	Riley
Anthony	Evans-Jones	Lowndes	Rundle
Barkdull	Ford-Coates	Mathis	Smith
Barnett	Freidin	Morsani	Sundberg
Brochin	Henderson	Nabors	Zack

Nays—8

Barton	Evans	Jennings	Scott
Connor	Hawkes	Langley	Thompson

MOTION TO RECONSIDER

Commissioner Evans-Jones moved that the Commission reconsider the vote by which **Committee Substitute for Proposals 172 and 162** as amended was adopted February 9. The motion was placed on the calendar.

Proposal 130—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; requiring an initiative petition to be signed by a specified percentage of the electors from each congressional district.

—was read.

Commissioner Freidin moved the following amendment:

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

Section 1. Sections 3 and 5 of Article XI of the Florida Constitution are revised by amending those sections to read:

ARTICLE XI AMENDMENTS

SECTION 3. Initiative.—

(a) The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith.

(b) The sponsor of a proposed revision or amendment of this constitution shall, prior to obtaining any petition signatures, register with the secretary of state the language of the proposed amendment or revision.

(c) When the sponsor of the proposed revision or amendment has obtained at least eight percent of the signatures of electors required by

subsection (d) and at least 18 months before the general election at which the proposed amendment will appear on the ballot, the secretary of state shall be notified. The secretary of state shall conduct, after notice, public hearings in at least three representative geographic locations on the content and impact of adopting the proposed amendment and shall timely publish a report that summarizes the testimony and debate received at the public hearings.

(d) Upon compliance with the provisions of subsections (b) and (c), the proposed revision or amendment may be placed on the ballot ~~It may be invoked~~ by filing with the secretary of state, at least 6 months before the general election at which the proposed revision or amendment will appear on the ballot, a petition ~~containing a copy of the proposed revision or amendment~~, signed by a number of electors in each of ~~one half of the~~ congressional districts of the state, ~~and of the state as a whole~~, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(e) The legislature shall, by general law, provide for implementing this section. The legislature shall provide requirements for notice of public hearings and designate timeframes and locations for conducting public hearings, provide for the content and publication of the report by the secretary of state, and specify filing fees to cover all or part of the costs of providing notice and holding public hearings.

(f) The provisions of Article XI, section 5(b) and (c) are applicable to initiative petitions authorized by this section.

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition, or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

And the title is amended as follows:

Delete everything before the proposing clause and insert: A proposal to revise ARTICLE XI, ss. 3 and 5, Fla. Const.; requiring that the sponsor of a proposed initiative amendment to the Florida Constitution register the language of the proposed amendment with the Secretary of State; requiring notice to the Secretary of State upon obtaining a specified number of petition signatures; requiring the Secretary of State to conduct public hearings and publish a report; providing requirements for obtaining petition signatures; providing for implementation pursuant to general law.

On motion by Commissioner Barkdull, consideration of **Proposal 130** with pending **Amendment 1** was deferred.

INTRODUCTION

The Chairman introduced Commissioner Morsani's wife, Carol, who was seated in the gallery. The Morsanis celebrate their 47th wedding anniversary this week.

MOTION

On motion by Commissioner Connor, the motion by Commissioner Langley to reconsider **Proposal 107** was withdrawn.

MOTION TO RECONSIDER

Commissioner Barkdull moved that the Commission reconsider the vote by which **Proposal 2** as amended and **Committee Substitute for Proposal 6** as amended were adopted February 9. The motions were placed on the calendar.

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Style and Drafting Committee would meet Wednesday, February 11 at 7:30 a.m.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 9 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 4:47 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Wednesday, February 11, 1998.

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