



Journal of the 1997-1998 Constitution Revision Commission

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CALL TO ORDER

The Commission was called to order by the Chairman at 9:58 a.m. A quorum present—32:

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

Alternates:

Logan

CALL TO ORDER

The Commission was called to order by the Chairman at 9:06 a.m. A quorum was present—32:

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

Alternates:

Logan

Excused: Commissioners Anthony and West; Commissioner Marshall until 1:20 p.m.

PRAYER

The following prayer was offered by Father Frank McRight, Jr., St. John's Episcopal Church, Tallahassee:

Let us pray. Lord, we do come to you this morning with heavy hearts with lives that are lost. We pray for their souls. We pray for their families and for all those who were close to them.

We pray particularly for this group gathered this morning that we can set aside our agendas, our self-centeredness, and be focused on those in need as we go about our work. Help us to have mercy. Help us to be vehicles of your grace and your love throughout the day and the coming year. In Christ name we pray. Amen.

PLEDGE

Students from Hosford Elementary and Junior High School in Liberty County led the Commission in the pledge of allegiance to the flag of the United States of America.

RECESS

The Chairman declared the Commission in recess at 9:19 a.m., to allow for a meeting of the Rules and Administration Committee, to reconvene upon call of the Chairman.

IN MEMORIAM

Chairman Douglass offered condolences on behalf of the Commission to Commissioner Corr, whose father Thomas Paul Corr died February 7, 1998.

MATTERS ON RECONSIDERATION

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

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

—was adopted January 28 was taken up and adopted.

Commissioner Barnett moved the following amendment which was adopted:

Amendment 1—On page 1, line 15, after “*No punishment may be*” insert: *intentionally or purposefully*

Commissioner Barnett moved **Proposal 144** as amended which failed. The vote was:

Yeas—9

Barnett	Freidin	Mathis	Riley
Brochin	Hawkes	Planas	Smith
Ford-Coates			

Nays—21

Alfonso	Evans	Mills	Thompson
Barkdull	Evans-Jones	Morsani	Wetherington
Barton	Henderson	Nabors	Zack
Butterworth	Jennings	Rundle	
Connor	Langley	Scott	
Crenshaw	Lowndes	Sundberg	

SPECIAL ORDER

The Commission resumed consideration of—

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

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.

—with pending **Amendment 2** by Commissioner Zack.

Commissioners Mills, Evans-Jones and Zack offered the following substitute amendment to the proposal as engrossed which was moved by Commissioner Mills and adopted:

Amendment 3—On page 2, line 10, through page 3, line 17, delete those lines and insert: *to this state. The commission shall consist of 17 electors, none of whom may be an elected state official, member of congress, party officer, registered lobbyist, legislative or congressional employee, or relative of an elected state official or member of congress as provided by law. Each district shall be composed of contiguous territory and may not include territory of any other district of the same house. Districts shall be established in accordance with the constitution of the state and of the United States, shall be as nearly equal in population as practical, and may not be drawn in a manner that dilutes the voting strength of any racial or language minority group. Except to meet the foregoing requirements, the commission shall consider creating districts that consist of compact territory and division of counties should be avoided whenever possible. When counties are divided, the number of municipalities and towns contained in more than one district of the same house shall be as small as possible.*

(1) *On or before June 1 in the year following each decennial census, or within 15 days after legislative apportionment or congressional redistricting is required by law or by court order, 16 commissioners shall be certified by the respective appointing authorities to the secretary of state. The president of the senate and the speaker of the house of representatives each shall appoint four commissioners. Members of the senate who are not members of the same party as the president shall designate one from their number who shall appoint four commissioners. Members of the house of representatives who are not members of the same party as that of the speaker shall designate one from their number who shall appoint four commissioners. The appointing authorities shall consider the state's ethnic, racial, and gender diversity. Failure to achieve such diversity shall not be grounds for challenging the authority of the commission.*

(2) *Within 45 days after the 16 commissioners are certified to the secretary of state, one additional commissioner, who shall be designated chair of the commission, shall be appointed by a vote of at least nine commissioners and certified to the secretary of state.*

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—19

Mr. Chairman	Butterworth	Kogan	Sundberg
Barkdull	Evans-Jones	Mills	Thompson
Barnett	Ford-Coates	Nabors	Wetherington
Barton	Freidin	Riley	Zack
Brochin	Henderson	Smith	

Nays—12

Alfonso	Evans	Langley	Morsani
Connor	Hawkes	Lowndes	Planas
Crenshaw	Jennings	Mathis	Scott

MOTION

On motion by Commissioner Hawkes, **Proposal 91** was withdrawn from further consideration.

Consideration of **Proposal 46** was deferred.

The Commission resumed consideration of—

Proposal 59—A proposal to revise ARTICLE X, s. 13, Fla. Const.; providing limitations upon the amount of damages payable by the state when a court finds the state liable; providing for a bad-faith surcharge; placing a limit on attorney's fees.

—with pending motion to reconsider the vote by which **Amendment 3A** by Commissioners Lowndes and Morsani, failed February 23. The motion was taken up and adopted. The vote was:

Yeas—17

Mr. Chairman	Evans	Morsani	Sundberg
Alfonso	Freidin	Planas	Zack
Barton	Langley	Riley	
Brochin	Lowndes	Scott	
Connor	Mathis	Smith	

Nays—9

Barkdull	Ford-Coates	Kogan	Thompson
Barnett	Henderson	Nabors	Wetherington
Evans-Jones			

Amendment 3A was adopted.

The question recurred on **Amendment 3** as amended.

Commissioner Zack moved the following substitute amendment which failed:

Amendment 4—On page 1, lines 15-28, delete those lines and insert:

SECTION 13. Suits against the state.—

(a) Provision may be made by general law for bringing suit against the state, its political subdivisions, agencies, districts, and municipalities, as to all liabilities now existing or hereafter originating.

(b) *In such a suit a person may recover damages up to a maximum amount of \$200,000, plus costs, other than attorney's fees incurred in the suit. Such amount may be increased by general law, and in any event, the maximum amount of damages shall be increased each year by the same percentage as the percentage increase in the consumer price index, or a successor index, published by the federal government. In the event of a finding of bad faith on the part of the governmental entity in the settlement of such a suit, there shall be a waiver of sovereign immunity against the governmental entity up to a maximum amount of one million dollars. Punitive damages shall not be recoverable against a governmental entity.*

And the title is amended as follows:

On page 1, lines 5 and 6, delete those lines and insert: liable; providing for an increase in such amount; providing for a waiver of sovereign immunity upon a finding of bad faith; providing certain exceptions.

The vote was:

Yeas—13

Evans	Langley	Morsani	Sundberg
Freidin	Lowndes	Riley	Wetherington
Hawkes	Mills	Smith	Zack
Kogan			

Nays—19

Alfonso	Butterworth	Ford-Coates	Planas
Barkdull	Connor	Henderson	Rundle
Barnett	Corr	Jennings	Scott
Barton	Crenshaw	Mathis	Thompson
Brochin	Evans-Jones	Nabors	

The question recurred on **Amendment 3** as amended.

Consideration of **Proposal 59** with pending **Amendment 3** was deferred.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 12:06 p.m. to reconvene at 1:20 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:24 p.m. A quorum present—34:

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

Alternates:

Logan

SPECIAL ORDER, continued

The Commission resumed consideration of—

Proposal 59—A proposal to revise ARTICLE X, s. 13, Fla. Const.; providing limitations upon the amount of damages payable by the state when a court finds the state liable; providing for a bad-faith surcharge; placing a limit on attorney’s fees.

—with pending **Amendment 3** as amended by Commissioners Lowndes, Zack, Morsani and Hawkes.

Commissioner Lowndes moved the following substitute amendment:

Amendment 5—On page 1, lines 15-28, delete those lines and insert:

SECTION 13. Suits against the state.—Provision may be made by general law for bringing suit against the state as to all liabilities now existing or hereafter originating. *When any tort claim is filed against the state or any political subdivision, agency, district, or municipality which exceeds a limited waiver of sovereign immunity established by general law, it shall be submitted by the court in which it is filed, in lieu of a trial, to a 3-person arbitration panel that shall, by majority vote, render a decision on the claim. The rules that govern the proceedings of the arbitration panel and any appeal taken therefrom, shall be determined by the State Supreme Court. Sovereign immunity shall be waived to the extent of any final arbitration decision made pursuant to this section.*

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: ARTICLE X, s. 13, Fla. Const.; providing for submission of claims to arbitration in specified circumstances.

Commissioner Brochin moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A—On page 1, line 27, before the period insert: provided that any such decision does not exceed \$500,000.

The vote was:

Yeas—20

Alfonso	Connor	Ford-Coates	Nabors
Barkdull	Corr	Jennings	Planas
Barnett	Crenshaw	Langley	Smith
Brochin	Evans	Marshall	Wetherington
Butterworth	Evans-Jones	Mills	Zack

Nays—11

Barton	Kogan	Morsani	Sundberg
Freidin	Lowndes	Riley	Thompson
Henderson	Mathis	Scott	

Amendment 5 as amended was adopted. The vote was:

Yeas—17

Alfonso	Kogan	Morsani	Wetherington
Barton	Langley	Planas	Zack
Brochin	Lowndes	Riley	
Corr	Marshall	Smith	
Freidin	Mills	Sundberg	

Nays—14

Barkdull	Crenshaw	Henderson	Scott
Barnett	Evans	Jennings	Thompson
Butterworth	Evans-Jones	Mathis	
Connor	Ford-Coates	Nabors	

Commissioner Lowndes moved **Proposal 59** as amended which failed. The vote was:

Yeas—15

Barton	Jennings	Mills	Sundberg
Brochin	Kogan	Morsani	Wetherington
Corr	Langley	Riley	Zack
Freidin	Lowndes	Smith	

Nays—16

Alfonso	Connor	Ford-Coates	Nabors
Barkdull	Crenshaw	Henderson	Planas
Barnett	Evans	Marshall	Scott
Butterworth	Evans-Jones	Mathis	Thompson

Consideration of **Committee Substitute for Proposal 77** was deferred.

On motion by Commissioner Mills, the Commission reverted to consideration of:

REPORTS OF COMMITTEES

REPORT OF THE RULES AND ADMINISTRATION COMMITTEE

February 24, 1998

The Rules and Administration Committee submits the following report regarding the process for the week of February 23-27, 1998:

1. **Week of February 23-27, 1998**—each proposal committed to Style and Drafting will be considered for a second time.
2. **Less than simple majority**—proposal is defeated.

Simple majority but less than 22 votes—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

22 or greater vote—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

3. **March 17, 1998**

A. If a proposal is **NOT** brought for re-vote, the vote taken during the week of February 23-27 is the vote on the matter. All proposals with 22 or greater votes are re-committed to Style and Drafting for grouping. All other proposals are defeated.

B. If a proposal **IS** brought for re-vote (at the request of 5 members), the proposal is before the Commission and available for amendment by simple majority. Proposals on re-vote

must receive 22 votes to be re-committed to Style and Drafting for grouping.

4. March 23, 1998—Grouping

Style and Drafting will present groupings for the consideration of the full Commission. Amendments to proposals and grouping require 22 votes.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

MOTION

On motion by Commissioner Barkdull, the report of the Rules and Administration Committee was adopted.

MOTION

On motion by Commissioner Mills, by two-thirds vote debate on proposals reported by the Style and Drafting Committee was limited to five minutes per side and two minutes for closing, for a total of 12 minutes.

Committee Substitute for Proposal 16—A proposal to create ARTICLE VI, s. 7, Fla. Const., and ARTICLE XII, s. 23, Fla. Const.; providing for public financing of campaigns for elective statewide office and for spending limits.

—was read.

The Style and Drafting Committee recommended the following amendments which were moved by Commissioner Ford-Coates and adopted:

Amendment 1—On page 1, lines 17 and 18, delete "effectively compete, without the disproportionate influence of special interests" and insert: compete effectively

Amendment 2—On page 1, line 23, after the period insert: General law implementing this paragraph shall be a least as protective of effective competition by a candidate who has agreed to spending limits as the general law in effect on January 1, 1998. and on page 1, line 24 through page 2, line 3, delete all of said lines

COMMISSIONER THOMPSON PRESIDING

On motion by Commissioner Douglass, Committee Substitute for Proposal 16 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—18

Table with 4 columns: Mr. Chairman, Ford-Coates, Mathis, Sundberg; Barnett, Freidin, Mills, Wetherington; Brochin, Henderson, Nabors, Zack; Butterworth, Kogan, Riley; Connor, Marshall, Smith

Nays—12

Table with 4 columns: Alfonso, Corr, Hawkes, Lowndes; Barkdull, Evans, Jennings, Morsani; Barton, Evans-Jones, Langley, Scott

CHAIRMAN DOUGLASS PRESIDING

Committee Substitute for Proposal 79—A proposal to revise ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of a candidate with no party affiliation or minor party candidate on an election ballot must not be greater than the requirements for major party candidates.

—was read.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Ford-Coates and adopted:

Amendment 1—On page 1, lines 20-25, delete the underlined language and before the period insert: ; however, the requirements of a candidate with no party affiliation or a candidate of a minor party for placement of the candidate's name on the ballot must be no greater than the requirements for a candidate from the party having the largest number of registered voters.

On motion by Commissioner Riley, Committee Substitute for Proposal 79 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—28

Table with 4 columns: Alfonso, Evans-Jones, Langley, Riley; Barnett, Ford-Coates, Lowndes, Rundle; Barton, Freidin, Marshall, Scott; Brochin, Hawkes, Mathis, Smith; Connor, Henderson, Mills, Sundberg; Corr, Jennings, Morsani, Wetherington; Evans, Kogan, Planas, Zack

Nays—1

Barkdull

Vote after roll call:

Yea—Thompson

Nay to Yea—Barkdull

Proposal 128—A proposal to revise ARTICLE VI, s. 5, Fla. Const.; providing for primary elections.

—was read.

On motion by Commissioner Ford-Coates, Proposal 128 was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—15

Table with 4 columns: Alfonso, Freidin, Mills, Smith; Brochin, Henderson, Morsani, Wetherington; Connor, Lowndes, Planas, Zack; Ford-Coates, Mathis, Riley

Nays—14

Table with 4 columns: Barkdull, Evans, Kogan, Scott; Barnett, Evans-Jones, Langley, Thompson; Barton, Hawkes, Nabors; Corr, Jennings, Rundle

Proposal 149—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.

—was read.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Ford-Coates and adopted:

Amendment 1—On page 1, lines 23 and 24, delete "and in party primaries, if held," and insert: and in party primaries, if held,

Commissioner Henderson moved the following amendment to the proposal as engrossed which was adopted:

Amendment 2—On page 1, line 22, delete "shall" and insert: may

Commissioners Barnett and Langley offered the following amendment to the proposal as engrossed which was moved by Commissioner Langley and failed:

Amendment 3—On page 1, line 18, delete “and a lieutenant governor” and on line 25 delete “and lieutenant”

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

Yeas—28

Alfonso	Corr	Kogan	Planas
Barkdull	Evans	Langley	Riley
Barnett	Ford-Coates	Lowndes	Scott
Barton	Freidin	Marshall	Smith
Brochin	Hawkes	Mathis	Thompson
Butterworth	Henderson	Mills	Wetherington
Connor	Jennings	Morsani	Zack

Nays—2

Evans-Jones	Nabors
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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 recommitted to the Style and Drafting Committee. The vote was:

Yeas—29

Alfonso	Evans-Jones	Lowndes	Scott
Barkdull	Ford-Coates	Marshall	Smith
Barton	Freidin	Mathis	Thompson
Brochin	Hawkes	Mills	Wetherington
Butterworth	Henderson	Morsani	Zack
Connor	Jennings	Nabors	
Corr	Kogan	Planas	
Evans	Langley	Riley	

Nays—1

Barnett

COMMISSIONER JENNINGS PRESIDING

Proposal 158—A proposal to revise ARTICLE IX, s. 4, Fla. Const.; providing for nonpartisan school board elections.

—was read.

On motion by Commissioner Marshall, **Proposal 158** was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—21

Alfonso	Evans-Jones	Marshall	Thompson
Barkdull	Ford-Coates	Mathis	Wetherington
Barnett	Freidin	Mills	Zack
Brochin	Henderson	Morsani	
Butterworth	Kogan	Nabors	
Corr	Lowndes	Riley	

Nays—6

Barton	Hawkes	Smith	Sundberg
Evans	Langley		

CHAIRMAN DOUGLASS PRESIDING

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

—was read.

Commissioner Thompson moved **Proposal 186** which failed. The vote was:

Yeas—12

Barnett	Ford-Coates	Mills	Rundle
Brochin	Freidin	Nabors	Sundberg
Butterworth	Henderson	Riley	Thompson

Nays—20

Alfonso	Evans	Langley	Planas
Barkdull	Evans-Jones	Lowndes	Scott
Barton	Hawkes	Marshall	Smith
Connor	Jennings	Mathis	Wetherington
Corr	Kogan	Morsani	Zack

Consideration of **Committee Substitute for Proposals 172 and 162** was deferred.

Committee Substitute for Proposal 66—A proposal to revise ARTICLE V, ss. 10 and 11, Fla. Const.; providing for circuit court judges and county court judges to run for reelection unless the electors within the circuit or within the county approve a local option whereby the circuit court judges or the county court judges are selected by merit selection and are subject to a vote of retention.

—was read.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Lowndes:

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

Section 1. Sections 10 and 11 of Article V of the Florida Constitution are revised by amending those sections to read:

ARTICLE V
JUDICIARY

SECTION 10. Retention; election and terms.—

(a) Any justice ~~or judge of the supreme court or any judge of a district court of appeal~~ may qualify for retention by a vote of the electors in the general election next preceding the expiration of his term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice of the ~~supreme court or a judge of a district court of appeal~~ so qualifies, the ballot shall read substantially as follows: “Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?” If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years, *except that in the case of a county court judge, the judge shall serve a term of four years. The term of the justice or judge retained shall commence ~~commencing~~ on the first Tuesday after the first Monday in January following the general election.* If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

(b) (1) *The election of circuit judges shall be preserved notwithstanding the provisions of subsection (a) and Article V, Section 11, as amended, unless a majority of those voting in the jurisdiction of that circuit approve a local option to select circuit judges by merit selection and retention rather than by election. The election of circuit judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.*

(2) *The election of county court judges shall be preserved notwithstanding the provisions of subsection (a) and Article V, Section 11, as amended, unless a majority of those voting in the jurisdiction of that county approve a local option to select county judges by merit selection and retention rather than by election. The election of county court judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.*

(3)a. A vote to exercise a local option to select circuit court judges and county court judges by merit selection and retention rather than by election shall be held in each circuit and county at the general election in the year 2000. If a vote to exercise this local option fails in a vote of the electors, such option shall not again be put to a vote of the electors of that jurisdiction until the expiration of at least two years.

b. After the year 2000, a circuit may initiate the local option for merit selection and retention or the election of circuit judges, whichever is applicable, by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the circuit in the last preceding election in which presidential electors were chosen.

c. After the year 2000, a county may initiate the local option for merit selection and retention or the election of county court judges, whichever is applicable, by filing with the supervisor of elections a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen. ~~Circuit judges and judges of county courts shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts.~~ The terms of circuit judges shall be for six years. The terms of judges of county courts shall be for four years.

SECTION 11. Vacancies.—

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the each vacancy ~~on the supreme court or on a district court of appeal~~ by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to him.

(d) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of appeal, and each judicial circuit for all trial courts within the circuit. Uniform rules of procedure shall be established by the judicial nominating commissions at each level of the court system. Such rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. Except for deliberations of the judicial nominating commissions, the proceedings of the commissions and their records shall be open to the public.

And the title is amended as follows:

Delete everything before the proposing clause and insert: A proposal to revise ARTICLE V, ss. 10 and 11, Fla. Const.; providing for circuit court judges and county court judges to run for reelection unless the electors within the circuit or within the county approve a local option whereby the circuit court judges or the county court judges are selected by merit selection and are subject to a vote of retention.

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

Amendment 1A—On page 2, lines 4 and 5, delete those lines and insert: of six years. *The term of the*

The vote was:

Yeas—17

Alfonso	Barnett	Ford-Coates	Hawkes
Barkdull	Barton	Freidin	Henderson

Jennings	Mills	Planas	Thompson
Kogan	Morsani	Scott	Wetherington
Langley			
Nays—12			

Brochin	Evans	Marshall	Rundle
Butterworth	Evans-Jones	Mathis	Smith
Connor	Lowndes	Riley	Sundberg

Amendment 1B—On page 3, lines 21-23, delete those lines and insert: ~~respective courts.~~ The terms of circuit judges and judges of county courts shall be for six years. ~~The terms of judges of county courts shall be for four years.~~

And the title is amended as follows:

On page 5, line 14, delete the period and insert: ; increasing the term of office for county court judges.

The vote was:

Yeas—16

Alfonso	Freidin	Kogan	Morsani
Barkdull	Hawkes	Langley	Scott
Barton	Henderson	Mathis	Thompson
Ford-Coates	Jennings	Mills	Wetherington

Nays—13

Brochin	Evans	Marshall	Smith
Butterworth	Evans-Jones	Riley	Sundberg
Connor	Lowndes	Rundle	Zack
Corr			

Amendment 1 as amended was adopted.

On motion by Commissioner Langley, on behalf of Commissioner Wetherington, **Committee Substitute for Proposal 66** as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—24

Alfonso	Freidin	Marshall	Scott
Barkdull	Hawkes	Mills	Smith
Barnett	Henderson	Morsani	Sundberg
Butterworth	Kogan	Nabors	Thompson
Corr	Langley	Planas	Wetherington
Ford-Coates	Lowndes	Riley	Zack

Nays—7

Barton	Connor	Evans-Jones	Mathis
Brochin	Evans	Jennings	

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.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Alfonso and adopted:

Amendment 1—On page 3, lines 19-21, delete all of said lines

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

Yeas—24

Mr. Chairman	Barnett	Connor	Freidin
Alfonso	Brochin	Corr	Kogan
Barkdull	Butterworth	Ford-Coates	Langley

Lowndes	Morsani	Riley	Thompson
Mathis	Nabors	Rundle	Wetherington
Mills	Planas	Smith	Zack
Nays—7			
Barton	Evans-Jones	Henderson	Marshall
Evans	Hawkes	Jennings	

Yeas—8			
Mr. Chairman	Hawkes	Kogan	Rundle
Brochin	Henderson	Morsani	Sundberg
Nays—22			
Alfonso	Corr	Lowndes	Smith
Barkdull	Evans	Mathis	Thompson
Barnett	Ford-Coates	Mills	Wetherington
Barton	Freidin	Nabors	Zack
Butterworth	Jennings	Planas	
Connor	Langley	Riley	

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; creating ARTICLE IV, s. 14, Fla. Const.; creating a State Board of Agriculture; providing for the board to appoint the Commissioner of Agriculture; creating 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.

—was read.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Alfonso and adopted:

Amendment 1—On page 2, lines 7-21, delete those lines and insert: pleasure of the governor. *Any entity purportedly within a department which is not subject to the direct supervision of the head of that department is itself a department, except boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause. Direct supervision as a determinate factor of department classification shall not affect the status of any entity authorized by the Constitution to issue revenue bonds before July 1, 1999; except*

(b)(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

~~(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate department and their members appointed for fixed terms, subject to removal only for cause.~~

On motion by Commissioner Alfonso, **Proposal 168** as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—22			
Mr. Chairman	Ford-Coates	Mathis	Sundberg
Alfonso	Hawkes	Mills	Thompson
Barkdull	Jennings	Morsani	Wetherington
Brochin	Langley	Nabors	Zack
Butterworth	Lowndes	Planas	
Corr	Marshall	Smith	
Nays—6			
Barnett	Connor	Freidin	Riley
Barton	Evans		

Proposal 174—A proposal to revise ARTICLE IV, s. 14, Fla. Const.; providing for a public utilities commission established by the Legislature to be an executive agency that exercises quasi-legislative and quasi-judicial powers.

—was read.

The Style and Drafting Committee recommended the following amendment which was moved by Commissioner Alfonso and adopted:

Amendment 1—On page 1, lines 17-19, delete “any may exercise quasi-legislative and quasi-judicial powers, as provided by law”

Commissioner Alfonso moved **Proposal 174** as amended which failed. The vote was:

Proposal 123—A proposal to revise ARTICLE XI, Fla. Const.; repealing s. 6, relating to the Taxation and Budget Reform Commission.

—was read.

Commissioner Barnett moved the following amendment to the proposal as engrossed which failed:

Amendment 1—On page 1, line 9, delete all of said lines and insert:

SECTION 6. Taxation and budget reform commission.—

(a) Beginning in 1990 and each tenth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) four non-voting ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chairman and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chairman. ~~An affirmative vote of two thirds of the full commission and the concurrence of a majority of the members appointed by the governor pursuant to paragraph (a)(1), a concurrence of a majority of the members appointed by the speaker of the house of representatives pursuant to paragraph (a)(2), and a concurrence of a majority of the members appointed by the president of the senate pursuant to paragraph (a)(2) shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.~~

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state’s needs during the next ten year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state’s comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decisionmaking process.

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall

issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

The vote was:

Yeas—8

Barnett	Freidin	Mills	Rundle
Ford-Coates	Kogan	Riley	Wetherington

Nays—19

Alfonso	Corr	Langley	Scott
Barkdull	Evans	Mathis	Smith
Brochin	Evans-Jones	Morsani	Sundberg
Butterworth	Hawkes	Nabors	Zack
Connor	Jennings	Planas	

Vote after roll call:

Nay—Barton

On motion by Commissioner Barkdull, **Proposal 123** was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—20

Alfonso	Connor	Jennings	Planas
Barkdull	Corr	Langley	Scott
Barton	Evans	Mathis	Smith
Brochin	Hawkes	Morsani	Sundberg
Butterworth	Henderson	Nabors	Zack

Nays—9

Barnett	Freidin	Mills	Rundle
Evans-Jones	Kogan	Riley	Wetherington
Ford-Coates			

Proposal 152—A proposal to revise ARTICLE XI, s. 2, Fla. Const.; amending the deadline by which the Constitution Revision Commission must file any proposed revision with the Secretary of State.

—was read.

Commissioner Ford-Coates moved the following amendment:

Amendment 1—On page 1, line 10, through page 2, line 7, delete all of said lines and insert:

SECTION 1. Article XI, section 2 is amended as follows:

(a) Within thirty days ~~before the convening~~ ~~after the adjournment~~ of the ~~2017~~ ~~1997~~ regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) the attorney general of the state;
- (2) fifteen members selected by the governor;
- (3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
- (4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than ~~one-hundred~~ ~~twenty one-hundred eighty~~ days prior to the next general election, file

with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

SECTION 2. Paragraph (d) is added to Article XI, section 5 to provide:

(d) *In years in which the Constitution Revision Commission proposals appear on the ballot, the provisions in (a) apply to the next general election. Only amendments proposed by the Constitution Revision Commission may appear on the general election ballot every 20 years after 1998.*

On motion by Commissioner Ford-Coates, consideration of **Proposal 152** with pending **Amendment 1** was deferred.

MOTION

On motion by Commissioner Barkdull, time of recess was extended until consideration of **Proposal 179** and announcements.

Proposal 4—A proposal to revise ARTICLE I, s. 18, Fla. Const.; clarifying the authority of the Department of Military Affairs, through courts-martial, to impose sentences of imprisonment and other penalties.

—was read.

On motion by Commissioner Langley, **Proposal 4** was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—26

Mr. Chairman	Evans	Kogan	Riley
Alfonso	Evans-Jones	Langley	Scott
Barkdull	Ford-Coates	Lowndes	Smith
Barnett	Freidin	Marshall	Wetherington
Barton	Hawkes	Mathis	Zack
Connor	Henderson	Mills	
Corr	Jennings	Morsani	

Nays—None

Proposal 8—A proposal to revise ARTICLE III, s. 8, Fla. Const.; increasing the length of time within which the governor may veto legislation.

—was read.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Mills and adopted:

Amendment 1—On page 1, line 18, delete “~~fifteenth seventh~~” and insert: seventh

On motion by Commissioner Barkdull, **Proposal 8** as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—21

Mr. Chairman	Ford-Coates	Mills	Sundberg
Barkdull	Freidin	Morsani	Wetherington
Barnett	Henderson	Nabors	Zack
Barton	Kogan	Planas	
Brochin	Lowndes	Riley	
Evans-Jones	Mathis	Rundle	

Nays—9

Connor	Hawkes	Langley	Scott
Corr	Jennings	Marshall	Smith
Evans			

Proposal 25—A proposal to revise ARTICLE V, s. 1, Fla. Const.; providing for military courts martial to be conducted by military judges of the Florida National Guard with direct appeal to the District Court of Appeal, First District.

Planas Rundle Smith Wetherington
Riley Scott Sundberg Zack
Nays—None

—was read.

Proposal 37—A proposal to revise the Florida Constitution by adopting language that is not gender-specific.

On motion by Commissioner Langley, **Proposal 25** was adopted and recommitted to the Style and Drafting Committee. The vote was:

—was read.

Yeas—28

On motion by Commissioner Freidin, consideration of **Proposal 37** was deferred.

Mr. Chairman Evans Kogan Nabors
Barkdull Evans-Jones Langley Planas
Barnett Ford-Coates Lowndes Riley
Barton Freidin Marshall Smith
Brochin Hawkes Mathis Sundberg
Connor Henderson Mills Wetherington
Corr Jennings Morsani Zack

Nays—1

Rundle

Vote after roll call:

Nay to Yea—Rundle

Proposal 32—A proposal to revise ARTICLE VI, s. 2, Fla. Const.; reducing the voting age to eighteen.

Proposal 44—A proposal to revise ARTICLE V, s. 2, Fla. Const.; allowing the state supreme court and district courts of appeal to submit questions of military law to the federal Court of Appeal for the Uniform Services for an advisory opinion.

—was read.

—was read.

On motion by Commissioner Langley, **Proposal 44** was adopted and recommitted to the Style and Drafting Committee. The vote was:

The Style and Drafting Committee recommended the following amendment which was moved by Commissioner Mills and adopted:

Yeas—30

Amendment 1—On page 1, line 16, delete “that county” and insert: *the county where registered*

Mr. Chairman Corr Langley Rundle
Alfonso Evans Lowndes Scott
Barkdull Evans-Jones Marshall Smith
Barnett Ford-Coates Mills Sundberg
Barton Hawkes Morsani Wetherington
Brochin Henderson Nabors Zack
Butterworth Jennings Planas
Connor Kogan Riley

On motion by Commissioner Ford-Coates, **Proposal 32** as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Nays—None

Yeas—31

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

Nays—None

Committee Substitute for Proposals 112 and 124—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing for an exemption from ad valorem taxation for certain tangible personal property.

—was read.

Proposal 35—A proposal to revise ARTICLE II, s. 8, Fla. Const., relating to ethics in government; including in that section the requirement set out in ARTICLE III, s. 18, Fla. Const., which requires creation of a code of ethics; repealing ARTICLE III, s. 18, Fla. Const., as a distinct section.

Commissioner Ford-Coates moved the following amendment which was adopted:

—was read.

Amendment 1—On page 3, lines 8-18, delete all of said lines and insert:

On motion by Commissioner Freidin, **Proposal 35** was adopted and recommitted to the Style and Drafting Committee. The vote was:

(f) In addition to any other exemption granted to tangible personal property, a county may exempt all appurtenances and attachments to mobile home dwellings that are classified as tangible personal property and all appliances, furniture, and fixtures classified as tangible personal property which are included in single-family and multi-family residential rental facilities that have ten or fewer individual housing units, as provided by general law. The general law shall require the adoption of the exemption on a county-option basis and may specify conditions for its application.

Yeas—32

Mr. Chairman Butterworth Freidin Lowndes
Alfonso Connor Hawkes Marshall
Barkdull Corr Henderson Mathis
Barnett Evans Jennings Mills
Barton Evans-Jones Kogan Morsani
Brochin Ford-Coates Langley Nabors

On motion by Commissioner Ford-Coates, **Committee Substitute for Proposals 112 and 124** as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—28

Alfonso Evans Langley Planas
Barkdull Evans-Jones Lowndes Riley
Barton Ford-Coates Marshall Scott
Brochin Hawkes Mathis Smith
Butterworth Henderson Mills Sundberg
Connor Jennings Morsani Wetherington
Corr Kogan Nabors Zack

Nays—1

Barnett

Committee Substitute for Proposal 133—A proposal to revise ARTICLE III, s. 19(d), Fla. Const.; providing guidelines for the public review period for general appropriation acts.

—was read.

On motion by Commissioner Scott, **Committee Substitute for Proposal 133** was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—31

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

Nays—None

Proposal 153—A proposal to revise ARTICLE V, s. 12, Fla. Const.; providing for membership of the judicial qualifications commission.

—was read.

On motion by Commissioner Barkdull, **Proposal 153** was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—31

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

Nays—None

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.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Scott and adopted:

Amendment 1—On page 4, lines 11-20, delete all of said lines and insert:

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. ~~Effective November 4, 1992,~~ All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage thereof, by either house of the legislature *of the bill in the form that will be presented to the governor.*

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

Yeas—32

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

Nays—None

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Rules and Administration Committee meeting scheduled for 5:00 p.m. this day was cancelled.

Commissioner Mills announced that the Style and Drafting Committee would meet upon adjournment.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 23 was corrected and approved.

RECESS

On motion by Commissioner Langley, the Commission recessed at 5:13 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Wednesday, February 25, 1998.

PAGES

February 24

Under the direction of their advisor, Michelle Gowan, the following students from Hosford Elementary and Junior High School in Liberty County served as pages: Carrie Flowers, Brent Justice, Chris O'Neal, Laura Miller, Tommy Robbins and Jennifer Smith.

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