



# Journal of the 1997-1998 Constitution Revision Commission

Number 5

Monday, October 20, 1997

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## CALL TO ORDER

The Commission was called to order by the Chairman at 9:08 a.m. A quorum was present—28:

Mr. Chairman	Crenshaw	Langley	Rundle
Alfonso	Evans	Lowndes	Smith
Anthony	Evans-Jones	Marshall	Sundberg
Argiz	Ford-Coates	Mathis	Thompson
Barkdull	Freidin	Mills	West
Brochin	Hawkes	Nabors	Wetherington
Corr	Henderson	Riley	Zack

Alternates:

Barton	Logan
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Excused: Commissioners Connor; Jennings; Kogan; Morsani and Scott; Commissioner Butterworth until 9:35 a.m.

## PRAYER

The following prayer was offered by The Reverend Harold L. Hawkins, Minister of the Unitarian Universalist Fellowship Of The Emerald Coast, Valpariso:

Great spirit of all human kind, we gather to do the work of the people for the people. May wisdom guided by our collective reason come forth as a clean stream and may our minds and hearts be purified from the ever abundant evils which surround us. We praise our freedom and the liberty to create a document which will enlighten and guide us correctly in the days ahead; attend us as we begin our work today and peacefully guide us to its completion. Amen.

## PLEDGE

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

## INTRODUCTION OF PROPOSALS

By Commissioner Sundberg—

**Proposal 2**—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing for citizens to enjoy equal opportunity to employment, housing, public accommodations, public education, and other benefits and authorizing governmental agencies to take actions to remedy the effects of past discrimination in certain areas.

—was referred to the Declaration of Rights Committee.

By Commissioner Mills—

**Proposal 7**—A proposal to revise ARTICLE II, s. 8, Fla. Const.; authorizing the Florida Commission on Ethics to investigate, on its own initiative or at the request of any person, complaints concerning breach of public trust by certain public officers and employees.

—was referred to the Ethics and Elections Committee.

By Commissioner Barkdull—

**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 referred to the Executive Committee.

By Commissioner Sundberg—

**Proposal 9**—A proposal to revise ARTICLE V, s. 8, Fla. Const.; repealing the provision that stipulates a maximum age beyond which individuals may not serve as justices or judges.

—was referred to the Judicial Committee.

By Commissioner Sundberg—

**Proposal 10**—A proposal to revise ARTICLE VI, s. 4, Fla. Const.; deleting term limits for the offices of state senator or representative, lieutenant governor, Cabinet member, U.S. representative, and U.S. senator.

—was referred to the Ethics and Elections Committee.

By Commissioner Freidin—

**Proposal 11**—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that persons may not be deprived of their rights because of gender.

—was referred to the Declaration of Rights Committee.

By Commissioner Freidin—

**Proposal 12**—A proposal to revise ARTICLE I, s. 21, Fla. Const.; providing for access to the courts without regard to the age of the litigants.

—was referred to the Declaration of Rights Committee.

By Commissioner Brochin—

**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 unanimously recommended by a jury of 12 persons.

—was referred to the Declaration of Rights Committee.

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By Commissioner Freidin—

**Proposal 14**—A proposal to revise ARTICLE I, s. 2, Fla. Const.; changing the term “physical handicap” to “disability.”

—was referred to the Declaration of Rights Committee.

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By Commissioner Barnett—

**Proposal 15**—A proposal to revise ARTICLE II, s. 8, Fla. Const.; providing that legislators are subject to sanction for ethics violations.

—was referred to the Ethics and Elections Committee.

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By Commissioner Douglass—

**Proposal 16**—A proposal to create ARTICLE VI, s. 7, Fla. Const.; requiring that public funds be used to finance campaigns for elective state office.

—was referred to the Ethics and Elections Committee.

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By Commissioner Riley—

**Proposal 17**—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that no person shall be deprived of any right because of gender or sexual orientation.

—was referred to the Declaration of Rights Committee.

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By Commissioner Riley—

**Proposal 18**—A proposal to revise Article VI, s. 5, Fla. Const.; providing for elections to be held on Saturday and Sunday and prohibiting second primaries.

—was referred to the Ethics and Elections Committee.

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By Commissioner Barkdull—

**Proposal 19**—A proposal to revise ARTICLE IV, s. 7, Fla. Const.; requiring the Senate to remove or reinstate an officer suspended by the Governor.

—was referred to the Executive Committee.

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By Commissioner Evans-Jones—

**Proposal 20**—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing for the taxation of public property that is used by a private entity.

—was referred to the Finance and Taxation Committee.

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By Commissioner Rundle—

**Proposal 22**—A proposal to revise Article IX, s. 1, Fla. Const.; requiring the first two years of college to be provided at no cost to the students.

—was referred to the Education Committee.

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By Commissioner Rundle—

**Proposal 23**—A proposal to revise ARTICLE X, s. 4, Fla. Const.; providing an exception to the exemption from the forced sale of homestead property for property acquired or improved with the proceeds of felonious criminal activity or used in the commission of felonious criminal acts.

—was referred to the General Provisions Committee.

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By Commissioner Rundle—

**Proposal 24**—A proposal to revise ARTICLE IV, s. 8, Fla. Const.; requiring that a state prisoner serve at least 85 percent of his or her term of imprisonment, unless granted pardon or clemency; prohibiting the reduction of a prisoner's sentence by more than 15 percent; requiring that a state prisoner sentenced to life imprisonment be incarcerated for the remainder of his or her natural life, unless granted pardon or clemency.

—was referred to the Declaration of Rights Committee.

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By Commissioner Riley—

**Proposal 27**—A proposal to create ARTICLE X, s. 18, Fla. Const.; providing duties of boards of trustees or fiduciaries of public employees' retirement systems.

—was referred to the General Provisions Committee.

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By Commissioner Riley—

**Proposal 28**—A proposal to revise ARTICLE IX, s. 5, Fla. Const.; providing for the appointment of all district school superintendents.

—was referred to the Education Committee.

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By Commissioner Riley—

**Proposal 29**—A proposal to create ARTICLE I, s. 26, Fla. Const.; allowing the lawful possession, use, and prescribing of marijuana for medicinal purposes.

—was referred to the Declaration of Rights Committee.

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By Commissioner Sundberg—

**Proposal 31**—A proposal to revise ARTICLE V, ss. 14, 16, 17, and 18, Fla. Const., and create ARTICLE V, s. 21, Fla. Const.; providing for justices, judges, and persons employed by the courts to be compensated from funds appropriated by the Legislature; providing for counties to pay the costs of construction, maintenance, utilities, and security for the courts; providing for an annual legislative appropriation to each clerk of the circuit court to pay the costs of judicial functions which are not covered by fees and costs retained by the clerk; providing for the costs of construction, maintenance, utilities, and security for the offices of state attorneys and public defenders, including the salaries, costs, and other expenses of operating the offices of state attorneys and public defenders, to be paid by funds appropriated by the Legislature; providing that the funding of the courts and the offices of state attorneys and public defenders be phased-in according to a schedule established by general law.

—was referred to the Judicial Committee.

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By Commissioner Ford-Coates—

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

—was referred to the Ethics and Elections Committee.

By Commissioner Barnett—

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

—was referred to the Finance and Taxation Committee.

By Commissioner Barnett—

**Proposal 34**—A proposal to revise ARTICLE VI, s. 2, Fla. Const.; lowering the voting age from twenty-one to eighteen.

—was referred to the Ethics and Elections Committee.

By Commissioner Freidin—

**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.

—was referred to the Ethics and Elections Committee.

By Commissioner Mills—

**Proposal 38**—A proposal to revise ARTICLE I, Fla. Const.; providing for an Environmental Bill of Rights.

—was referred to the General Provisions Committee.

By Commissioner Henderson—

**Proposal 39**—A proposal to revise ARTICLE X, Fla. Const.; creating the Florida Land and Water Conservation Trust Fund and providing for its source of funds and purposes.

—was referred to the Bonding and Investments Committee.

By Commissioner Marshall—

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

—was referred to the Education Committee.

By Commissioner Mathis—

**Proposal 41**—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing that certain property of a publicly owned and operated airport or seaport shall be taxed only to the extent that similar property owned by a county is taxed.

—was referred to the Finance and Taxation Committee.

By Commissioner Riley—

**Proposal 43**—A proposal to revise ARTICLE III, s. 15, Fla. Const.; providing additional qualifications on candidates for, and members of, the state Legislature.

—was referred to the Ethics and Elections Committee.

By Commissioner Langley—

**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 referred to the Judicial Committee.

By Commissioner Henderson—

**Proposal 45**—A proposal to revise ARTICLE IV, s. 9, Fla. Const.; creating the Fish and Wildlife Conservation Commission to be composed initially of the existing members of the Game and Fresh Water Fish Commission and the Marine Fisheries Commission.

—was referred to the Executive Committee.

By Commissioner Anthony—

**Proposal 46**—A proposal to revise ARTICLE X, s. 13, Fla. Const.; providing for suits against state agencies, counties, school districts, municipalities, special districts, and other political subdivisions.

—was referred to the General Provisions Committee.

By Commissioner Anthony—

**Proposal 47**—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; providing that a constitutional initiative that limits the powers of municipalities or limits the ability of municipalities to raise revenue must be approved by the electors of a municipality in order to take effect within the municipality.

—was referred to the General Provisions Committee.

By Commissioner Anthony—

**Proposal 49**—A proposal to revise Article VII, s. 3(a), Fla. Const.; providing that certain property owned by a municipality is not subject to taxation.

—was referred to the Local Government Committee.

By Commissioner Anthony—

**Proposal 50**—A proposal to revise ARTICLE VII, s. 1, Fla. Const.; authorizing a county or municipality to levy a tax within its boundaries pursuant to ordinance; providing for any such tax to apply only within the unincorporated area of the county.

—was referred to the Local Government Committee.

By Commissioner Anthony—

**Proposal 51**—A proposal to revise ARTICLE VII, s. 4, Fla. Const.; requiring the assessment of improvements to real property which occur between assessment dates.

—was referred to the Local Government Committee.

By Commissioner Anthony—

**Proposal 52**—A proposal to revise ARTICLE VII, s. 6, Fla. Const.; exempting the owner of homestead property from payment of ad valorem taxes upon half of the first \$50,000 in value of such property.

—was referred to the Finance and Taxation Committee.

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By Commissioner Anthony—

**Proposal 53**—A proposal to revise ARTICLE VI, s. 5, Fla. Const.; providing that general elections shall be held on the first Saturday and Sunday after the first Monday in November of each even-numbered year.

—was referred to the Ethics and Elections Committee.

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By Commissioner Zack—

**Proposal 54**—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; requiring that public education be adequately funded in each fiscal year; defining such adequate funding as an annual appropriation for public education which is at least 40 percent of total appropriations under Article III, not including lottery proceeds or federal funds; providing that the minimum percentage is based on the percentage appropriated for public education from total appropriations in the 1986-1987 fiscal year.

—was referred to the Education Committee.

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By Commissioner Zack—

**Proposal 55**—A proposal to revise ARTICLE V, ss. 14, 16, 17, and 18, Fla. Const., and create ARTICLE V, s. 21, Fla. Const.; providing for justices, judges, and persons employed by the courts to be compensated from funds appropriated by the Legislature; providing for counties to pay the costs of construction, maintenance, utilities, and security for the courts; providing for an annual legislative appropriation to each clerk of the circuit court to pay the costs of judicial functions which are not covered by fees and costs retained by the clerk; providing for the costs of construction, maintenance, utilities, and security for the offices of state attorneys and public defenders, including the salaries, costs, and other expenses of operating the offices of state attorneys and public defenders, to be paid by funds appropriated by the Legislature; providing that the funding of the courts and the offices of state attorneys and public defenders be phased-in according to a schedule established by general law.

—was referred to the Judicial Committee.

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By Commissioner Zack—

**Proposal 56**—A proposal to revise ARTICLE I, Fla. Const.; adding s. 26 to that article; providing that every minor child who is a resident of this state must be provided with medical care, irrespective of the family's ability to pay for the care.

—was referred to the Declaration of Rights Committee.

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By Commissioner Zack—

**Proposal 57**—A proposal to revise ARTICLE I, s. 23, Fla. Const.; prohibiting the sale from a database of information that relates to a natural person, unless the person gives written consent.

—was referred to the Declaration of Rights Committee.

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By Commissioner Zack—

**Proposal 58**—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that a person may not be deprived of any right because of age.

—was referred to the Declaration of Rights Committee.

## REPORTS OF COMMITTEES

Commissioner Barkdull, Chairman of the Rules and Administration Committee, reminded the Commission that pursuant to the report of the committee adopted September 25, 1997, all proposals not included in the September 17, 1997 compilation of public proposals, those public proposals on which no action was taken at the September 25 session, and those public proposals submitted through the October 13 deadline would constitute the Special Order for Monday, October 20, 1997.

## SPECIAL GUESTS

Commissioner Riley introduced students from Janet Stein's fifth grade class at Butler Elementary School, Santa Rosa Beach, Walton County. The class has been simulating the revision process using the Commission's on-line lesson plans. The students participating included: Sarah Stein, President; Mandy Yourick, Secretary, Legislative Branch; Jordon Bell, past President, lawyer; Joey Aull, lawyer; Leanne Jordon, Vice President; Gary Walden, lawyer; Lauren Wilde, Secretary, Executive Branch; Heath Laflamme, Vice President; Mason Scudder, Judge; Martin McDaniel, Judge; Dylan Churchwell, Judge; Nesha Ray, past Vice President; Sammie Peiffer, Secretary, Judicial Branch; Bobby Dubuisson, lawyer; Julie Vickery, Cody Taylor, JC Yawn, Megan Daniels, Philip Bedford, Desiree Hathcock, Casey Hurst, Walt Hartley, Krista Ryne and Savannah Robbins.

## SPECIAL ORDER

Pursuant to Rule 3.3, the Commission proceeded to consideration of the following:

### CONSTITUTIONAL ISSUES RAISED BY THE PUBLIC

*Public Proposal No.*

*Summary of Proposal*

#### Article I, Declaration of Rights

##### Article I, Section 2

I-2-1a Add a provision stating: A person 18 years of age or older is an adult for all purposes.

Appeared on original list—no action taken  
(September 25, 1997)

I-2-2 Add a provision to Art.I, s.2, as follows: The rights of persons under 18 years of age shall include, but not be limited to, all the fundamental rights of this article unless specifically precluded by laws which enhance the protection of such persons.

Appeared on original list—no action taken  
(September 25, 1997)

I-2-3c This section shall deal with the mentally handicapped as well as the physically handicapped.

## MOTION

Commissioner Freidin moved that Public Proposal Number I-2-3c be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-2-3d Equal rights for sex, race, sexual orientation, marital status, ethnicity, national origin, color, and indigenouness. Prohibits pregnancy discrimination. Guarantees right to make reproductive decisions.

*Public Proposal No. Summary of Proposal*

*Public Proposal No. Summary of Proposal*

**MOTION**

On motion by Commissioner Freidin, Public Proposal Number I-2-3d received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-2-4 Amend Art.I, s.2, to read: All natural persons are equal before the law and have inalienable rights, among which are the right to . . . acquire, possess and protect property, *and acquire, possess and protect the highest form of title to such properties, i.e., including but not limited to motor vehicles and real property titles, such as MSO's and federally issued Land Patents, . . .*

Appeared on original list—no action taken  
(September 25, 1997)

I-2-5 A basic right delineated in this section should include the right not to be fired except for cause, thus repealing the “at will” doctrine.

Appeared on original list—no action taken  
(September 25, 1997)

I-2-6 This provision should apply to the workplace of every corporation, business and government office in the state.

Appeared on original list—no action taken  
(September 25, 1997)

I-2-7a No person shall be denied access or opportunity in employment, housing, public services or accommodations, or the extension of credit, on account of matters pertaining to his or her personal or private life. This provision does not prevent the establishment of bona fide qualifications or requirements. The Legislature may provide by general law for protection of other fundamental rights.

I-2-8 The state shall not discriminate against or grant preferential treatment to any person based upon race, sex, ethnicity or national origin.

Appeared on original list—no action taken  
(September 25, 1997)

I-2-9 Amend to provide the right of full, unrestricted enjoyment of the natural resources of the state and its political subdivisions, including sovereignty lands.

Appeared on original list—no action taken  
(September 25, 1997)

I-2-10 Initiate changes to correct the discrimination against fathers in our current laws.

**Article I, Section 3**

I-3-3 Amend Art.I, s.3, to read: . . . No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury *to directly promote any church, sect, or religious denomination or directly aid any sectarian religious institution or program. The state or any political subdivision or agency thereof shall not deny equal access to a public benefit on account of religion directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.*

Appeared on original list—no action taken  
(September 25, 1997)

I-3-4 Include in Art.3.,s.3, the following: Florida guarantees the people's right to acknowledge or disavow God according to the dictates of conscience. The people have the right to pray, peacefully assemble, and to recognize their religious beliefs, heritage or traditions on private and public property. The State of Florida shall not require or coerce any person to pray, affirm any religious belief, or participate in any religious activity; initiate or designate school prayers or directly discriminate against religion or nonreligion. The State may only substantially burden a person's free exercise of religion if it shows that application of the burden to the person is in furtherance of a compelling state interest and is the least restrictive means of furthering that compelling interest.

Appeared on original list—no action taken  
(September 25, 1997)

I-3-5 Add a provision prohibiting prayer in school.

Appeared on original list—no action taken  
(September 25, 1997)

I-3-6 Allow the ten commandments to be posted in classrooms.

Appeared on original list—no action taken  
(September 25, 1997)

I-3-7 Amend Art.I, s.3, to provide: There shall be no law respecting the establishment of *one* religion *in preference to any other*. . . .

Appeared on original list—no action taken  
(September 25, 1997)

I-3-8 There is no separation of church from state. Religious leaders have the right to preach on all aspects of government, including the relative worth of political candidates.

**Article I, Section 4**

I-4-1 This section should preclude any expression other than the verbal expression, by utterance, oral and vocal, or by writing or drawing, and in the English language. Protection is denied to physically destructive acts and to the generally offensive display of the human sexual or excretory organs.

Appeared on original list—no action taken  
(September 25, 1997)

I-4-2 No government body shall make any law or ordinance allowing any display of the human sexual or excretory organs which are generally offensive to the local population - city, county or state - as objected to by the local population in the form of petitions signed by 10% of the local population.

Appeared on original list—no action taken  
(September 25, 1997)

**Article I, Section 5**

I-5-1a Ensure fair ballot access.

**MOTION**

On motion by Commissioner Riley, Public Proposal Number I-5-1a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article I, Section 6**

I-6-1 The right to work protection should be expanded to include farm workers.

Appeared on original list—no action taken  
(September 25, 1997)

I-6-3 Include a mechanism in Art.I, s.6, by which employees, especially those not covered by the National Labor Relations Act, can exercise their right to bargain collectively.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>	<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
	Appeared on original list—no action taken (September 25, 1997)		<b>Article I, Section 9</b>
I-6-4	The inalienable right to enjoy, life, liberty and the pursuit of happiness by means of exercising the right to work shall not be abridged or abrogated by any statute demanding compliance in order to exercise that right.	I-9-2	No person shall be deprived of life, liberty, or property or family without due process of law . . . .
	Appeared on original list—no action taken (September 25, 1997)		<b>MOTION</b>
I-6-5	This section should be amended to protect workers from the personal intrusion of employers on the drug testing, camera spying, discrimination of all kinds which includes your genetic makeup, your political ideas and speech; and economic status.		On motion by Commissioner Zack, Public Proposal Number I-9-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.
	Appeared on original list—no action taken (September 25, 1997)	I-9-3	There should be reasonable accommodations provided for the physically and mentally handicapped in complying with court rules and administrative proceedings.
I-6-6	Repeal the right-to-work provision.		<b>Article I, Section 13</b>
	Appeared on original list—no action taken (September 25, 1997)	I-13-1	Amend as follows: The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended, <del>unless in case of rebellion or invasion, suspension is essential to the public safety.</del>
I-6-7	Workers compensation, medical benefits, and retirement benefits should be assured. We need to protect people injured on their jobs.		<b>Article I, Section 14</b>
	Appeared on original list—no action taken (September 25, 1997)	I-14-1	Unless charged with a capital offense, <i>a felonious act of domestic violence as defined by the Legislature</i> , or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community or the family from risk of physical harm to persons . . . .
I-6-8	Strengthen the whistle-blowers law.		<b>MOTION</b>
	Appeared on original list—no action taken (September 25, 1997)		Commissioner Freidin moved that Public Proposal Number I-14-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.
I-6-9	State employees should be required to retire at the age of 70.		<b>Article I, Section 15</b>
	Appeared on original list—no action taken (September 25, 1997)	I-15-a-1	Abolish the death penalty.
I-6-10	Amend to provide that public employees <i>have the right to collectively bargain; absent compelling state interests implemented in the least intrusive way possible, but not have the right to strike.</i>		Appeared on original list—no action taken (September 25, 1997)
	<b>Article I, Section 8</b>	I-15-a-1a	Repeal the death penalty and replace it with imprisonment without parole.
I-8-a-1	The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, <del>except that the manner of bearing arms may be regulated by law.</del>		Appeared on original list—no action taken (September 25, 1997)
I-8-b-1	Exempt law enforcement officers from the 3-day waiting period to purchase a handgun.		<b>MOTION</b>
	Appeared on original list—no action taken (September 25, 1997)		Commissioner Riley moved that Public Proposal Number I-15-a-1a be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.
I-8-b-2	. . . Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph, <i>except that no person criminally convicted of an act of domestic violence as defined by the Legislature shall be allowed to purchase or maintain a handgun.</i>	I-15-a-1c	No execution of children or of those who were children at the time of the crime. No execution of the mentally deficient or emotionally disturbed.
	<b>MOTION</b>	I-15-a-1d	Judges should not be empowered to override a jury's decision to impose life in prison instead of death.
	Commissioner Freidin moved that Public Proposal Number I-8-b-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.		<b>MOTION</b>
I-8-b-3	. . . Holders of a concealed weapon permit as prescribed in Florida law, <i>certified law enforcement officers, certified correctional officers and certified correctional probation officers</i> shall not be subject to the provisions of this paragraph.		On motion by Commissioner Smith, Public Proposal Number I-15-a-1d received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.
I-8-b-4	Impose a mandatory 10-year sentence for using or possessing a firearm in the commission of a felony.	I-15-a-1e	Establish a mandatory death penalty for all premeditated murder.
		I-15-a-2	All criminal charges should be based upon grand jury indictment.

*Public Proposal No.*                      *Summary of Proposal*  
 Appeared on original list—no action taken  
 (September 25, 1997)

I-15-x-1      Citizens should have the right to empanel a grand jury by petition.  
 Appeared on original list—no action taken  
 (September 25, 1997)

**Article I, Section 16**

I-16-1      A criminal should not be able to sue the victim if the victim injures the criminal.  
 Appeared on original list—no action taken  
 (September 25, 1997)

**MOTION**

Commissioner Zack moved that Public Proposal Number I-16-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-16-2      A person falsely charged should be reimbursed by the state for at least the reasonable and necessary out-of-pocket costs (as opposed to attorneys fees) expended in a successful defense.

**MOTION**

On motion by Commissioner Evans, Public Proposal Number I-16-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article I, Section 17**

I-17-1      Amend Art.1, s.17, to read: Excessive fines, cruel or unusual punishment, attainder, forfeiture of estate, indefinite imprisonment and unreasonable detention of witnesses are forbidden. *There shall be proportionality between magnitude of felony and the severity of forfeiture of property.*  
 Appeared on original list—no action taken  
 (September 25, 1997)

**Article I, Section 18**

I-18-b-1      Victims of crime and their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, *including the stage of pretrial release from confinement*, to the extent that these rights do not interfere with the constitutional rights of the accused . . . .

**MOTION**

Commissioner Riley moved that Public Proposal Number I-18-b-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-18-2      Add: No penalty greater than five thousand dollars shall be imposed by an agency which is not based upon a determination by an administrative jury of six persons, of there having been a gross violation of an administrative rule.

**Article I, Section 19**

I-19-2      A convicted person shall be compelled to pay the victim or the victim's lawful representative, any costs incurred by the victim or representative, including but not limited to medical, pre-natal care, and adoption costs, as the result of the crime, especially in the instance of rape where a child is conceived, and the determination of cost shall be retroactive up to two years from the date of this amendment.  
 Appeared on original list—no action taken  
 (September 25, 1997)

*Public Proposal No.*                      *Summary of Proposal*  
**MOTION**

Commissioner Zack moved that Public Proposal Number I-19-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article I, Section 21**

I-21-2      Revert to the language of the 1885 Constitution, which reads: All courts in the State shall be open, so that every person for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice shall be administered without sale, denial or delay.

Appeared on original list—no action taken  
 (September 25, 1997)

I-21-3      Overturn *State v. Coleman*, which provides that the court will not pass on the constitutionality of a statute if the case can be fully determined on other meritorious grounds.

Appeared on original list—no action taken  
 (September 25, 1997)

I-21-4      "Any injury" as used in this section should include misfeasance or malfeasance of public officials. Current law precludes a taxpayer suit in this instance without a showing of being uniquely situated. Fifth DCA suggests this is a wrong without a remedy.

I-21-5      A person adjudicated incapacitated should have the right to hire a lawyer.

I-21-5a      Children should have the right to counsel.

I-21-5b      Florida university students should have the right to be represented by an attorney.

**Article I, Section 22**

I-22-1      Amend Art.I, s.22, to read: (a) The right to a trial by jury shall be secure to all and remain inviolate. The qualifications and number of jurors, not fewer than six, shall be fixed by law; (b) The right to a trial by jury to assess responsibility for and the amount of damages for personal injury shall not be limited nor shall it be replaced by an exclusive alternate remedy.

Appeared on original list—no action taken  
 (September 25, 1997)

I-22-3      Amend Art.I, s.22, to read: The right of trial by jury shall be secure to all and remain inviolate, *including the power of the jury to judge the law as well as the evidence in all instances in which the government or any of its agencies is an opposing party. No potential juror shall be questioned concerning political or religious beliefs, or concerning opinion of the power and right of jurors to judge the law. Judges shall instruct jurors of their power and right to judge the law as well as the evidence.* The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

Appeared on original list—no action taken  
 (September 25, 1997)

I-22-4      The right to trial in workers compensation cases should be reasserted.

Appeared on original list—no action taken  
 (September 25, 1997)

I-22-4a      The right to trial in cases involving infants neurologically injured in childbirth should be reasserted.

Appeared on original list—no action taken  
 (September 25, 1997)

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>	<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
I-22-5	Add the following: The accused's or aggrieved's right to trial by jury in all instances when the government, or any of its agencies, is an opposing party, includes the right to inform the jurors of their power to judge the law as well as the evidence, and vote on the verdict according to conscience. This right shall not be infringed by any statute, jury rule, court order, or practice or procedure of the court, including any method of jury selection that could preclude or limit the impanelment of jurors willing to exercise this power. This right shall not be infringed by preventing any party to the trial once the jurors have been informed of their powers from presenting arguments to the jury that may contain issues of law and conscience, including the merits, intent, constitutionality, or applicability of the law in the instant case, the motives, moral perspectives, or circumstances of the accused or aggrieved party, the degree of guilt or actual harm done, or the sanctions that may be applied to the losing party. Failure to allow the accused or aggrieved party or counsel to so inform the jury shall be grounds for mistrial.  Appeared on original list—no action taken (September 25, 1997)	I-23-5b	Restore the right of parents to make decisions for their children, including, but limited to, abortions.  Appeared on original list—no action taken (September 25, 1997)
I-22-6	All criminal trials should be tried before a jury.  Appeared on original list—no action taken (September 25, 1997)	I-23-6	Add a provision to prohibit physician-assisted suicide.  Appeared on original list—no action taken (September 25, 1997)
I-22-8	A jury trial should be allowed in a proceeding to adjudicate incapacity.	I-23-6a	Add: All natural persons have the right to life support if they so desire it, and the deliberate withholding thereof by any person equipped to provide it shall not be allowed.
I-22-9	A jury trial should be ensured in all family law cases.	I-23-7	Add a provision to provide the right to voluntary physician-assisted euthanasia.  Appeared on original list—no action taken (September 25, 1997)
I-22-10	A judge should not be permitted to overturn the jury, as this violates the right to a trial by jury.	I-23-8	Amend Art.I, s.23, to read: Every natural person has the right to be let alone and free from governmental intrusion into his <i>person and</i> private life except as otherwise provided herein. . . .  Appeared on original list—no action taken (September 25, 1997)
<b>Article I, Section 23</b>			
I-23-2a	The Right-to-Know Act should be made part of the constitution. (Requires physicians to provide specific information to the patient prior to performing an abortion.)  Appeared on original list—no action taken (September 25, 1997)	I-23-9	Add a provision that no governmental or private institution or business may compel any natural person to surrender his or her thumb print, or any other bodily identification, in order to provide services, such as, but not limited to, the presentation of a check issued by that bank to be cashed by the holder, and deny same services if that natural person refuses to comply.  Appeared on original list—no action taken (September 25, 1997)
I-23-2b	Define human life as beginning at conception.	I-23-10	Add a provision that no state, county, or municipal government may use a natural person's social security number without the permission, knowledge, and consent of that natural person, or, if surrendered under duress or acquiescence to a statute, it not be converted into a federal employer number.  Appeared on original list—no action taken (September 25, 1997)
I-23-2c	Abolish abortion.	I-23-12	Add the following: No person shall be denied access or opportunity in employment, housing, public services, or accommodations, or the extension of credit on account of matters pertaining to his or her private life.  Appeared on original list—no action taken (September 25, 1997)
I-23-2d	Ban partial-birth abortions.	I-23-13	Apply the privacy provision against business and other organized institutions and religions, as well as against the government.  Appeared on original list—no action taken (September 25, 1997)
<b>MOTION</b>			
On motion by Commissioner Evans, Public Proposal Number I-23-2d received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.			
I-23-2e	Prohibit abortion without consent of the father.	I-23-14	Add: No local or state government, commission, agency or any other government associated entities shall infringe on the privacy rights of citizens or on the privacy rights of groups of citizens to read, see, perform or entertain themselves as they see fit.
I-23-3a	Require parental consent for abortion with a bypass provision for a child who cannot go to a parent.  Appeared on original list—no action taken (September 25, 1997)	<b>MOTION</b>	
I-23-4a	Add: The family is a foundational association of civil society, and parents as natural guardians enjoy a robust sphere of sovereignty concerning the protection, discipline, education, and care of their children. No parent shall be deprived of the guardianship of a child without trial by jury.	Commissioner Anthony moved that Public Proposal Number I-23-14 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.	
<b>MOTION</b>			
Commissioner Evans moved that Public Proposal Number I-23-4a be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.			
I-23-5	The right to privacy should not apply to minor children.  Appeared on original list—no action taken (September 25, 1997)	I-23-15	Insert the words, "but shall be considered for the purpose of providing for reasonable exemptions or excisions of certain information thereto."



<i>Public Proposal No.</i>	<i>Summary of Proposal</i>	<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
I-23-16	Do not change the right to privacy.	I-x-7	The composition of the jailed populations by race and national origin cannot be significantly different from the composition of the general population.  Appeared on original list—no action taken (September 25, 1997)
I-23-17	Add a section to provide, “minors, with the approval of their respective guardian(s), have the right to assemble at will.”	I-x-8	Declare that the vestiges of racism no longer will be supported by public funds or designation for housing, historic districts, enterprise zones, or any similar enterprise whose past land use can be shown to have disadvantaged blacks historically.  Appeared on original list—no action taken (September 25, 1997)
I-23-18	Protect the right of same sex marriage in this section.	I-x-9	Separate people with communicable diseases, such as AIDS, in schools and other places.  Appeared on original list—no action taken (September 25, 1997)
<b>Article I, Section 24</b>		I-x-10	Allow nude beaches.  Appeared on original list—no action taken (September 25, 1997)
I-24-1	All public records and documents published on electronic media must be encrypted to protect them from being changed by hackers. The 128-bit encryption method is suggested.  Appeared on original list—no action taken (September 25, 1997)	I-x-11	Provide for a separation between the government and political factions similar to the separation between government and religion.  Appeared on original list—no action taken (September 25, 1997)
I-24-2	Ensure that all public records are open to everyone.  Appeared on original list—no action taken (September 25, 1997)	I-x-12	Provide for the right to choose other than a licensed dentist to be fitted for and purchase removable dentures directly from a qualified dental lab technician/denturist/dental prosthetic therapist.  Appeared on original list—no action taken (September 25, 1997)
<b>Article I, Section 25</b>		I-x-13	Provide the right to be free from conviction of victimless crimes.  Appeared on original list—no action taken (September 25, 1997)
I-25-1	This should be repealed, or something of substance added to it. (Taxpayer Bill of Rights)  Appeared on original list—no action taken (September 25, 1997)	I-x-14	Allow for possession, cultivation and transfer of marijuana for private purposes in small amounts for personal use.  Appeared on original list—no action taken (September 25, 1997)
I-25-2	Proposes an extensive bill of rights to guarantee that the rights, privacy, and property of Florida taxpayers are adequately safeguarded and protected during the assessment, collection, and enforcement processes administered under the revenue laws of this state.	I-x-17	There should be established the right to choose one’s own doctor and hospital.  Appeared on original list—no action taken (September 25, 1997)
<b>MOTION</b>		I-x-18	Provide for state public medical service provided free of charge without means testing.  Appeared on original list—no action taken (September 25, 1997)
On motion by Commissioner Anthony, Public Proposal Number I-25-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.		I-x-19	Protect children’s rights first. Don’t let the foster care system get around the law.  Appeared on original list—no action taken (September 25, 1997)
<b>Article I, Section x</b>		I-x-20	Homosexuals should be able to adopt children.  Appeared on original list—no action taken (September 25, 1997)
I-x-2	Prohibit public funding of nursing homes with bad records of neglect.  Appeared on original list—no action taken (September 25, 1997)	I-x-21	Ensure that mentally ill people take their medicine, notwithstanding their civil rights.  Appeared on original list—no action taken (September 25, 1997)
I-x-3a	Create a family bill of rights to protect against government intrusion unless convicted; entitled to legal remedies if no conviction; entitled to compensation and return to normalcy.		
I-x-4	Add a provision: A government or business establishment can make no law, rule or policy respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble and to petition the government or company for a redress of grievances.  Appeared on original list—no action taken (September 25, 1997)		
I-x-5	Guarantee injured workers prompt payment of benefits and needed health care and therapy. Guarantee totally and permanently disabled income based on prior wages.  Appeared on original list—no action taken (September 25, 1997)		
I-x-6	Establish a right to be paid a wage sufficient to support a person and family. Employers engaged in commerce grossing \$100,000 or more in revenues per year shall pay employees a minimum wage of \$10 per hour, indexed to increase with inflation.  Appeared on original list—no action taken (September 25, 1997)		

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
I-x-22	Make it more difficult to be committed involuntarily.  Appeared on original list—no action taken (September 25, 1997)
I-x-23	Define marriage as a binding contract that cannot be violated without penalty. Define marriage as one man/one woman.
I-x-24	Allow conjugal prison visitation and family visitation.

**MOTION**

On motion by Commissioner Mathis, Public Proposal Number I-x-24 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-x-25	Prohibit food or agricultural or corporate disparagement laws.
I-x-26	Provide for substantial recompense where a prosecutor has fabricated or suppressed evidence. Clearly provide that a prosecutor's foremost task is to uncover truth.
I-x-27	Readopt the pre-1972 language which guarantees the right to one direct criminal appeal.
I-x-28	Add: All citizens shall have equal access to the public domain, including equal access to the designated public transportation system, such as roads. Twenty-four hour demand-responsive public transportation must be available at a fair and reasonable price.
I-x-29	Add: Civil conscription and impressment of personal services and private property are prohibited. Involuntary servitude is prohibited except as a punishment for crime whereof a person has been duly convicted. Neither enrollment in nor graduation from a government school, nor membership in a profession or occupation, nor the granting of any license or permit, shall be conditioned upon provision of compulsory public service.
I-x-30	Recognize state citizenship. Provide that a state citizen has the right to vote, to work and to run for office.
I-x-31	Open adoption records. This can be done through intermediaries.
I-x-32	Florida should only allow not-for-profit HMOs to operate in the state.

**Article II, General Provisions****Article II, Section 2**

II-2-1	Explain the role of school districts among the three branches of state government.  Appeared on original list—no action taken (September 25, 1997)
II-2-2	Lawyers should be removed from elective office in the legislative and executive branches of government.  Appeared on original list—no action taken (September 25, 1997)

**Article II, Section 5**

II-5-1	No person shall serve a lifetime total of more than 8 years in any elected or appointed office, nor shall receive any compensation other than the official salary thereof. No salary increase shall apply to any officeholder while in office, nor shall take effect without a public referendum.  Appeared on original list—no action taken (September 25, 1997)
II-5-2	Add "district" officeholders to the prohibited categories of dual officeholders.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
	<b>MOTION</b>
	On motion by Commissioner Langley, Public Proposal Number II-5-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.
II-5-3	Add: No addition or deletion of the above oath of office is permissible.

**Article II, Section 7**

II-7-a-1	Amend Art.II, s.7(a) to read: It shall be the policy of the state to conserve and protect its natural resources and scenic beauty <i>and wildlife habitat</i> .  Appeared on original list—no action taken (September 25, 1997)
II-7-b-1	Expand Art.II, s.7(b), beyond the Everglades Agricultural Area so that everywhere in the state, those who cause pollution are primarily responsible for paying the costs of abatement of that pollution.  Appeared on original list—no action taken (September 25, 1997)
II-7-x-1	Create an Environmental Bill of Rights:  (1) Right to live in an environment free of toxic pollution of manmade chemicals;  (2) Right to protect and preserve our pristine natural communities;  (3) Right to insure the existence of the scarce and fragile plant and animal species that share Florida;  (4) Right to outdoor recreation;  (5) Right to sustained economic success within our natural resources capacity.  Appeared on original list—no action taken (September 25, 1997)

**MOTION**

On motion by Commissioner Zack, Public Proposal Number II-7-x-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

II-7-x-1a	Include a set of public rights related to environmental integrity. Property rights, as well as community natural resource rights should be spelled out.
II-7-x-1b	Add: The people shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the Legislature to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.
II-7-x-2	Suggested additions to the Environmental Bill of Rights:  (1) Protect the physical, chemical and biological wealth of Florida's public lands;  (2) Protect the public trust in wildlife and fisheries;  (3) Protect the right of public access to state sovereign tidelines;  (4) Protect fresh water resources;

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
	(5) Protect the right to clean air and water, freedom from excessive and unnecessary noise, and recreational, scenic, historic and esthetic qualities of nature as part of a healthy environment.  Appeared on original list—no action taken (September 25, 1997)
II-7-x-3	Create a new article of the constitution for natural resources.  Appeared on original list—no action taken (September 25, 1997)
II-7-x-4	It shall be a felony to emit or allow emissions of health-threatening particulates or noxious gases into the atmosphere.  Appeared on original list—no action taken (September 25, 1997)
II-7-x-4a	Need remedies against environmental poisons being used by the government, which intrude onto private property.  Appeared on original list—no action taken (September 25, 1997)
II-7-x-5	Amend to provide for protection of local water supplies. Require local governments to use their water before seeking another government's water supply.  Appeared on original list—no action taken (September 25, 1997)
II-7-x-6	Include a provision regarding sustainability. Require that new buildings utilize appropriate solar, photo-voltaic power, sun and breeze orientation, proper shading, etc.
II-7-x-7	Clearly state that ownership of water belongs to Florida and its people.

**MOTION**

On motion by Commissioner Riley, Public Proposal Number II-7-x-7 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

II-7-x-8	Cease allowing any subsidies to environmentally damaging industries. Encourage clean industries.
II-7-x-9	Recycling should be encouraged and stringently adopted by all local and state instrumentalities.
II-7-x-10	The Department of Transportation should have programs for bicycles, walking, etc. A quality of life potential formula is as follows: QP=R+R/A+A. (R=Rickshaws and railroads. A=Automobiles and airplanes.)
II-7-x-11	Transportation should be improved to induce the public to use alternatives to automobiles.
II-7-x-12	Amend to establish a policy of no net loss conservation and recreation land.
II-7-x-13	Amend to protect state natural/wild lands.
II-7-x-14	Make the Preservation 2000 program permanent.
II-7-x-15a	Provide that the natural resources of the State of Florida designated as forever wild belong to all of the people of the state and should be conserved and managed for the benefit of the state and its people.
II-7-x-15b	Provide for a right to a healthy and clean environment; a right to protect our native and endangered species; filter pollutants.

**MOTION**

Commissioner Mills moved that Public Proposal Number II-7-x-15b be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
II-7-x-16	Stop the vacating of public rights-of-way.
<b>Article II, Section 8</b>	
II-8-f-1b	Expand authority of Ethics Commission to regulate private entities that take on the duties of government regulators.
<b>MOTION</b>	
On motion by Commissioner Freidin, Public Proposal Number II-8-f-1b received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.	
II-8-h-1	Amend Art.II, s.8(h)(1), to provide that full and public disclosure should allow for reporting of financial information to be made within reasonable ranges, rather than requiring specific figures.  Appeared on original list—no action taken (September 25, 1997)
II-8-h-2	Amend Art.II, s.8(h)(1), to provide that financial disclosure statements be filed directly with the Ethics Commission, rather than with the Secretary of State.  Appeared on original list—no action taken (September 25, 1997)
II-8-x-3	Establish courts of ethics for all three branches of government, controlled by non-lawyer citizens.
II-8-x-4	Lobbying has to stop.
II-8-x-4a	No monetary consideration should be allowed for lobbying.

**Article II, Section x**

II-x-1	Create a new section: Legitimacy of Government Powers.-- Legitimate government, at any level, is established solely by direct and explicit consent of the governed. Relative to the citizenry, no branch of government has inherent or reserved powers, implicit or assumed prerogatives, or presupposed attributes of sovereignty. Powers must be expressly granted to government by the people, and the extent and range of such powers shall be strictly, narrowly construed.  Appeared on original list—no action taken (September 25, 1997)
II-x-2	Statement that Florida should and must declare its sovereignty from the United States government, United Nations and all its agencies. Any law or treaty not constitutional under state constitution should not affect us.  Appeared on original list—no action taken (September 25, 1997)
II-x-3	Provide that Florida will not enforce illegal laws handed down by the federal government.  Appeared on original list—no action taken (September 25, 1997)
II-x-4	Create an agency to look into citizens concerns, including concerns about attorneys and judges, when no other agency can help someone.  Appeared on original list—no action taken (September 25, 1997)
II-x-4a	Create a statewide citizens review board with the power to fire all police officers and other public officials. 20 members, none of whom are lawyers or judges.
II-x-4b	Create a cabinet-level Office of the Public Advocate to deal with complaints about state programs, to evaluate law and rule changes, to inquire into the failure of a state officer or agency to comply with any law, to serve as Chair of the Public Service Commission, and to administer the lobbyist registration act.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
II-x-4c	Establish a state ombudsman office with the power to access the court system in behalf of small land owners or anybody who feels they are being unfairly treated by local governments.
II-x-5	Laws and rules should be reviewed periodically to get rid of the old wood.  Appeared on original list—no action taken (September 25, 1997)
II-x-6	Place a percentage on the proportion of law enforcement officers to the population.
II-x-7	Provide that all laws shall be applied equally to all governmental agencies and bodies, including, but not limited to, the Sunshine Law.
II-x-8	Daylight savings time should either not be recognized in Florida or limited to June through August 1, when children are not in school.

### Article III, Legislature

#### Article III, Section 1

III-1-1	The power of the Legislature to enact, amend, and repeal laws should be expressed.  Appeared on original list—no action taken (September 25, 1997)
III-1-1a	Limit the Legislature from passing more than 100 bills per session.  Appeared on original list—no action taken (September 25, 1997)
III-1-1b	Require legislators to read and understand legislation prior to voting.  Appeared on original list—no action taken (September 25, 1997)

#### Article III, Section 3

III-3-b-1	The Legislature should meet every other year.  Appeared on original list—no action taken (September 25, 1997)
III-3-b-2	(CORRECTED) Provide for a bifurcated regular session. The first sixty days of such session would be strictly limited to committee work. That sixty-day session could not be extended and must be followed by a two week recess. After that two week recess, the Legislature would reconvene for forty-five days.  Appeared on original list—no action taken (September 25, 1997)

#### MOTION

On motion by Commissioner Marshall, Public Proposal Number III-3-b-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

III-3-b-2a	Supports the bifurcated session and proposes that a fiscal session precede the general session.  Appeared on original list—no action taken (September 25, 1997)
III-3-b-2b	Change the regular session of the Legislature to the summer months so that teachers can serve.
III-3-b-3	Propose that a regular session of the Legislature shall not exceed 120 days, with a mandatory 30-day recess commencing at the end of the 45th consecutive day and terminating at the end of the 75th day. A special session shall not exceed twenty consecutive days.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
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#### MOTION

On motion by Commissioner Freidin, Public Proposal Number III-3-b-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

III-3-b-4	Provide for a full-time Legislature.
III-3-d-1	Amend Art.III, s.3(d), to read: Length of Session. A regular session of the Legislature shall not exceed sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.  Appeared on original list—no action taken (September 25, 1997)

#### Article III, Section 5

III-5-1	Art.III, s.5, should include a provision ensuring that a person may not be compelled to be a witness against himself when compelled to appear before a house of the Legislature or any of its committees.  Appeared on original list—no action taken (September 25, 1997)
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#### Article III, Section 6

III-6-1	All laws shall include a clear and concise "Intent of the Legislature" abstract, spelling out what the law is intended to accomplish. This intent may not be changed or interpreted without the express consent of the Legislature. No executive or judicial body may make any rule or implementing guidelines without the express consent of the Legislature.  Appeared on original list—no action taken (September 25, 1997)
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#### Article III, Section 7

III-7-2	The people must be informed by public hearing of every statute which will affect their lives, businesses and freedoms.  Appeared on original list—no action taken (September 25, 1997)
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III-7-3	Place some constraints on the amendatory process.  Appeared on original list—no action taken (September 25, 1997)
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#### Article III, Section 9

III-9-1	Create a new provision: Sunset Limitation of Statutes. In order that future generations not be burdened by legislative excesses of the past, each statute henceforth passed by the Legislature shall expire twenty years after its effective date. All current statutes shall expire ten years after passage of this amendment. The expiration of a statute shall encompass amendments to and deletions from the statute as originally enacted.  Appeared on original list—no action taken (September 25, 1997)
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III-9-1a	Every statute passed by the Legislature should expire five years after enacted. Administrative regulations should also expire five years after enacted.
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III-9-1b	Every law must be ratified by the populace in the next general election before any person or entity may profit financially from it.
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#### Article III, Section 10

III-10-1	Moral issues should be voted on at the local level. Counties should decide these issues.
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*Public Proposal No.*                      *Summary of Proposal*

III-x-9      If a law is declared unconstitutional, then the Legislators who voted for it shall be removed from office; Legislators must read all legislation; make it a felony for a government representative to lie.

### Article IV, Executive

#### Article IV, Section 1

IV-1-1      The Governor shall not create a commission by executive order to create a new form of government, such as a Commission for a Sustainable South Florida Government.

Appeared on original list—no action taken  
(September 25, 1997)

#### Article IV, Section 3

IV-3-b-1      Rewrite the provision regarding gubernatorial incapacity. It provides no standards and could result in a constitutional crisis.

Appeared on original list—no action taken  
(September 25, 1997)

#### MOTION

On motion by Commissioner Langley, Public Proposal Number IV-3-b-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

#### Article IV, Section 5

IV-5-a-1      The Cabinet should be restructured; the Cabinet should be appointed by the Governor.

Appeared on original list—no action taken  
(September 25, 1997)

#### MOTION

On motion by Commissioner Riley, Public Proposal Number IV-5-a-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IV-5-a-1a      The Comptroller and Insurance Commissioner should be appointed.

Appeared on original list—no action taken  
(September 25, 1997)

IV-5-a-1b      Cabinet should be composed of elected Governor, Attorney General, and Chief Fiscal Officer. Retain certain Cabinet duties. All other matters to be determined by statute.

#### MOTION

On motion by Commissioner Mathis, Public Proposal Number IV-5-a-1b received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IV-5-a-1c      If there is to be a State Board of Education, the Commissioner of Education must be an integral part of that board.

#### MOTION

On motion by Commissioner Alfonso, Public Proposal Number IV-5-a-1c received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IV-5-1      Require that the Governor and Lieutenant Governor have been born in Florida and have been a resident in Florida for the past 7 years.

*Public Proposal No.*                      *Summary of Proposal*

### Article IV, Section 6

IV-6-1      Repeal this to the extent that a department may be placed under the direct supervision of the Governor and Cabinet.

Appeared on original list—no action taken  
(September 25, 1997)

#### MOTION

On motion by Commissioner Alfonso, Public Proposal Number IV-6-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IV-6-2      Make the 5 water management districts state agencies, which would allow for their being subject to performance-based budgeting, etc.

#### MOTION

On motion by Commissioner Langley, Public Proposal Number IV-6-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

### Article IV, Section 8

IV-8-1      A person's civil rights should be automatically restored upon completion of sentence and a subsequent time certain free from arrest.

Appeared on original list—no action taken  
(September 25, 1997)

#### MOTION

On motion by Commissioner Barkdull, Public Proposal Number IV-8-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IV-8-2      The Governor alone should decide clemency without a vote of the Cabinet.

IV-8-3      Reduce the number of votes required to grant clemency. Currently the Governor must obtain the approval of at least three members.

### Article IV, Section 9

IV-9-1a      In addressing unification, consider guaranteeing citizen procedural due process and making the agency subject to the APA, consider the extent of the agency's subject matter jurisdiction, and look at the extent of the legislative oversight of the funding to constitutional agencies.

IV-9-2      The unelected Game Commission should be made subject to the control of the Legislature. Currently the Commission is authorized to exercise regulatory powers, and the Legislature may enact laws in aid of the Commission, not inconsistent with this provision.

Appeared on original list—no action taken  
(September 25, 1997)

IV-9-3      Technical: The name of the agency should be the Florida Game and Freshwater (not Fresh Water) Fish Commission.

### Article IV, Section x

IV-x-1      Create a Department of Public Safety which would consolidate state law enforcement officers in one agency. Currently, at least 10 state agencies employ law enforcement officers.

Appeared on original list—no action taken  
(September 25, 1997)

IV-x-2      Create a separate department for persons with disabilities.

Appeared on original list—no action taken  
(September 25, 1997)

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
IV-x-3	No governmental body, committee, commission, study group, etc., should ever have more than 25% lawyers as members.  Appeared on original list—no action taken (September 25, 1997)
IV-x-4	Create a section as follows: Sunset Limitation of Administrative Rules.--Each administrative rule or regulation henceforth issued by a state agency or department shall expire ten years after its effective date. All current rules and regulations shall expire six years after passage of this amendment.  Appeared on original list—no action taken (September 25, 1997)
IV-x-4a	Add: Administrative regulations and rules are subject to de novo judicial review, and are not entitled to a presumption of legal or evidential validity.
IV-x-5	Mandate the creation of a commission to develop specific guidelines regarding the protection of barrier islands, looking at developments on a case-by-case basis.  Appeared on original list—no action taken (September 25, 1997)
IV-x-6	All parole boards and all other appointed boards with functions of criminal sentence reduction, new trials or clemency shall be dissolved and prohibited. Such questions shall be decided only by petit juries.  Appeared on original list—no action taken (September 25, 1997)
IV-x-7	Establish a Cabinet position for environmental issues.  Appeared on original list—no action taken (September 25, 1997)
IV-x-8	Deregulate banking. Provide for a private-sector banking commission.  Appeared on original list—no action taken (September 25, 1997)
IV-x-9	Abolish water management districts.

**MOTION**

Commissioner Corr moved that Public Proposal Number IV-x-9 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

IV-x-10	Place the Public Service Commission in the executive branch.
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**MOTION**

On motion by Chairman Douglass, Public Proposal Number IV-x-10 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IV-x-10a	Make the Public Service Commission an elected body rather than appointed.
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**MOTION**

On motion by Commissioner Evans-Jones, Public Proposal Number IV-x-10a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IX-x-11	The Lottery should be a division of the Department of Treasury or Finance, not a separate department.
IV-x-12	Eliminate the Department of Health and Rehabilitative Services.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
<b>Article V, Judiciary</b>	
<b>Article V, Section 1</b>	
V-1-2	Amend Art.V, s.1, relating to the structure of the judiciary to provide for a system of constables, justices of the peace and city judges.  Appeared on original list—no action taken (September 25, 1997)
V-1-3	Amend to allow counties to collect the fines and fees imposed by the courts.
<b>Article V, Section 2</b>	
V-2-a-2	The rules of procedure should be made and amended by the Legislature, not the court.
V-2-d-1	Amend Art.V, s.2(d), to provide that the chief judge of each circuit is responsible to see that all circuit court trials and grand jury proceedings are held in the county seat.  Appeared on original list—no action taken (September 25, 1997)
<b>Article V, Section 3</b>	
V-3-a-3	Divide Florida into 7 districts and elect one Supreme Court justice from each.  Appeared on original list—no action taken (September 25, 1997)
V-3-a-4	Amend Art.V, s.(3), to require a unanimous decision of the Supreme Court or a panel of judges of the district courts of appeal before any trial verdict is reversed, remanded or retried.  Appeared on original list—no action taken (September 25, 1997)
V-3-b-1	Amend Art.V, s.3(b), relating to capital cases to allow only 30 days between appeals.  Appeared on original list—no action taken (September 25, 1997)
V-3-b-2	Amend Art.V, s.3, to provide the Supreme Court with the opportunity to review per curiam affirmed decision of the district courts of appeal.  Appeared on original list—no action taken (September 25, 1997)
V-3-b-2a	All per curiam affirmed orders shall state: "The final order as rendered herein by the lower court is hereby adopted verbatim as the order of this court."
<b>Article V, Section 5</b>	
V-5-1	Amend Art.V to provide a process to remove bias and discrimination from divorce and custody determinations.  Appeared on original list—no action taken (September 25, 1997)
<b>Article V, Section 6</b>	
V-6-1	Merge the county courts into the circuit courts.
<b>Article V, Section 7</b>	
V-7-1	Amend: All courts except the supreme court may sit in divisions as may be established by general law, <i>except that all circuit courts shall establish a division devoted to causing and enforcing injunctions for protection against domestic violence . . . .</i>
<b>Article V, Section 8</b>	
V-8-3a	Amend Art.V, s.8, to provide that in order to be eligible for judicial office, candidates must, at the time of appointment or qualification for office, reside within the territorial jurisdiction of their court.





<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
V-15-7	Establish the Office of Judicial Administration, headed by a chief administrator appointed by the Supreme Court to assist in performing the functions of lawyer regulation and discipline. The office would be funded by legislative appropriation.  <b>Article V, Section 16</b>
V-16-1	Revise the fee schedule for the Clerk of the Courts in order to allow 100% of their funds to be raised through fees collected.  <b>Article V, Section 17</b>
V-17-1	Penalties for prosecutorial misconduct should be severe.  <b>Article V, Section 18</b>
V-18-1	Removes public defenders from the Constitution and creates a Department of Public Defense with the Executive Branch.  Appeared on original list—no action taken (September 25, 1997)  <b>Article V, Section 19</b>
V-19-1	Create a new section that would provide for a system of court watchers. The purpose of the program is to determine if there have been any violations of federal or State Constitution.  Appeared on original list—no action taken (September 25, 1997)
V-19-1a	There should be more oversight of judges. Judges should be more accountable.  Appeared on original list—no action taken (September 25, 1997)
V-19-1b	Improve supervision of attorneys and judges.  Appeared on original list—no action taken (September 25, 1997)  <b>Article V, Section x</b>
V-x-1	Require mandatory education for judges before they take office, including judicial efficiency.  Appeared on original list—no action taken (September 25, 1997)
V-x-2	Provide that no active member of the Florida Bar may serve on the Judiciary Committee of either house of the Legislature.  Appeared on original list—no action taken (September 25, 1997)
V-x-3	Judges should base decisions on the rule of law, not on their opinions. Judicial activism is not part of the design of our government.  Appeared on original list—no action taken (September 25, 1997)
V-x-4	Provide for a magistrate system for family law cases, including child support.  Appeared on original list—no action taken (September 25, 1997)
V-x-4a	Make all general masters Article V judicial officers.
V-x-5	Re-establish municipal courts.
V-x-6	Bring back common law courts as originally provided for in the U.S. Constitution.
V-x-7	All court orders must be personally signed by the judge or judges who took part in the decision.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
V-x-8	Allow jurors to ask questions.
V-x-9	Filing fees should be eliminated as they prevent access to courts.
V-x-10	Pro se litigants should be advised by the court regarding nonconformance with a court rule, and be advised by the court how to correct any nonconformance.

**MOTION**

Commissioner Mathis moved that Public Proposal Number V-x-10 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article VI, Suffrage and Elections**

**Article VI, Section 1**

VI-1-1	Allow NPA and Independent voters to vote in primary elections.  Appeared on original list—no action taken (September 25, 1997)
VI-1-2	A runoff election should only be held when no candidate gets at least 45% of the vote.  Appeared on original list—no action taken (September 25, 1997)

**MOTION**

Commissioner Smith moved that Public Proposal Number V-1-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VI-1-3a	Allow same-day registration at the polls.
VI-1-3b	Allow voting via the Internet.

**MOTION**

Commissioner Corr moved that Public Proposal Number VI-1-3b be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article VI, Section 2**

VI-2-3	All voters should be required to prove they are residents of Florida before being registered.  Appeared on original list—no action taken (September 25, 1997)
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**Article VI, Section 4**

VI-4-1a	Limit terms to three for any public office.  Appeared on original list—no action taken (September 25, 1997)
VI-4-3	Review term limits to provide system that is equitable to all state senators.  Appeared on original list—no action taken (September 25, 1997)
VI-4-3a	Delete term limits for members of Congress. They have been held unconstitutional.

**MOTION**

On motion by Commissioner Ford-Coates, Public Proposal Number VI-4-3a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-4-5	Limit state attorneys to one term.
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<i>Public Proposal No.</i>	<i>Summary of Proposal</i>	<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
	<b>Article VI, Section 5</b>		Appeared on original list—no action taken (September 25, 1997)
VI-5	Amend Art.VI, s.5, to provide that a general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state, and county, municipal and district officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired term portion of the term. . . .	VI-x-7	All candidates for public office shall be treated equally. No qualified candidate shall have ballot access restrictions based upon affiliation with a political party or faction or upon the size of a political party or faction. All elections shall be non-partisan.
	Appeared on original list—no action taken (September 25, 1997)		Appeared on original list—no action taken (September 25, 1997)
	<b>Article VI, Section 6</b>	VI-x-8	Adopt language found in the Illinois Constitution creating a State Board of Elections and providing a "state board of elections shall [have] be general supervision over the administration and election laws throughout the state. The General Assembly [Legislature] shall determine the size, manner of selection and composition of the Board. No political party shall have a majority of members on the Board.
VI-6-1	Strike the entire section relating to municipal and district elections.		Appeared on original list—no action taken (September 25, 1997)
	Appeared on original list—no action taken (September 25, 1997)	VI-x-9a	The collection of signatures to recall a county commissioner is excessive.
VI-6-2	Amend Art.VI, s.6, to provide that local election campaigns shall not commence earlier than 30/45 days before election date and at the state level 60/75 days.		Appeared on original list—no action taken (September 25, 1997)
	Appeared on original list—no action taken (September 25, 1997)	VI-x-9b	Provide a mechanism to recall all elected public officials.
	<b>Article VI, Section 7</b>	VI-x-10	Amend ballot access laws to provide equal access for minor parties. Also provide mechanism for minor parties to receive refund of filing fees.
VI-7-1	Provide a method for the distribution of electoral college votes.		Appeared on original list—no action taken (September 25, 1997)
	Appeared on original list—no action taken (September 25, 1997)	VI-x-11	Prohibit the use of general revenue to finance campaigns. Require that contributions must come from individuals who are electors qualified to vote for the candidate.
	<b>Article VI, Section x</b>		Appeared on original list—no action taken (September 25, 1997)
VI-x-1a	Prohibit any law that would establish fees to be paid to qualify for ballot position or which would constitute a financial barrier or a burden to candidates or parties; expand the time for collecting ballots; limit the number of required signatures for position by petition to 3%.		
VI-x-2	Remove restrictions on ballot access including high filing fees, access laws, and petitioning requirements.		
	Appeared on original list—no action taken (September 25, 1997)		
	<b>MOTION</b>		
	On motion by Commissioner Smith, Public Proposal Number VI-x-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.		
VI-x-3	Create a new section requiring a statewide referendum of all laws passed by the state Legislature for that period.	VI-x-11a	Only natural citizens may make campaign contributions.
	Appeared on original list—no action taken (September 25, 1997)		
VI-x-4	The rights of political associations in electoral participation should be enhanced.		<b>MOTION</b>
	Appeared on original list—no action taken (September 25, 1997)		On motion by Commissioner Sundberg, Public Proposal Number VI-x-11a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.
VI-x-5	Include a declaration that competition and electoral choice are of interest of citizens. Minor parties and independents should not be suppressed.	VI-x-13	Limit campaign contributions to those who can vote for the candidate.
	Appeared on original list—no action taken (September 25, 1997)		Appeared on original list—no action taken (September 25, 1997)
VI-x-5a	Prohibit disproportionate requirements favoring one party over another.		<b>MOTION</b>
VI-x-6	Any political party that has been in continuous national existence for twenty years and has run presidential candidates in at least four of the previous five presidential elections shall have statewide ballot access.	VI-x-14a	Require political parties to pay for primary election.
			Appeared on original list—no action taken (September 25, 1997)
		VI-x-15a	Prohibit the second primary. (Included in above)
		VI-x-16	Conduct non-partisan elections.

*Public Proposal No.*                      *Summary of Proposal*  
 Appeared on original list—no action taken  
 (September 25, 1997)

**MOTION**

Commissioner Mathis moved that Public Proposal Number VI-x-16 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VI-x-17      Relating to campaign financing, provide for a statutory cap and prohibit contributions from those not residents of Florida or Florida businesses.

    Appeared on original list—no action taken  
 (September 25, 1997)

VI-x-18      Require the print and broadcast media to provide a set amount of space or time at reduced rates or free to political candidates.

    Appeared on original list—no action taken  
 (September 25, 1997)

VI-x-19      States may not place financial burdens on candidates by requiring reports to be submitted by technology.

    Appeared on original list—no action taken  
 (September 25, 1997)

VI-x-20      Limit all campaign contributions to \$200.

    Appeared on original list—no action taken  
 (September 25, 1997)

VI-x-21      Limit campaign contributions to \$500 and do not permit public officials to take a position on referendum items.

    Appeared on original list—no action taken  
 (September 25, 1997)

VI-x-22      Do not allow special elections when there are too few items to justify the expense of an election.

    Appeared on original list—no action taken  
 (September 25, 1997)

VI-x-23      Require polling machines to be available so that the sentiment of citizens can be tested concerning various issues.

    Appeared on original list—no action taken  
 (September 25, 1997)

VI-x-24      Amend to preempt the resign to run law.

VI-x-25      Reduce filing fees to the cost of processing and guarantee a petitioning requirement or progressive as the most progressive state in the union.

VI-x-25a     The filing fee for congressional candidates shall be no more than \$100.

VI-x-26      Provide that local governments must make matching funds available on a first in/first out basis with unspent funds being returned to their source. None of those funds may be spent for personal use.

VI-x-27      Campaign finances for the candidacy of a person to public office or for the advancement or defeat of a referendum issue may not exceed specified limits.

VI-x-28      The registration process to get on the ballot should be amended to make the people who are attempting to get on the ballot pay to have the signatures verified.

VI-x-29      Anyone who signs a petition should be a registered voter.

**MOTION**

Commissioner Evans moved that Public Proposal Number VI-x-29 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

*Public Proposal No.*                      *Summary of Proposal*  
 VI-x-30      All candidates should be listed on the ballot whether challenged or not.

**MOTION**

On motion by Commissioner Corr, Public Proposal Number VI-x-30 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-x-31      Ballots should be by hand so they can be counted and recounted accurately.

VI-x-32      Require that ballots must contain a category of "none of the above" as a choice for each office. If no candidate receives a majority, all who received fewer votes than "none of the above" are disqualified.

**MOTION**

Commissioner Corr moved that Public Proposal Number VI-x-32 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article VII, Finance and Taxation**

**Article VII, Section 1**

VII-1-a      Amend Art. VII to read "[t]here shall be no gift taxation, value-added taxation, securities transfer taxation, generation-skipping taxation, taxation of tangible personal property not used for business purposes, or other tax not explicitly permitted under this constitution."

    Appeared on original list—no action taken  
 (September 25, 1997)

VII-1-e-1     Limit the Legislature's ability to raise taxes, require 2/3 majority vote of each legislative body or require 75% voter approval.

    Appeared on original list—no action taken  
 (September 25, 1997)

VII-1-e-3     Amend the State Revenue Limitation initiative. Replace Personal Income with Florida Household Income as the indicator to best gauge the economic health of individuals and the family. Eliminate the language which allows the specific calculation to compound growth on the government side.

VII-1-1      Place the tax cap/voter approval of new taxes initiative on the ballot.

VII-1-2      All existing current state and local taxes are hereby abolished. Florida taxation shall henceforth be a one percent tax on all commerce, wholesale, retail, or any other action where goods or services are sold, bartered, loaned, or given as a gift.

VII-1-3      Adopt a unified tax structure, combining property, sales, intangible and income taxes. Set a ceiling on the aggregate amount of taxes a person would pay. Exempt the first \$25,000.

**MOTION**

On motion by Commissioner Freidin, Public Proposal Number VII-1-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-1-4      Provide that government cannot raise taxes in excess of the consumer price index.

VII-1-5      Allow counties and cities to levy up to two cent local option sales taxes to be utilized to fund ongoing operational expenses.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
<b>Article VII, Section 2</b>	
VII-2-2	Exempt minors from intangible taxes up to \$150,000. Appeared on original list—no action taken (September 25, 1997)
VII-2-3	Eliminate the filing requirement on the first \$5000 on intangible personal property. The cost of levy far exceeds the revenues collected.

**MOTION**

On motion by Commissioner Mills, Public Proposal Number VII-2-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article VII, Section 3**

VII-3-a-1	Provide greater equity to counties who have an inordinate amount of exempt property. Appeared on original list—no action taken (September 25, 1997)
VII-3-a-2a	Provide immunity from taxation for all governmental entities.
VII-3-a-2b	Provide immunity from taxation for special districts.
VII-3-a-2c	Waive the immunity from taxation for state and county lands that are being used by private enterprise. Treat all governments the same.
VII-3-1-3	Close all loop holes in the tax laws. Appeared on original list—no action taken (September 25, 1997)
VII-3-a-5	Provide that all property owned and used by a municipality shall be immune from taxation if not on the tax rolls as of December 1996. All property owned by a government entity and used for public purposes may be exempted from taxation by general law.

**MOTION**

On motion by Commissioner Henderson, Public Proposal Number VII-3-a-5 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-3-5	Prohibit a county or municipality from using cash derived from ad valorem taxes for economic development purposes. Appeared on original list—no action taken (September 25, 1997)
VII-3-6	Prohibit any tax or fee on self-supplied water users.
<b>Article VII, Section 4</b>	
VII-4-1	Collect property taxes on a monthly basis. Appeared on original list—no action taken (September 25, 1997)
VII-4-2	Assess but do not levy property tax on the elderly. Let the estate handle the taxes. The elderly should not be forced from their homes because they cannot pay their taxes. Appeared on original list—no action taken (September 25, 1997)
VII-4-3	Authorize partial-year property tax assessments.

**MOTION**

On motion by Commissioner Logan, Public Proposal Number VII-4-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
VII-4-4	Provide a conservation tax exemption to promote the protection of natural lands by private landowners.

**MOTION**

On motion by Commissioner Mills, Public Proposal Number VII-4-4 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-4-5	Create tax incentives for those who use advanced technology, high efficiency solar and rechargeable electric vehicles.
VII-4-6	The Legislature should not grant exemptions to the just valuation of property for ad valorem purposes.

**Article VII, Section 5**

VII-5-3	Add: There shall be no gift taxation, value-added taxation, securities transfer taxation, generation-skipping taxation, taxation of personal property not used for business purposes, or other tax not explicitly permitted under this constitution.
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**Article VII, Section 6**

VII-6-1a	Revise the homestead exemption to allow a \$25,000 exemption to any amount over the first \$25,000 in value. Appeared on original list—no action taken (September 25, 1997)
VII-6-1b	Remove the initial \$5,000 exemption and start the \$25,000 exemption thereafter. Appeared on original list—no action taken (September 25, 1997)
VII-6-2	Amend Art.VII, s.6, to provide that everyone pays at least something for such basic things as schools and law enforcement. Appeared on original list—no action taken (September 25, 1997)
VII-6-3	Modify the homestead exemption provision. Mobile home owners should be paying their share of taxes. Appeared on original list—no action taken (September 25, 1997)
VII-6-8	Eliminate homestead exemption. Appeared on original list—no action taken (September 25, 1997)
VII-6-9	WITHDRAWN (Raise the homestead exemption with the consequence of reducing the property tax base of local governments.) Appeared on original list—no action taken (September 25, 1997)
VII-6-10	WITHDRAWN (Amend the Constitution to permit the partial year assessment of homestead property in order to recover the costs of providing services to new homestead property completed after January 1 of each new year.) Appeared on original list—no action taken (September 25, 1997)
VII-6-11	Add to paragraph (a), . . . inclusive of state Medicaid benefits paid to the owner chronic care in eligible facilities commencing 90 days from entry. Appeared on original list—no action taken (September 25, 1997)
VII-6-12	Provide an alternative to the homestead exemption for elders. At 70, the tax would be based on 1/2 of the appraised value; at 80, on 1/4; and at 90, on 1/10. At age 100, a person would not be required to pay ad valorem taxes.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
<b>Article VII, Section 9</b>	
VII-9-a-1	WITHDRAWN (Provide local school districts more flexibility to use 10 mills of nonvoted millage as they wish.)  Appeared on original list—no action taken (September 25, 1997)
VII-9-a-2	WITHDRAWN (Permit school districts to levy an increment of millage above 10 mills without the need for a referendum approval.)  Appeared on original list—no action taken (September 25, 1997)
VII-9-a-3	WITHDRAWN (Specify in the Constitution the amount or percentage of the 10 mill cap that may be used for capital improvement versus other purposes.)  Appeared on original list—no action taken (September 25, 1997)
VII-9-a-4	The millage cap for schools should be set locally and not be set out in the Constitution.  Appeared on original list—no action taken (September 25, 1997)
VII-9-a-4a	Give local control to school boards to raise the necessary dollars in their communities. One statute does not fit all districts.
VII-9-a-4b	Establish a stable revenue source for school construction, particularly for facilities for community colleges and public universities.

**MOTION**

Commissioner Logan moved that Public Proposal Number VII-9-a-4b be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-9-b-1	WITHDRAWN (Adjust the Constitutional formula for the distribution of motor vehicle license tax fee to provide a greater percentage of proceeds to school districts and community colleges.)  Appeared on original list—no action taken (September 25, 1997)
VII-9-b-2	Provide that all natural persons who own property in counties other than the county in which they claim homestead be allowed to vote for every and all elected officials and all county issues.  Appeared on original list—no action taken (September 25, 1997)
VII-9-b-3	Provide that all persons who have no minor children or who home school are not responsible for property taxes associated with education.  Appeared on original list—no action taken (September 25, 1997)
VII-9-b-4	Remove the 2-year limitation on voter approval for exceeding the 10-mill cap.

**MOTION**

Commissioner Nabors moved that Public Proposal Number VII-9-b-4 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-9-b-5	Remove the cap on the ad valorem taxing ability of the Northwest Florida Water Management District. The cap of .05 mills is not sufficient to meet the District's needs.
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<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
<b>MOTION</b>	
	Commissioner Henderson moved that Public Proposal Number VII-9-b-5 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.
VII-9-b-6	There should not be specific millage limitations in the constitution.
VII-9-b-7	Remove the 2-year limitation on exceeding the 10-mill cap for local governments.
VII-9-1	Allow for variable or split tax, by which a local government could impose a higher rate on land and a lower rate on structures. This promotes better growth management, limits urban sprawl, etc.

**MOTION**

Commissioner Mills moved that Public Proposal Number VII-9-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-9-2	Fiscal home rule should be established for all local governments; that is remove any prohibitions placed on local government taxing authority.
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**MOTION**

Commissioner Anthony moved that Public Proposal Number VII-9-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-9-3	New taxes imposed by a city or county should require voter approval.
VII-9-4	Cities should be able, with voter approval, to levy any tax that can be levied by the state.

**MOTION**

Commissioner Anthony moved that Public Proposal Number VII-9-4 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-9-5	City residents should not be taxed by counties to provide municipal-type services to those in unincorporated areas.
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**MOTION**

Commissioner Anthony moved that Public Proposal Number VII-9-5 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-9-6	Require referendum before imposing special assessments.  Appeared on original list—no action taken (September 25, 1997)
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**MOTION**

Commissioner Corr moved that Public Proposal Number VII-9-6 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-9-6a	Add: The total of all assessments, fees or taxes levied on property by each county, special district, municipal, or school board taxing authority, in the aggregate, shall not exceed a combined rate of more than three percent (30 mills) as elsewhere mandated by the Florida Constitution.
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<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
<b>MOTION</b>	
Commissioner Corr moved that Public Proposal Number VII-9-6a be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.	
VII-9-6b	Special assessments should be illegal. If one person has to pay, everyone should have to pay.
VII-9-7	Authorize a municipal occupational license tax without limitations or restrictions.

**MOTION**

Commissioner Anthony moved that Public Proposal Number VII-9-7 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-9-8	Add: In a county where the maximum local capital outlay millage has been levied for the preceding 3 fiscal years and the cumulative student enrollment growth for the preceding 5 years is greater than 20%, then 10% of the sales surtax in each year it is collected may be used for specifically allocated operational expenses.
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**Article VII, Section 10**

VII-10-1	Clearly specify whether and the extent to which tax dollars may be spent and the government's credit pledged to aid and economically assist private entities, such as professional sports teams.
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**MOTION**

On motion by Commissioner Marshall, Public Proposal Number VII-10-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article VII, Section 12**

VII-12-1	WITHDRAWN (Narrow the referendum requirement of Art.VII, s.12, to indebtedness payable exclusively from ad valorem taxation and maturing more than 12 months more after issuance.)  Appeared on original list—no action taken (September 25, 1997)
VII-12-2	WITHDRAWN (Broaden the referendum requirement of Art.VII, s.12, to apply any indebtedness incurred where ad valorem taxation directly or indirectly supports the bond issuance.)  Appeared on original list—no action taken (September 25, 1997)
VII-12-3	Amend to prohibit lease-purchasing agreements using ad valorem taxes.  Appeared on original list—no action taken (September 25, 1997)
VII-12-4	Require approval by referendum for issuance of certificates of participation.

**Article VII, Section 13**

VII-13-1	The Constitution should provide an assumption of correctness not be made in favor of the property appraiser.  Appeared on original list—no action taken (September 25, 1997)
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**Article VII, Section 15**

VII-15-1	Permit the state to set up a housing authority funded by bonds sold to the public and guaranteed by constitutionally mandated funds from tax money.
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<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
Appeared on original list—no action taken (September 25, 1997)	
<b>Article VII, Section 18</b>	
VII-18-1	The term "important state interest" should be defined for purposes of this section.
VII-18-2	A mandate should fulfill a "compelling state interest" not simply an "important state interest."

**MOTION**

On motion by Commissioner Anthony, Public Proposal Number VII-18-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-18-3	Unfunded mandates are prohibited unless passed by a super-majority.
VII-18-4	Appoint an "Agency Rule Committee" (to be composed of seven County representatives, seven City representatives and seven Governor appointees). The purpose of this Committee will be to review agency rules and their financial impact upon local government.
VII-18-5	Amend to expand the definition of unfunded mandates to include agency actions and rules that impose a financial impact upon local government.

**MOTION**

On motion by Commissioner Langley, Public Proposal Number VII-18-5 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article VII, Section x**

VII-x-1	WITHDRAWN (Change the administration and distribution of the Public Education Capital Outlay and Debt Service Trust Fund to grant school districts a defined percentage of the proceeds.)  Appeared on original list—no action taken (September 25, 1997)
VII-x-2	Reconcile the tax on manufacturers.  Appeared on original list—no action taken (September 25, 1997)
VII-x-4	Supports a provision that the cost of the justice system may not exceed 5% of the total budget.  Appeared on original list—no action taken (September 25, 1997)
VII-x-5	Opposes any amendment that would establish a constitutional state land acquisition fund or program.  Appeared on original list—no action taken (September 25, 1997)
VII-x-6	Supports a constitutional amendment that would prohibit taxing food and medicine.  Appeared on original list—no action taken (September 25, 1997)

**MOTION**

On motion by Commissioner Zack, Public Proposal Number VII-x-6 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-x-7	Supports the flat tax and national sales tax and federal flat tax of 12%. Intangibles tax should be eliminated.  Appeared on original list—no action taken (September 25, 1997)
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<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
VII-x-9	State tax structure should balance between business and personal taxes.  Appeared on original list—no action taken (September 25, 1997)
VII-x-10	Mobile homeowners should not have to pay a sales tax on their purchase.  Appeared on original list—no action taken (September 25, 1997)
VII-x-11	Prohibit non-elected officials and boards from levying taxes.  Appeared on original list—no action taken (September 25, 1997)
VII-x-11a	Consider the authority of water management districts to impose taxes. The District is governed by unelected officials.
VII-x-11b	The Legislature should be prohibited from creating a public body without giving it taxing authority.
VII-x-12	Neither the government nor its taxing authority should be permitted to charge more in penalties for late payment of taxes than the government or its agencies pay for early payment of taxes due.  Appeared on original list—no action taken (September 25, 1997)
VII-x-13	Outlaw any budget item that is indexed to inflation.  Appeared on original list—no action taken (September 25, 1997)
VII-x-14	Prohibit the expenditure of funds derived from sources relating to the registration, operation, or use of vehicles, or to fuels, for purposes other than the costs of highway and bridge construction, maintenance and repair, traffic enforcement, and administrative costs. (Would not apply to funds currently diverted for other purposes under the constitution)

**MOTION**

Commissioner Ford-Coates moved that Public Proposal Number VII-x-14 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-x-15 Tax laws should not be able to be made retroactive.

**RECESS**

On motion by Commissioner Barkdull, the Commission recessed at 10:47 a.m. to reconvene at 11:10 a.m.

**CALL TO ORDER**

The Commission was called to order by the Chairman at 11:12 a.m. A quorum present—29:

Mr. Chairman	Crenshaw	Lowndes	Sundberg
Alfonso	Evans	Marshall	Thompson
Anthony	Evans-Jones	Mathis	West
Argiz	Ford-Coates	Mills	Wetherington
Barkdull	Freidin	Nabors	Zack
Brochin	Hawkes	Riley	
Butterworth	Henderson	Rundle	
Corr	Langley	Smith	

Alternates:

Barton	Logan
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**SPECIAL GUEST**

Chairman Douglass introduced Ralph Turlington who was present in the chamber. Mr. Turlington was a member of the 1968 Constitution Revision Commission, former Speaker of the House of Representatives and former Commissioner of Education.

**SPECIAL ORDER, continued**

*Public Proposal No.*                      *Summary of Proposal*

**Article VIII, Local Government**

**Article VIII, Section 1**

VIII-1-a-1	Do not revise Art. VIII relating to home rule.  Appeared on original list—no action taken (September 25, 1997)
VIII-1-a-2	Establish a process for counties to separate from Florida.
VIII-1-d-1	Require constitutional officers, who are elected by voters, to levy the taxes necessary to support their individual budgets.  Appeared on original list—no action taken (September 25, 1997)
VII-1-d-2	Amend Art.VIII, s.1(d), to allow for the election of the sheriff and not to have this taken away through a county charter or special law.
VIII-1-d-3	Elections for county commission, sheriff, tax collector and clerk of court should be non-partisan.

**MOTION**

On motion by Commissioner Riley, Public Proposal Number VIII-1-d-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VIII-1-d-4	Constitutional officers other than the sheriff should not have the power to deputize employees. If there are deputized employees, the number should be limited.
VIII-1-e-1	Require penalties if county commissions fail to follow the law by thwarting a home rule commission by failing to fund the expenses as required by law.  Appeared on original list—no action taken (September 25, 1997)

VIII-1-f-1 Amend to read: Counties not operating under county charters shall have such power of self government ~~as is provided by general or special law~~ *not inconsistent with general law or with special law approved by vote of the electors. . .*

**MOTION**

On motion by Commissioner Nabors, Public Proposal Number VIII-1-f-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VIII-1-g-1	WITHDRAWN (Amend Art.VIII, s.1(g), to permit charter counties to set forth in their charters a procedure for incorporation and annexation as an alternative to incorporation and annexation by special law.)  Appeared on original list—no action taken (September 25, 1997)
VIII-1-1-1	WITHDRAWN (Amend Art.VIII, s.1(g), to permit charter counties to set forth in their charters a procedure for incorporation and annexation as an alternative to incorporation and annexation by special law.)  Appeared on original list—no action taken (September 25, 1997)

*Public Proposal No.*                      *Summary of Proposal*

**Article VIII, Section 2**

VIII-2-1    Require study and a referendum before any municipality may be abolished, merged or consolidated with another local government.

Appeared on original list—no action taken  
(September 25, 1997)

VIII-2-a-1   Amend Art.VIII, s.2(a), regarding formation of municipalities, s.2(c), regarding annexation, and s.3, regarding consolidation, and to permit charter counties to provide a process for incorporation, consolidation and annexation in its charter or otherwise strengthen the role of local government in the formation process.

Appeared on original list—no action taken  
(September 25, 1997)

VIII-2-a-2   Remove language that allows the Legislature to abolish a city without due process or just cause.

**MOTION**

Commissioner Ford-Coates moved that Public Proposal Number VIII-2-a-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VIII-2-a-2a   Amend Art.VIII, s.2(a), to require that municipalities may only be established by special law and abolished upon an affirmative vote of the electorate of the municipalities.

**MOTION**

Commissioner Ford-Coates moved that Public Proposal Number VIII-2-a-2a be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VIII-2-b-1   Amend Art.VIII, s.2(b), to provide that municipalities may exercise any power for municipal purposes except where prohibited by law.

Appeared on original list—no action taken  
(September 25, 1997)

VIII-3-1    Amend Art.VIII, s.3, to provide for checks and balances before a special law can be introduced for consolidation of the government or a municipality or a county.

VIII-3-c-1   Provide that mergers of municipalities must be done pursuant to the provisions of municipal charters.

**Article VIII, Section 4**

VIII-4-1    (CORRECTED) Remove Art.VIII, s.4, from the Constitution or amend it to read: . . . any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, *as provided by general law after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law.*

Appeared on original list—no action taken  
(September 25, 1997)

VIII-4-2    Ease the limitations on intergovernmental transfers or consolidations of services and programs.

VIII-4-2a   Establish a Government Efficiency, Accountability and Reform Commission to involve local governments in coming together to work out plans for the delivery of services, and allow certain things, including access to a revenue source, subject to the vote of the people.

**MOTION**

Commissioner Anthony moved that Public Proposal Number VIII-4-2a be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

*Public Proposal No.*                      *Summary of Proposal*

**Article VIII, Section 5**

VIII-5-1    Give counties the local option regarding the sale of firearms and ammunition.

**MOTION**

On motion by Commissioner Rundle, Public Proposal Number VIII-5-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article VIII, Section 9**

VIII-9-b    WITHDRAWN ((a) Amend the constitution to allow local government to levy taxes (in addition to ad valorem) not inconsistent with general law.

(b) Completely remove state tax preemption.

(c) Remove the 10 mil millage caps completely, or allow caps to be set by general law.

(d) Create a process whereby a local government may raise the millage caps.

(e) Eliminate the ad valorem tax and replace the tax with other revenue sources.)

Appeared on original list—no action taken  
(September 25, 1997)

**Article VIII, Section x**

VIII-x-1    Require county managers to have a minimum qualification of an associates degree.

Appeared on original list—no action taken  
(September 25, 1997)

VIII-x-2    Require local government officials to be trained and skilled in the issues of building, zoning and code enforcement.

Appeared on original list—no action taken  
(September 25, 1997)

VIII-x-3    Home rule should be retained regardless of whether a county is chartered.

Appeared on original list—no action taken  
(September 25, 1997)

VIII-x-4    Reduce the size of government and eliminate all state level positions that could be handled at the local level.

Appeared on original list—no action taken  
(September 25, 1997)

VIII-x-6    Require each community to have a binding referendum on community police forces.

Appeared on original list—no action taken  
(September 25, 1997)

VIII-x-7    WITHDRAWN ((a) Require all counties to adopt a charter and permit the charters to provide process for the transfer of service delivery functions, annexation and incorporation with the terms of the charter.

(b) Retain the distinction between non-charter and charter counties yet permit charter counties to provide processes for the transfer of service delivery functions, annexation and incorporation with the terms of the charter.)

Appeared on original list—no action taken  
(September 25, 1997)

VIII-x-8    WITHDRAWN ((a) Recognize special districts as special purpose local governments created by general or special act and lacking home rule authority in Art.VIII.



<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
	(b) Recognize special districts as special purpose local governments but grant charter counties the authority to provide by charter a process for the transfer of service delivery functions from an independent special district whose boundaries fall within the county to the charter county.)
	Appeared on original list—no action taken (September 25, 1997)
VIII-x-9	Amend to allow citizen initiatives and referendums not only for state laws, but laws for local government.
VIII-x-10	Assert county governments' right to manage; control public rights-of-way. Private interests using right-of-way should compensate the county.

**Article IX, Education**

**Article IX, Section 1**

IX-1-2a	Amend to state that public education is a fundamental right.
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**MOTION**

On motion by Commissioner Mills, Public Proposal Number IX-1-2a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IX-1-2b	Funding should be provided for education from a very early age. If parents choose to put their children in school before they are 5 or 6, there should be funding for that.
IX-1-2c	Amend to state that law shall provide for an adequate system of free uniform public schools and for the establishment, maintenance and operation of institutions of higher learning and other public education programs that the needs of the people may require. Additional language about competency and consistency.
IX-1-2d	Amend to provide that the Legislature must establish and make suitable provision for the support and maintenance of a thorough and efficient system of free public schools and public institutions of higher learning.
IX-1-4	Provide for a system of free public schools <i>which will provide for equality of educational opportunity.</i>
IX-1-5	Add: A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the paramount duty of the Legislature to provide for the education of all children residing in the State's borders.

**Article IX, Section 2**

IX-2-2	Make the State Board of Education a separate entity from the Cabinet to be appointed by the Governor. Give the State Board of Education the power to appoint the Education Commissioner.
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**MOTION**

On motion by Commissioner Riley, Public Proposal Number IX-2-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article IX, Section 4**

IX-4-a-1	Regionalize school boards for counties with small populations.  Appeared on original list—no action taken (September 25, 1997)
IX-4-a-3	School board member elections should be non-partisan.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
	<b>MOTION</b>
	On motion by Commissioner Marshall, Public Proposal Number IX-4-a-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.
IX-4-a-3a	County wide voting for school board elections has a discriminatory effect and should not be allowed.

**MOTION**

On motion by Commissioner Mathis, Public Proposal Number IX-4-a-3a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IX-4-1	Clarify the status of school boards. Are they constitutional bodies?  Appeared on original list—no action taken (September 25, 1997)
IX-4-2	Amend to eliminate the pay for school board members; limiting to only reimbursement for related expenses.

**MOTION**

Commissioner Marshall moved that Public Proposal Number IX-4-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

IX-4-3	School board members should be paid on a per meeting basis, plus expenses.
IX-4-4	Amend to allow for the non-partisan election of school board members for all counties.
IX-4-5	Create a "School Facilities Board of Trustees" to be charged with the oversight and authority related to construction and renovation of public schools.
IX-4-6	Give school boards home rule powers.

**Article IX, Section x**

IX-x-1	Until the underlying problems with the schools are solved so that students are prepared in basic skills, no additional funding should be provided.  Appeared on original list—no action taken (September 25, 1997)
IX-x-2	Consider a way to bring discipline into the schools.  Appeared on original list—no action taken (September 25, 1997)
IX-x-3a	School choice is too restrictive.  Appeared on original list—no action taken (September 25, 1997)
IX-x-4	Provide breakfast and lunch to public school students free of charge without means testing.  Appeared on original list—no action taken (September 25, 1997)

IX-x-5	Provide funding for education at a rate of no less than 25% of the amount spent on prisoners.  Appeared on original list—no action taken (September 25, 1997)
IX-x-6	The statutory grant of homerule power to school boards exceeds legislative authority.  Appeared on original list—no action taken (September 25, 1997)
IX-x-7	Place school districts under the Executive Branch.

*Public Proposal No.*                      *Summary of Proposal*

IX-x-8      Create a base level of funding and a formula for funding education which cannot be altered by the Legislature.

**MOTION**

Commissioner Alfonso moved that Public Proposal Number IX-x-8 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

IX-x-8a      Specify a minimum amount of funding per student that is adequate.

IX-x-9      Strengthen local control over school boards and superintendents modeled after the home rule powers of municipalities and counties.

**MOTION**

Commissioner Alfonso moved that Public Proposal Number IX-x-9 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

IX-x-10      It shall be a paramount and fundamental obligation of the State of Florida to provide sufficient funding to ensure adequate access for the citizens of this state to a quality system of public schools and community colleges.

**MOTION**

Commissioner Mathis moved that Public Proposal Number IX-x-10 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

IX-x-11      Provide an educational rights section wherein age, size, and other characteristics except skill and knowledge, are used as a qualification to advance to each grade level. Require each school to organize regular academic contests.

IX-x-12      The education system should provide vocational as well as academic opportunities

**Article X, Miscellaneous**

**Article X, Section 1**

X-1-1      Repeal the delay in legislative ratification of U.S. constitutional amendments. It has been held unconstitutional as state interference into the federal amendatory process.

**Article X, Section 2**

X-2-b      Amend Art.X, s.2(b), to read: (b) The organizing, equipping, housing, maintaining, disciplining, *including incarceration pursuant to Court-Martial actions*, of the militia, and safekeeping of public arms may be provided for by law. Amend Art.X, s.2(d), to read: (d) The qualifications of personnel and officers of the federally recognized national guard, including adjutant general, and the grounds and proceedings for their discipline, *including incarceration pursuant to a valid Court-Martial proceeding*, and removal shall conform to the appropriate United States Army or Air Force regulations and usages.

Appeared on original list—no action taken  
(September 25, 1997)

**MOTION**

Commissioner Langley moved that Public Proposal Number X-2-b be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

*Public Proposal No.*                      *Summary of Proposal*

**Article X, Section 3**

X-3-1      Amend: Vacancy in office shall occur upon the creation of an office, upon the death of the incumbent or his removal from office, *resignation from the office or the political party to which he belonged when elected to office*, succession to another office. . . .

**Article X, Section 4**

X-4-a-1      Do not cap homestead or do away with unlimited homestead exemption.

Appeared on original list—no action taken  
(September 25, 1997)

X-4-a-3      Amend Art.X, s.4, to reduce the size of an estate that is protected in a bankruptcy estate. In addition, set a value which represents the amount protected.

Appeared on original list—no action taken  
(September 25, 1997)

X-4-a-4      Eliminate mechanics' liens.

Appeared on original list—no action taken  
(September 25, 1997)

X-4-a-5      Amend to provide that an individual is required to sell the homestead if the value of the homestead is more than \$5,000 greater than the average Florida homestead, and purchase a new homestead of a value no greater than the value of the average Florida homestead.

X-4-a-6      Provide an exception to homestead protection to allow forfeiture in the case of criminal activity.

**MOTION**

On motion by Commissioner Rundle, Public Proposal Number X-4-a-6 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

X-4-a-6a      Provide a limit such as \$150,000 or \$200,000 on the homestead exemption from a forced sale.

**MOTION**

On motion by Commissioner Mills, Public Proposal Number X-4-a-6a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

X-4-c-1      The prohibition against devising a homestead if the devisee is survived by a spouse or minor children should be eliminated.

Appeared on original list—no action taken  
(September 25, 1997)

**MOTION**

On motion by Commissioner Henderson, Public Proposal Number X-4-c-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

X-4-1      Add a new paragraph (d): No person shall be deprived of homestead for failure to pay property taxes or fines imposed for violation of local codes. A fine for violation of a local code relating to homestead property, shall not exceed 5% of the assessed value of the homestead property.

**MOTION**

Commissioner Mathis moved that Public Proposal Number X-4-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
<b>Article X, Section 6</b>	
X-6-a-1	Amend Art.X, s.6(a), to read "No private property shall be taken except for a <i>substantial, explicit</i> public use and with full compensation made to each owner or secured by deposit in the registry of the court and available to the owner."  Appeared on original list—no action taken (September 25, 1997)
X-6-a-1a	Amend to read: No private property shall be taken except for a <i>justifiable cause</i> public purpose with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner. <i>Where the effect of eminent domain can be felt on 100 or more people, public hearings allowing for public input are to be made a part of the process either before or during litigation.</i>
X-6-a-2	Add: The value of the property for the termination of just compensation shall be the average of the last three official property appraiser's annual evaluations, multiplied by 1.5.
X-6-a-3	Add: The use of private property may be regulated to the extent reasonably necessary to protect the public health, safety, welfare, and morals, provided, that when governmental action denies the owner of real property an economically viable use of all or any portion of the property, which use is not subject to restraint as a common law nuisance or criminal activity, such governmental action constitutes a taking of private property, which shall entitle the owner to full compensation for the loss in fair market value of the owner's interest resulting from the governmental action.

**MOTION**

Commissioner Mathis moved that Public Proposal Number X-6-a-3 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

X-6-a-4	Add: Private property shall not be taken for public uses without just compensation. The powers of the state and of its local governments to regulate and control the use of land and waters in furtherance of the preservation, regeneration, and restoration of the natural environment, shall be an exercise of the police powers of the state, shall be liberally construed, and shall not be deemed to be a public use of private property.
X-6-2a	Prevent unrestrained takeover of property by government officials. Protect private property. Land should not be taken for environmental preservation.
X-6-3	Add: Property shall be assumed to be taken for purposes of this provision if a government action diminishes the value or use of any discrete property interest by more than 20% of such value or use, demonstrated by qualified appraisal.

**MOTION**

On motion by Commissioner Corr, Public Proposal Number X-6-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

X-6-4	Amend paragraph (a) to state: No property shall be taken or damaged except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.
X-6-5	Businesses should be treated as property for the purposes of this section.
X-6-6	Give Florida property owners the same rights that are provided by the Federal Relocation Act.
X-6-7	Guarantee legal representation in eminent domain cases. With recent statutory changes, there is protection for big property owners, but not for smaller ones.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
X-6-8	Guarantee a 12-person jury in eminent domain cases. While this is currently the case, the Legislature has discussed changing to a 6-person jury.
X-6-9	Add: However, if the taking of private property is done to substantially benefit a private corporation or person, the taking shall not be deemed to be for a public purpose.
<b>Article X, Section 7</b>	
X-7-1	Authorize casino gambling in Florida.  Appeared on original list—no action taken (September 25, 1997)
X-7-1a	Prevent casino gambling in congested areas.
X-7-1b	Authorize local option for casino gambling.
X-7-2	Provide that bingo is allowed only for charitable purposes.

**Article X, Section 10**

X-10-1	Amend Art.X, s.10, to limit felonies to extremely serious crimes.  Appeared on original list—no action taken (September 25, 1997)
X-10-2	Define in Art.X, s.10, acts which constitute felonies. Decriminalize acts that are merely acts of poor moral conduct or opinionated disfavor.  Appeared on original list—no action taken (September 25, 1997)

**Article X, Section 11**

X-11-1	Clarify federal land and water body designations.  Appeared on original list—no action taken (September 25, 1997)
X-11-2	Add: For purposes of this provision, the title to lands under navigable waters shall be deemed to have been alienated when such lands were included within the legal description of lands that were classified and conveyed as non-sovereignty lands in a deed issued prior to 1969 by the state agency or officials authorized to convey such non-sovereignty lands; provided that the private ownership of such lands shall be subject to, and shall not impair, the right of the public to use navigable waters for boating, fishing, and bathing.

**Article X, Section 13**

X-13-1	Sovereign immunity should not apply when the government is performing a business or private function.  Appeared on original list—no action taken (September 25, 1997)
X-13-2a	Increase the cap on sovereign immunity and adjust for inflation.
X-13-2b	Do not remove caps or abolish sovereign immunity.
X-13-3	Abolish sovereign immunity.
X-13-3a	Provide that public hospitals and similar entities, to the extent not tax supported, should not have sovereign immunity; change the cap from \$100,000 to \$1 million.
X-13-4	Establish a fund, like a back-up insurance fund, for local governments to purchase insurance to protect municipalities.
X-13-5	Provide that the sovereign immunity of municipalities is the same as the state and its agencies and political subdivisions.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>	<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
<b>Article X, Section 14</b>			
X-14-3	Provide for the protection of the pension rights of fire-fighters and police as currently provided in the Florida Statutes so that it cannot be changed.	X-x-4	Protect our environmental and planning agencies from laws that benefit a landowner who destroys a public resource at the expense of the community.  Appeared on original list—no action taken (September 25, 1997)
X-14-4	Provide for the protection of the state retirement fund by requiring the fiduciary to hold and invest all assets for the exclusive purpose of providing benefits to plan members and defraying reasonable cost of administering the system, and to adopt sound actuarial assumptions for use in conducting regular actuarial valuations.	X-x-5	Adopt the following relating to private property rights: "State government is delegated the limited power to regulate the use of private property solely to protect public health and safety in accordance with the common law's standards of nuisance."  Appeared on original list—no action taken (September 25, 1997)
X-14-5	Review this provision and more clearly define "sound actuarial basis."	X-x-6	Adopt the following proposal relating to the government's power to regulate the use of private property: "Government is delegated the limited power to regulate the use of private property solely to protect public health and safety, in accordance with common law's standards of nuisance. This delegation of power shall be interpreted narrowly."  Appeared on original list—no action taken (September 25, 1997)
X-14-6	Amend this section to provide that the Retirement Trust Fund shall be used exclusively for the purposes for which it was created.	X-x-7	Consider the property rights of the community as well as the individual.
X-14-6a	Amend the Constitution to clearly specify the purpose of the Florida Retirement System Trust Fund. Ensure that it is used to pay retirement benefits to members and defray reasonable expenses of administration.	X-x-7a	Require responsible future growth by requiring growth to pay its own way. Require developers to pay for the true costs associated with their development efforts.
<b>Article X, Section 15</b>			
X-15-1a	Add: Net proceeds placed in the State Education Lotteries Trust Fund shall not be used to offset the 1986 Education Budget allotment by more than 3% except should the state student school enrollment fall below its 1986 enrollment level in which case the Legislature may make an equal percentage change in the annual budget.	X-x-8	The Constitution should define a commercial and non-commercial vehicle. When a person is over 70, their eyes should be tested; when over 75, their driving ability should be tested.
X-15-2	Provide that lottery dollars must not supplement education funds and should be used only to enhance education funding.	X-x-9	Revise this section to define marriage.
<b>MOTION</b>			
On motion by Commissioner Riley, Public Proposal Number X-15-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.			
X-15-2a	Proceeds from the lottery shall go to a trust fund and shall not be used to supplement existing resources for education.	X-x-10	Growth management rules must be followed, without exception, after planned numbers have been reduced below the 92 million people currently allowed.
<b>Article X, Section 16</b>			
X-16-1	Consider the impact of the net ban on the coastal heritage of Florida. Put the net ban back on the ballot now that people understand its affect.  Appeared on original list—no action taken (September 25, 1997)	X-x-11	Launches of payloads or spacecraft containing plutonium in any form will be prohibited within the geographical boundaries of the State of Florida and its territorial waters.
X-16-2a	Remove the net ban from the Constitution.	X-x-12	Limit the growth of government.
X-17-1	This provision should be deleted from the Constitution.	X-x-13	Provide for the removal of all billboard signs in the state.
<b>Article X, Section x</b>			
X-x-1	Include tort reform in the revision process.  Appeared on original list—no action taken (September 25, 1997)	<b>Article XI, Amendments</b>	
X-x-2	Provide a property rights amendment.  Appeared on original list—no action taken (September 25, 1997)	<b>Article XI, Section 1</b>	
X-x-2a	Opposes the placement of property rights language in the Constitution.	XI-1-1	Require a 2/3 vote of each house of the Legislature to place a constitutional amendment on the ballot.
X-x-3	If a property owner meets all written requirements, the controlling governmental body should not be able to deny a permit. The term "compatibility" should be clearly defined.  Appeared on original list—no action taken (September 25, 1997)	<b>Article XI, Section 2</b>	
		XI-2-a-1	Members of the Constitution Revision Commission should be elected.  Appeared on original list—no action taken (September 25, 1997)
		XI-2-a-2	Amend Art. XI, s.2(a)2., to read: <i>The Constitution Revision Commission must include at least one citizen from the middle, lower-middle and lower economic class levels.</i> The Legislature must appropriate a sum sufficient to cover travel and per diem expenses of the Commission members.  Appeared on original list—no action taken (September 25, 1997)
		XI-2-a-3	Appointing authorities should be limited to appointing no more than 2 members of the same profession.  Appeared on original list—no action taken (September 25, 1997)

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
XI-2-a-4	Appointing authorities should not appoint themselves.
XI-2-a-5	No governmental authorities should be members of the Commission.
XI-2-1	The duties of future Constitution Revision Commissions should be limited to removing or replacing arcane language, transferring constitutional provisions into statutory law, and providing direction in response to inconsistent court interpretations. Major policy issues should rest with the elected representatives of the people.

**Article XI, Section 3**

XI-3-1	Require a 3/5 vote for approval of constitutional amendments.  Appeared on original list—no action taken (September 25, 1997)
XI-3-2	Increase the number of signatures required for a petition to be placed on the ballot. Limit the time for the collection of signatures. Require a super majority vote and require the vote of a percentage of the counties. Allow for a statutory initiative.  Appeared on original list—no action taken (September 25, 1997)
XI-3-2a	The number of signatures required should be lowered.
XI-3-2b	There should be sufficient signatures from every county in order to put an issue on the state ballot.
XI-3-2c	Amend the second sentence to read: It may be invoked by filing with the Secretary of State 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 congressional district of the state of such district respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

**MOTION**

On motion by Commissioner Sundberg, Public Proposal Number XI-3-2c received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

XI-3-4	Limit initiatives to the framework of government and not government regulation.  Appeared on original list—no action taken (September 25, 1997)
XI-3-5	Allow Floridians to vote on all constitutional amendments.  Appeared on original list—no action taken (September 25, 1997)
XI-3-6	Do not change the initiative process.  Appeared on original list—no action taken (September 25, 1997)
XI-3-7	Eliminate the need for the initiative method to amend the constitution.  Appeared on original list—no action taken (September 25, 1997)
XI-3-7a	Modify the initiative process to establish criteria for determining issues that should be placed in the Constitution rather than the statutes.  Appeared on original list—no action taken (September 25, 1997)
XI-3-8	Ballot title and summary should be validated before the petition is circulated.

<i>Public Proposal No.</i>	<i>Summary of Proposal</i>
	Appeared on original list—no action taken (September 25, 1997)
XI-3-9	Eliminate the single subject requirement for initiative petitions.  Appeared on original list—no action taken (September 25, 1997)
XI-3-10	Limit initiatives by (1) restricting the subject matter of an initiative to the subject of the structure of government or (2) treating initiatives like a special act which would apply only in counties where it passed.  Appeared on original list—no action taken (September 25, 1997)
XI-3-11	Modify the initiative process so that the Constitution can not be so easily modified.  Appeared on original list—no action taken (September 25, 1997)
XI-3-12a	Provide for indirect constitutional and statutory initiative.
XI-3-14	When a citizen's initiative is eliminated because of inadequate or unclear ballot summary or title, require the Court to propose the necessary ballot statement and title.  Appeared on original list—no action taken (September 25, 1997)
XI-3-15	Regulate the funding relating to initiative petitions. Also provide for public forums.  Appeared on original list—no action taken (September 25, 1997)
XI-3-16	Make it a felony for any citizen to make a direct payment for another to sign a constitutional amendment initiative.  Appeared on original list—no action taken (September 25, 1997)
XI-3-17	"The amount of compensation for gathers of signatures, if any, for Voter Initiative Amendments shall not be directly related to the number of signatures gathered. They may receive an hourly rate of compensation, but such rate of compensation shall not change until after the petition for the proposed amendment and those signatures have been submitted and the signatures verified in accordance with established law and rules pertaining to Voter Initiative Amendments."

	Appeared on original list—no action taken (September 25, 1997)
XI-3-17a	You should not be able to pay for petition gathering so it is not affected by big money.
XI-3-18	Modify the initiative process by mandating a heavy tax on campaign contributions above \$500, or mandate equal contributions to both sides, or mandate equal media time for both sides. A ban on advertising just prior to the election should be considered to eliminate last-minute bombshells.
XI-3-19	Protect home rule authority from statewide voter initiatives.

**MOTION**

Commissioner Nabors moved that Public Proposal Number XI-3-19 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

XI-3-20	Amend to allow the Supervisor of Elections for each county to do a random signature check on all initiative petitions. Also provide that petitions that must be checked name by name be submitted to Supervisor at least 151 days in advance of the election and that petitions that may be checked by random sampling be provided at least 121 days prior to the general election.
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*Public Proposal No.**Summary of Proposal***MOTION**

On motion by Commissioner Rundle, Public Proposal Number XI-3-20 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

XI-3-21 Require an initiative to be passed in two elections. This would allow reflection on the issue. Once an issue is put on the ballot and does not pass, it should not be again placed on the ballot for the next 100 years.

XI-3-21a After one period of defeat following a vote resulting from the petition process, a moratorium will be in effect for a period of not less than six years for that particular subject matter.

**MOTION**

On motion by Commissioner Smith, Public Proposal Number XI-3-21a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

XI-3-22 Require sponsors of an initiative to engage in public comment and debate.

XI-3-23 Establish a Constitution Initiative Commission to hold public hearings on initiatives. A negative vote by the commission would require passage of the initiative by an extraordinary vote.

**MOTION**

Chairman Douglass moved that Public Proposal Number XI-3-23 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

XI-3-24 Require public hearings during and after petition period; require state official review of proposal; redefine single subject as including single question; develop a list of topics exempt from direct CON initiatives; require state official drafting of ballot titles and captions; require state approval of pamphlets and summaries.

**Article XI, Section 5**

XI-5-b-1 Repeal the notice requirement in this section. The cost of publishing is not justified. There are more effective and far less expensive means of public distribution.

**MOTION**

Commissioner Riley moved that Public Proposal Number XI-5-b-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

XI-5-b-1a Publish only the ballot title and summary with information how to receive the text. Mail a Florida Voter Guide with a brief description to each voter along with their sample ballot.

**Article XI, Section 6**

XI-6-1 Repeal the Taxation and Budget Reform Commission.

*Public Proposal No.**Summary of Proposal***MOTION**

On motion by Commissioner Barkdull, Public Proposal Number XI-6-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

XI-6-2 Allow the Taxation and Budget Reform Commission to adopt its own voting rules.

**Article XII, Schedule****Article XII, Section 9**

XII-9-1 Add P2000 program to the Constitution and extend it to at least the year 2020. P2000 funds should not be used for things other than preservation.

Appeared on original list—no action taken  
(September 25, 1997)

XII-9-3 Amend to provide a policy of no-net loss of conservation and recreation lands.

Appeared on original list—no action taken  
(September 25, 1997)

XII-9-3a Conservancy lands should be protected in perpetuity.

XII-9-a-1 The first proceeds from motor vehicle licensing fees should not go to build schools, as there is no nexus between these fees and schools.

**Article XII, Section x**

XII-x-1 Remove all of Art. XII.

Appeared on original list—no action taken  
(September 25, 1997)

XII-x-2 Establish a rigorous and consistent process governing the sale, lease or use of state conservation lands that will limit their use for purposes other than those for which they were purchased.

Appeared on original list—no action taken  
(September 25, 1997)

**MOTION**

On motion by Commissioner Henderson, Public Proposal Number XII-x-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**SPECIAL RECOGNITION**

Chairman Douglass presented the following Commissioners with certificates for having a perfect attendance record at all the public hearings held throughout the state: Commissioners Barkdull, Ford-Coates, Henderson, Lowndes, Mathis, Zack, Rundle, Riley, Morsani and Mills.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of September 25 was corrected and approved.

**RECESS**

On motion by Commissioner Barkdull, the Commission recessed at 12:03 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 8:45 a.m., Tuesday, October 21, 1997.

**CONSTITUTION REVISION COMMISSION**

**Daily Indices for  
October 20, 1997**

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**CONSTITUTION REVISION COMMISSION  
B-11 HISTORIC CAPITOL  
TALLAHASSEE, FLORIDA 32399-1300**