



Journal of the 1997-1998 Constitution Revision Commission

Number 7

Wednesday, November 12, 1997

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PLEDGE

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

INTRODUCTION

At the request of Chairman Douglass, Commissioner Evans introduced her daughter, Susan, who was observing the Commission meetings as part of her fourth grade home school agenda for the day.

CALL TO ORDER

The Commission was called to order by the Chairman at 9:13 a.m. A quorum was present—29:

Mr. Chairman	Connor	Lowndes	Smith
Alfonso	Corr	Marshall	Sundberg
Anthony	Evans	Mathis	Thompson
Argiz	Evans-Jones	Mills	West
Barkdull	Ford-Coates	Morsani	Wetherington
Barnett	Freidin	Planas	
Brochin	Kogan	Riley	
Butterworth	Langley	Rundle	

Alternates:

Barton	Leesfield	Logan
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Excused: Commissioner Hawkes

PRAYER

The following prayer was offered by Rabbi Stanley Garfein of Temple Israel, Tallahassee:

Dear God, with awe and deep humility do I invoke your presence and the bright light of your wisdom for the deliberations of this august and widely-respected Constitutional Revision Commission of our State of Florida. For I know that in praying under governmental auspices, I walk through a twilight zone of constitutionality.

Let not my awkward efforts be used as any kind of proof, neither as proof of the legal acceptability of public prayer, nor as proof of your divine existence, nor as proof of the righteousness of any controversial cause whose advocates have pleaded before this Commission. For who am I, what is my goodness and what is my power that I should dare impose my words on the silence of these special moments.

O thou who hearest prayer, receive my utterance as a heartfelt supplication for the health and wholeness of the members of this Commission and their families. Let them know, Oh God, the gratitude of an appreciative public for the time and energies they have devoted to the reworking of our Florida Constitution.

And may we keep close to our hearts the memories of two who labored in the vineyard of constitutional law, Patricia Dore and Steven Goldstein, whose journeys ended much too soon and whose influence should transcend the grave.

Establish thou upon us the work of our hands, ye the work of our hands established thou it. And if you will please say amen.

ADOPTION OF RESOLUTION

On motion by Commissioner Kogan—

By Commissioner Kogan—

A resolution by the Florida Constitution Revision Commission recognizing Jo Dowling for her exemplary services and dedication to the people of the State of Florida.

WHEREAS, the Florida Constitution Revision Commission recognizes the dedicated and extraordinary services of Jo Dowling, in creating a permanent record for the State of Florida, of each of the state constitutions, all amendments adopted or proposed to the constitutions, including each citizen initiative adopted or proposed, and

WHEREAS, this project consumed approximately three years of Ms. Dowling's time, to research, compile and record; this project being in addition to the regular duties of Ms. Dowling's employment as Assistant Librarian for the Florida Supreme Court, and

WHEREAS, this permanent record of the Constitution of Florida is housed at the Florida Supreme Court and accessible through the Internet, and

WHEREAS, this permanent constitutional record is of great importance to the Constitution Revision Commission and to the citizens of Florida participating in this unique process, as well as to generations of Floridians to come, NOW, THEREFORE,

BE IT RESOLVED by the Florida Constitution Revision Commission of 1997-98 that Jo Dowling is commended for her exemplary services and dedication to the people of the State of Florida.

—was introduced out of order and read in full. On motion by Commissioner Kogan, the resolution was unanimously adopted.

SPECIAL GUESTS

The Chairman introduced Jo Dowling and Supreme Court Justice Ben F. Overton, member of the 1978 Constitution Revision Commission, who were present in the chamber.

Upon request of the Chairman, Justice Overton and Commissioner Kogan, Chief Justice of the Supreme Court, escorted Ms. Dowling to the rostrum where she was presented a copy of the resolution.

INTRODUCTION OF PROPOSALS

By Commissioner Riley—

Proposal 69—A proposal to revise ARTICLE IV, ss. 4, 5, Fla. Const.; providing for the appointment of the Commissioner of Education.

—was referred to the Executive Committee and the Education Committee.

By Commissioner Mills—

Proposal 70—A proposal to revise ARTICLE X, s. 4, Fla. Const.; providing an equity value limitation on the homestead exemption; authorizing the legislature to change the amount of the equity value limitation; providing that the homestead exemption does not apply to property acquired, improved, or the equity value increased with the intent to delay, hinder, or defraud creditors.

—was referred to the General Provisions Committee.

By Commissioner Mills—

Proposal 71—A proposal to revise ARTICLE VI, s. 5, Fla. Const.; providing for open primary elections.

—was referred to the Ethics and Elections Committee.

By Commissioner Mills—

Proposal 72—A proposal to create ARTICLE III, s. 26, Fla. Const.; providing for the revision or amendment of statutory law through the initiative process.

—was referred to the General Provisions Committee.

By Commissioner Sundberg—

Proposal 73—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; providing signature requirements for initiative petitions for constitutional amendments.

—was referred to the General Provisions Committee.

By Commissioner Langley—

Proposal 74—A proposal to revise ARTICLE V, s. 10, Fla. Const.; providing for the election of justices of the supreme court and judges of a district court of appeal; providing for public financing for judicial elections.

—was referred to the Judicial Committee.

By Commissioner Douglass—

Proposal 75—A proposal to revise ARTICLE IV, Fla. Const.; adding s. 14 to that article; providing for a public service commission to be appointed by the governor, subject to confirmation by the Senate; providing terms of office; providing for the enactment of laws not inconsistent with this section; providing for the subject matter of such laws.

—was referred to the Executive Committee.

By Commissioner Sundberg—

Proposal 76—A proposal to create ARTICLE VI, s. 7, Fla. Const.; prohibiting a business entity or labor organization from making any contribution for the purpose of influencing an election held to fill a public office in the state; prohibiting a candidate or other person from knowingly accepting any such unlawful contribution; prohibiting an officer or director of a business entity or labor organization from consenting to any such unlawful contribution; providing that the establishment of an independent committee does not constitute an unlawful activity; specify-

ing that the provision of certain indirect support services does not constitute an unlawful activity.

—was referred to the Ethics and Elections Committee.

By Commissioner Freidin—

Proposal 77—A proposal to revise ARTICLE X, s. 13, Fla. Const.; providing that the state and its agencies and subdivisions are liable for damages as a result of their actions to the same extent as private parties.

—was referred to the Declaration of Rights Committee.

By Commissioner Ford-Coates—

Proposal 78—A proposal to revise ARTICLE VI, s. 4, Fla. Const.; deleting provisions that establish term limits for Florida delegates to Congress.

—was referred to the Ethics and Elections Committee.

By Commissioner Riley—

Proposal 79—A proposal to revise ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of an independent or minor party candidate on an election ballot must not be greater than the requirements for major party candidates.

—was referred to the Ethics and Elections Committee.

By Commissioner Freidin—

Proposal 80—A proposal to revise ARTICLE III, s. 18, Fla. Const.; requiring that a code of ethics for persons or entities in the exercise of governmental duties which prohibits conflict between public duty and private interests be prescribed by law.

—was referred to the Ethics and Elections Committee.

By Commissioner Rundle—

Proposal 81—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; authorizing supervisors of elections to conduct random signature checks on initiative petitions; specifying time for submitting initiative petitions to supervisors of elections for verification of signatures.

—was referred to the Ethics and Elections Committee.

By Commissioner Corr—

Proposal 82—A proposal to create ARTICLE VI, s. 5, Fla. Const.; providing that all candidates for election be listed on election ballots.

—was referred to the Ethics and Elections Committee.

By Commissioner Corr—

Proposal 83—A proposal to revise ARTICLE X, s. 6, Fla. Const.; providing conditions under which private property is assumed to be taken for a public purpose.

—was referred to the General Provisions Committee.

By Commissioner Corr—

Proposal 84—A proposal to create ARTICLE VI, s. 5, Fla. Const.; providing that campaign contributions may be made only by persons who are eligible to vote for the candidate to whom they are making the contribution.

—was referred to the Ethics and Elections Committee.

By Commissioner Sundberg—

Proposal 85—A proposal to revise ARTICLE I, s. 24; ARTICLE III, ss. 1, 2, 3, 4, 5, 7, 8, 9, 11, 15, 16, 17, 19; ARTICLE IV, ss. 6, 7, 9, 13; ARTICLE V, ss. 2, 9, 11, 12, 20; ARTICLE VII, ss. 1, 5, 18; ARTICLE VIII, s. 6; ARTICLE X, ss. 2, 12; ARTICLE XI, ss. 1, 2, 5, 6; ARTICLE XII, ss. 11, 12, 14, Fla. Const., and to create ARTICLE III, ss. 20, 21, ARTICLE XII, s. 22, Fla. Const.; providing for a unicameral Legislature.

—was referred to the Legislative Committee.

By Commissioner Freidin—

Proposal 86—A proposal to create ARTICLE I, s. 26, Fla. Const.; guaranteeing the equal rights of women and men throughout the state.

—was referred to the Declaration of Rights Committee.

By Commissioner Wetherington—

Proposal 87—A proposal to revise ARTICLE V, s. 1, Fla. Const.; allowing the legislature to establish by general law a system of family magistrates.

—was referred to the Judicial Committee.

By Commissioner Freidin—

Proposal 88—A proposal to revise ARTICLE III, s. 3, Fla. Const.; increasing the length of the regular legislative session and including a mandatory recess; deleting authorization for extending a regular session; deleting limits on business that may be taken up during an extended special session.

—was referred to the Legislative Committee.

By Commissioner Riley—

Proposal 89—A proposal to revise ARTICLE X, s. 15, Fla. Const.; providing for the use of lottery moneys allocated to education.

—was referred to the Education Committee.

REPORTS OF COMMITTEES

The Committee on Rules and Administration recommends that the Special Order Calendar for Thursday, November 13, be the proposed Special Order Calendar printed in the November 12 calendar, excluding those proposals not received.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

The Declaration of Rights Committee recommends the following not pass: Proposal 29, Proposal 57

The Local Government Committee recommends the following not pass: Proposal 48

The Legislative Committee recommends the following not pass: Proposal 85

The proposals contained in the foregoing reports were placed on the calendar.

The General Provisions Committee recommends committee substitutes for the following: Proposal 47, Proposal 70

The proposals with committee substitutes attached contained in the foregoing report were placed on the calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of October 21 was corrected and approved as follows:

Page 89, column 2, from bottom, line 12, delete Judicial and insert Declaration of Rights

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 9:28 a.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Thursday, November 13, 1997.

CONSTITUTION REVISION COMMISSION

**Daily Indices for
November 12, 1997**

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CR — Committee Report
IN — Introduction

IR — Introduction and Reference
MO — Motion
RE — Reference

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