



Journal of the 1997-1998 Constitution Revision Commission

Number 8

Thursday, November 13, 1997

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CALL TO ORDER

The Commission was called to order by the Chairman at 9:13 a.m. A quorum was present—32:

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

Alternates:

Barton	Leesfield	Logan
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Excused: Commissioners Argiz and Zack

PRAYER

The following prayer was offered by Father Tom Collins of St. Thomas More:

Lord God,

I want to thank you and praise you and honor you for the great gift of yours to us which is the state of Florida.

You have given us a rich and fertile land, unmatched in beauty, and you ask us to be responsible stewards with this gift.

You have given us a people rich in cultural diversity and talents, and you ask us to honor the dignity that you have given each member, regardless of social status or state in life.

You give us a bright and hopeful future, if we use the gifts and talents you gave us to seek justice, truth and prosperity for all our people.

And so, God, I ask you to bless this Commission, given the task to be part of the planning for the future.

Give them wisdom, understanding and knowledge.

Help them to help us, the voters, to make the right decisions for all the people of this great state.

Make their work fruitful, and help their deliberations to be made in charity and respect.

And finally, Lord, let your favor be upon all the people of this great state.

Grant us prosperity and virtuous lives and give success to the work of our hands.

I humbly ask this in your name.

Amen

PLEDGE

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

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and the deadline for initial consideration of proposals by committees was extended until completion of the December meetings.

On motions by Commissioner Freidin, by unanimous consent **Proposal 12** and **Proposal 68** were withdrawn from further consideration.

SPECIAL ORDER

Proposal 62—A proposal to revise ARTICLE V, s. 8, Fla. Const.; raising the mandatory retirement age for justices and judges; eliminating the provision that a justice or judge reaching mandatory retirement age may serve out a term already half served.

—was read.

POINT OF ORDER

Commissioner Langley raised a point of order that pursuant to Rule 9.4 proposals would require a majority of those present and voting for commitment to the Style and Drafting Committee.

RULING ON POINT OF ORDER

The Chairman ruled the point well taken.

On motion by Commissioner Wetherington, **Proposal 62** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—14

Barkdull	Jennings	Nabors	Scott
Barnett	Langley	Planas	West
Butterworth	Marshall	Riley	
Hawkes	Mills	Rundle	

Nays—13

Alfonso	Evans	Freidin	Morsani
Anthony	Evans-Jones	Henderson	Smith
Brochin	Ford-Coates	Mathis	Sundberg
Connor			

RECESS

The Chairman declared the Commission in informal recess at 9:49 a.m. to reconvene upon call of the Chairman.

CALL TO ORDER

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

SPECIAL ORDER, continued

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 read.

Commissioner Sundberg moved **Proposal 9** which failed. The vote was:

Yeas—10

Brochin	Ford-Coates	Morsani	Riley
Connor	Freidin	Nabors	Sundberg
Evans	Mills		

Nays—21

Alfonso	Evans-Jones	Mathis	Thompson
Anthony	Hawkes	Planas	West
Barkdull	Henderson	Rundle	Wetherington
Barnett	Jennings	Scott	
Butterworth	Langley	Smith	
Crenshaw	Marshall	Sullivan	

Proposal 67—A proposal to revise ARTICLE V, s. 8, Fla. Const., and to create ARTICLE XII, s. 21, Fla. Const.; providing for an increase in the length of membership in the Florida bar which is required of a candidate for the office of circuit judge or county judge; providing that a circuit judge or county judge who is in office when this amendment takes effect retains eligibility to serve in that office.

—was read.

On motion by Commissioner Thompson, further consideration of **Proposal 67** was deferred.

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

—was read.

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

Yeas—29

Mr. Chairman	Crenshaw	Langley	Sullivan
Alfonso	Evans	Marshall	Sundberg
Anthony	Evans-Jones	Mathis	Thompson
Barkdull	Ford-Coates	Morsani	West
Barnett	Freidin	Nabors	Wetherington
Brochin	Hawkes	Riley	
Butterworth	Henderson	Scott	
Connor	Jennings	Smith	

Nays—None

Vote after roll call:

Yea—Mills

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

—was read.

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

Yeas—30

Mr. Chairman	Crenshaw	Langley	Smith
Alfonso	Evans	Marshall	Sullivan
Anthony	Evans-Jones	Mathis	Sundberg
Barkdull	Ford-Coates	Morsani	Thompson
Barnett	Freidin	Nabors	West
Brochin	Hawkes	Planas	Wetherington
Butterworth	Henderson	Riley	
Connor	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—Mills

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

—was read.

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

Yeas—31

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

Nays—None

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 read.

Commissioner Scott moved the following amendment which was adopted:

Amendment 1—On page 1, lines 25 and 26, delete “, or the Supreme Court may establish by rule.”

On motion by Commissioner Wetherington, **Proposal 87** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—19

Mr. Chairman	Evans	Jennings	Riley
Barkdull	Ford-Coates	Langley	Sullivan
Butterworth	Freidin	Marshall	Sundberg
Connor	Hawkes	Morsani	Wetherington
Crenshaw	Henderson	Planas	

Nays—12

Alfonso	Brochin	Nabors	Smith
Anthony	Evans-Jones	Rundle	Thompson
Barnett	Mills	Scott	West

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 read.

Commissioner Riley moved **Proposal 29** which failed. The vote was:

Yeas—1

Riley

Nays—30

Mr. Chairman	Crenshaw	Langley	Smith
Alfonso	Evans	Marshall	Sullivan
Anthony	Evans-Jones	Mathis	Sundberg
Barkdull	Ford-Coates	Mills	Thompson
Barnett	Freidin	Morsani	West
Brochin	Hawkes	Nabors	Wetherington
Butterworth	Henderson	Planas	
Connor	Jennings	Scott	

INTRODUCTION

The Chairman recognized Commissioner Riley for the purpose of introducing her mother, Rae Williams, who was seated in the gallery.

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 read.

Commissioner Smith moved **Proposal 57** which failed. The vote was:

Yeas—None

Nays—31

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

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 read.

Commissioner Anthony moved **Proposal 53** which failed. The vote was:

Yeas—6

Alfonso	Mathis	Nabors	Riley
Anthony	Mills		

Nays—23

Barkdull	Evans	Jennings	Sullivan
Barnett	Evans-Jones	Langley	Sundberg
Brochin	Ford-Coates	Marshall	Thompson
Butterworth	Freidin	Rundle	West
Connor	Hawkes	Scott	Wetherington
Crenshaw	Henderson	Smith	

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:53 a.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:27 p.m. A quorum present—29:

Mr. Chairman	Evans-Jones	Mathis	Sullivan
Alfonso	Ford-Coates	Mills	Sundberg
Anthony	Freidin	Morsani	Thompson
Barkdull	Hawkes	Nabors	West
Barnett	Henderson	Planas	Wetherington
Brochin	Jennings	Riley	
Butterworth	Langley	Scott	
Evans	Marshall	Smith	

Alternates:

Barton

SPECIAL ORDER, continued

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 read.

On motion by Commissioner Riley, further consideration of **Proposal 18** was deferred.

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 read.

Commissioner Sundberg moved **Proposal 10** which failed. The vote was:

Yeas—5

Brochin	Ford-Coates	Freidin	Sundberg
Evans			

Nays—19

Anthony	Jennings	Nabors	Sullivan
Barkdull	Langley	Planas	Thompson
Evans-Jones	Marshall	Riley	West
Hawkes	Mills	Scott	Wetherington
Henderson	Morsani	Smith	

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

—was read.

On motion by Commissioner Ford-Coates, further consideration of **Proposal 78** was deferred until the December meetings.

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

—was read.

On motion by Commissioner Mills, by unanimous consent **Proposal 71** was withdrawn from further consideration.

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 read.

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

Yeas—26

Mr. Chairman	Evans	Langley	Sullivan
Alfonso	Evans-Jones	Mills	Sundberg
Anthony	Ford-Coates	Nabors	Thompson
Barkdull	Freidin	Planas	West
Barnett	Hawkes	Riley	Wetherington
Brochin	Henderson	Scott	
Butterworth	Jennings	Smith	

Nays—None

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

—was read.

On motion by Commissioner Ford-Coates, **Proposal 32** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—28

Mr. Chairman	Evans	Langley	Scott
Alfonso	Evans-Jones	Marshall	Smith
Anthony	Ford-Coates	Mills	Sullivan
Barkdull	Freidin	Morsani	Sundberg
Barnett	Hawkes	Nabors	Thompson
Brochin	Henderson	Planas	West
Butterworth	Jennings	Riley	Wetherington

Nays—None

MOTION

On motion by Commissioner Barnett, by unanimous consent **Proposal 34** was withdrawn from further consideration.

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 read.

On motion by Commissioner Evans-Jones, further consideration of **Proposal 85** was deferred until the December meetings.

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

—was read.

Commissioner Barkdull moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, delete “*fifteen seven*” and insert: seven

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

Yeas—18

Alfonso	Barkdull	Brochin	Evans
Anthony	Barnett	Butterworth	Ford-Coates

Freidin	Morsani	Riley	Thompson
Mathis	Nabors	Smith	Wetherington
Mills	Planas		

Nays—9

Mr. Chairman	Jennings	Marshall	Sullivan
Hawkes	Langley	Scott	West
Henderson			

The Commission resumed consideration of—

Proposal 67—A proposal to revise ARTICLE V, s. 8, Fla. Const., and to create ARTICLE XII, s. 21, Fla. Const.; providing for an increase in the length of membership in the Florida bar which is required of a candidate for the office of circuit judge or county judge; providing that a circuit judge or county judge who is in office when this amendment takes effect retains eligibility to serve in that office.

—which had been previously considered this day.

Commissioner Thompson moved the following amendment which was adopted:

Amendment 1—On page 2, line 7, delete “40,000” and insert: 50,000

Commissioner Scott moved the following amendment which was adopted:

Amendment 2—On page 2, line 3, delete “*ten five*” and insert: five

The vote was:

Yeas—18

Mr. Chairman	Ford-Coates	Morsani	Smith
Barkdull	Hawkes	Nabors	Sullivan
Brochin	Jennings	Planas	Thompson
Butterworth	Marshall	Riley	
Evans-Jones	Mills	Scott	

Nays—10

Anthony	Freidin	Mathis	West
Barnett	Henderson	Sundberg	Wetherington
Evans	Langley		

COMMISSIONER THOMPSON PRESIDING

Commissioner Wetherington moved **Proposal 67** as amended which failed. The vote was:

Yeas—11

Barkdull	Freidin	Mills	Sundberg
Barnett	Henderson	Morsani	Wetherington
Brochin	Langley	Smith	

Nays—16

Mr. Chairman	Evans-Jones	Marshall	Riley
Anthony	Ford-Coates	Mathis	Scott
Butterworth	Hawkes	Nabors	Sullivan
Evans	Jennings	Planas	West

CHAIRMAN DOUGLASS PRESIDING

MOTION

On motion by Commissioner Barkdull, Chairman of the Rules and Administration Committee, the rules were waived and **Committee Substitute for Proposals 31 and 55, Committee Substitute for Proposal 45, Proposal 75, Proposal 69, Proposal 28, Proposal 22, Proposal 40, Committee Substitute for Proposal 70, Committee Substitute for Proposal 47, Proposal 7, Proposal 63, Proposal 43, Proposal 82 and Proposal 48** were established as the Special Order for Friday, November 14.

ANNOUNCEMENTS

Commissioner Smith announced that the Declaration of Rights Committee would meet at 3:30 p.m. in lieu of 4:00 p.m. as scheduled this day.

REPORTS OF COMMITTEES

The Education Committee recommends the following pass: Proposal 69, Proposal 28, Proposal 40

The Ethics and Elections Committee recommends the following pass: Proposal 43, Proposal 78

The Judicial Committee recommends the following pass: Proposal 4, Proposal 25, Proposal 44, Proposal 67, Proposal 87

The Education Committee recommends the following not pass: Proposal 22

The Ethics and Elections Committee recommends the following not pass: Proposal 10, Proposal 18, Proposal 53, Proposal 71, Proposal 82

The Judicial Committee recommends the following not pass: Proposal 61, Proposal 62, Proposal 74

The Legislative Committee recommends the following not pass: Proposal 85

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

The Executive Committee recommends a committee substitute for the following: Proposal 45

The Judicial Committee recommends a committee substitute for the following: Proposals 31 and 55, Proposal 66

The proposal with committee substitute attached was placed on the calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 12 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 3:16 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Friday, November 14.

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November 12-14

Susan Evans, Orlando

CONSTITUTION REVISION COMMISSION

**Daily Indices for
November 13, 1997**

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B-11 HISTORIC CAPITOL
TALLAHASSEE, FLORIDA 32399-1300**