



Journal of the 1997-1998 Constitution Revision Commission

Number 9

Friday, November 14, 1997

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CALL TO ORDER

The Commission was called to order by the Chairman at 9:10 a.m. A quorum was present—27:

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

Alternate:

Barton

Excused: Commissioners Anthony, Argiz, Kogan, West and Zack; Scott at 11:45 a.m.

PRAYER

The following prayer was offered by Commissioner J. Stanley Marshall:

Oh Lord, the first step in any effort to better the human condition must be to have the opportunity to serve, to confront the conditions and circumstances that must be changed if we are to make a difference.

We pray for your guidance, for the qualities that permit us to serve and to lead—wisdom, patience, forbearance, and above all, love and respect for those with whom we serve. For giving us the opportunity to serve, we thank you Lord, and we pray for those qualities that will enable us to serve well. Amen.

PLEDGE

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

INTRODUCTION OF PROPOSALS

By Commissioner Hawkes—

Proposal 90—A proposal to revise ARTICLE III, s. 4, Fla. Const.; providing members of the Legislature with immunity with respect to any speech or debate in either house of the Legislature.

—was referred to the Legislative Committee.

By Commissioner Hawkes—

Proposal 91—A proposal to revise ARTICLE VII, s. 4, Fla. Const.; providing for certain pollution control devices to be classified by general law and assessed solely on the basis of character or use.

—was referred to the Finance and Taxation Committee.

By Commissioner Nabors—

Proposal 92—A proposal to revise ARTICLE VIII, s. 1, Fla. Const.; providing that noncharter counties have such power of self-government as is not inconsistent with general law or any special law approved by the electors.

—was referred to the Local Government Committee.

By Commissioner Henderson—

Proposal 93—A proposal to revise ARTICLE X, s. 4, Fla. Const.; eliminating the prohibition against devising a homestead if the owner is survived by a spouse or minor child.

—was referred to the General Provisions Committee.

By Commissioner Evans—

Proposal 94—A proposal to revise ARTICLE V, s. 10, Fla. Const.; providing that candidates for judicial office may not be precluded from taking a public position on issues.

—was referred to the Judicial Committee.

By Commissioner Evans—

Proposal 95—A proposal to revise ARTICLE I, s. 16, Fla. Const.; requiring that the state reimburse a person charged with a crime for the costs of a successful defense whenever the charges are dismissed or the person is acquitted.

—was referred to the Judicial Committee.

By Commissioner Nabors—

Proposal 96—A proposal to revise ARTICLE I, s. 5, Fla. Const.; prescribing types of communication that are within the purview of the people's right to instruct their representatives.

—was referred to the Local Government Committee.

By Commissioner Evans—

Proposal 97—A proposal to revise ARTICLE I, s. 23, Fla. Const.; prohibiting the performance of a partial-birth abortion, as defined, except in specified circumstances; providing that a woman upon whom

such an abortion is performed is not subject to prosecution under this section.

—was referred to the Declaration of Rights Committee.

By Commissioner Planas—

Proposal 98—A proposal to revise ARTICLE III, s. 15, Fla. Const.; requiring additional qualifications of candidates for, and members of, the state legislature.

—was referred to the Legislative Committee.

By Commissioner Langley—

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

—was referred to the Finance and Taxation Committee.

By Commissioner Anthony—

Proposal 100—A proposal to revise ARTICLE VIII, s. 2, Fla. Const.; providing methods for the creation, abolition, and merger of municipalities.

—was referred to the Local Government Committee.

By Commissioner Evans-Jones—

Proposal 101—A proposal to revise ARTICLE IV, s. 5, Fla. Const.; providing for election of public service commissioners.

—was referred to the Executive Committee.

REPORTS OF COMMITTEES

The Declaration of Rights Committee recommends the following pass: Proposal 1, Proposal 24

The Ethics and Elections Committee recommends the following not pass: Proposal 7, Proposal 63

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

The Declaration of Rights Committee recommends a committee substitute for the following: Proposal 13

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

SPECIAL ORDER

Committee Substitute for Proposals 31 and 55—A proposal to revise ARTICLE V, s. 14, Fla. Const., and create ARTICLE V, s. 21, Fla. Const.; providing for salaries, costs, and expenses of the judiciary, state attorneys, public defenders, and clerks of the circuit court, and their respective staffs, to be funded from state revenues appropriated by general law; providing for counties to fund the cost of construction, maintenance, utilities, and security of facilities for the judiciary, public defenders, state attorneys, and clerks of the circuit court, and their respective staffs; requiring the Legislature to appropriate funds according to a phase-in schedule established by general law; authorizing the Legislature to require that counties remit fines, costs, and forfeitures for the purpose of funding the operation of the judiciary, state attorneys, and public defenders.

—was read.

Commissioner Sundberg moved the following amendment which was adopted:

Amendment 1—On page 2, lines 3 and 9, delete “*judiciary*” and insert: *State court system*

The vote was:

Yeas—24

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

Nays—None

MOTION

Commissioner Thompson moved that **Committee Substitute for Proposals 31 and 55** as amended be referred to a Select Committee for study and that the committee report back to the Commission by December 10. The motion was adopted.

Further consideration of **Committee Substitute for Proposals 31 and 55** as amended was deferred.

RECESS

The Chairman declared the Commission in informal recess at 10:31 a.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 10:41 a.m. A quorum was present.

SPECIAL ORDER, continued

On motion by Commissioner Alfonso, consideration of **Proposal 45** was deferred.

MOTION

On motion by Commissioner Thompson, by unanimous consent **Proposal 75** was withdrawn from further consideration.

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

—was read.

The Chairman declared **Proposal 69** not properly on the Special Order since it was not reported by the Executive Committee.

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

—was read.

Commissioner Riley moved **Proposal 28** which failed. The vote was:

Yeas—8

Alfonso	Brochin	Henderson	Riley
Barnett	Freidin	Marshall	Smith
Nays—14			
Mr. Chairman	Butterworth	Evans	Ford-Coates
Barkdull	Connor	Evans-Jones	Hawkes

Jennings Rundle Thompson Wetherington
Mathis Sundberg

MOTION

On motion by Commissioner Rundle, by unanimous consent **Proposal 22** was withdrawn from further consideration.

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 read.

MOTION

Commissioner Barkdull moved to recommit **Proposal 40** to the Education Committee for further study. The motion failed. The vote was:

Yeas—3

Barkdull Henderson Morsani

Nays—20

Alfonso	Evans	Jennings	Rundle
Barnett	Evans-Jones	Marshall	Smith
Brochin	Ford-Coates	Mathis	Sundberg
Butterworth	Freidin	Mills	Thompson
Connor	Hawkes	Riley	Wetherington

On motion by Commissioner Rundle, further consideration of **Proposal 40** was deferred. The vote was:

Yeas—15

Alfonso	Butterworth	Ford-Coates	Rundle
Barkdull	Connor	Hawkes	Thompson
Barnett	Evans	Marshall	Wetherington
Brochin	Evans-Jones	Mills	

Nays—8

Freidin	Jennings	Morsani	Smith
Henderson	Mathis	Riley	Sundberg

Committee Substitute for Proposal 70—A proposal to revise ARTICLE X, s. 4, Fla. Const.; providing a value limitation on the homestead exemption; authorizing the legislature to change the amount of the value limitation; providing that the homestead exemption does not apply to certain property.

—was read.

Commissioner Planas offered the following amendment which was moved by Commissioner Alfonso:

Amendment 1—On page 1, line 23, delete that line and insert:

(1) a homestead of a person who has been a resident of the state for at least five years, to the extent of five hundred thousand

On motion by Commissioner Mills, further consideration of **Committee Substitute for Proposal 70** with pending **Amendment 1** was deferred. The vote was:

Yeas—12

Mr. Chairman	Butterworth	Hawkes	Morsani
Alfonso	Connor	Marshall	Rundle
Barkdull	Evans-Jones	Mills	Thompson

Nays—11

Barnett	Ford-Coates	Jennings	Sundberg
Brochin	Freidin	Riley	Wetherington
Evans	Henderson	Smith	

On motion by Commissioner Henderson, consideration of **Committee Substitute for Proposal 47** was deferred.

MOTION

On motion by Commissioner Mills, by unanimous consent **Proposal 7** was withdrawn from further consideration.

On motion by Commissioner Rundle, consideration of **Proposal 63** was deferred.

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 read.

Commissioner Riley moved **Proposal 43** which failed. The vote was:

Yeas—6

Ford-Coates	Jennings	Smith	Sundberg
Freidin	Riley		

Nays—16

Alfonso	Butterworth	Hawkes	Morsani
Barkdull	Connor	Henderson	Rundle
Barnett	Evans	Marshall	Thompson
Brochin	Evans-Jones	Mills	Wetherington

MOTION TO RECONSIDER

Commissioner Barkdull moved that the Commission reconsider the vote by which **Proposal 87** was adopted November 13. The motion was placed on the calendar for consideration at the December meetings.

MOTION

Commissioner Barkdull moved that the time of recess be extended until completion of Special Order and announcements. The motion was adopted.

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

—was read.

Commissioner Freidin, Vice-chairman of the Ethics and Elections Committee, on behalf of Commissioner Corr, moved **Proposal 82** which failed. The vote was:

Yeas—None

Nays—22

Alfonso	Evans	Jennings	Smith
Barkdull	Evans-Jones	Marshall	Sundberg
Barnett	Ford-Coates	Mills	Thompson
Brochin	Freidin	Morsani	Wetherington
Butterworth	Hawkes	Riley	
Connor	Henderson	Rundle	

Proposal 48—A proposal to revise ARTICLE VII, s. 18, Fla. Const.; providing that local governments are not bound by certain state legislative mandates.

—was read.

Commissioner Ford-Coates, Chairman of the Local Government Committee, on behalf of Commissioner Anthony, moved **Proposal 48** which failed. The vote was:

Yeas—None

Nays—21

Mr. Chairman	Evans	Marshall	Sundberg
Alfonso	Evans-Jones	Mills	Thompson
Barkdull	Ford-Coates	Morsani	Wetherington
Barnett	Freidin	Riley	
Brochin	Hawkes	Rundle	
Butterworth	Jennings	Smith	

MOTION

On motion by Commissioner Riley, by unanimous consent **Public Proposal VII-5-2** was withdrawn from further consideration.

SELECT COMMITTEE APPOINTED

The Chairman announced the appointment of Commissioner Mills, Chairman; Commissioners Thompson, Planas, Ford-Coates and Butterworth to the Select Committee to study **Committee Substitute for Proposals 31 and 55**.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 13 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 1:05 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Tuesday, December 9, 1997.

CONSTITUTION REVISION COMMISSION

Daily Indices for November 14, 1997

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