



# Calendar for the Florida Constitution Revision Commission

January 13, 1998



THE COMMISSION WILL CONVENE ON  
**Tuesday, January 13, 1998**  
 8:30 a.m.—9:00 a.m.  
 1:00 p.m.—6:00 p.m.  
**Wednesday, January 14, 1998**  
 8:30 a.m.—2:00 p.m.  
**Thursday, January 15, 1998**  
 8:30 a.m.—6:00 p.m.  
**Friday, January 16, 1998**  
 8:30 a.m.—1:00 p.m.

## Schedule for the week of January 12 - 16, 1998

(This is a schedule of times and places set by the Committee on Rules and Administration and is subject to change.)

| MONDAY   | TUESDAY   | WEDNESDAY   | THURSDAY   | FRIDAY                             |
|--|---|---|--|------------------------------------|
| January 12, 1998   | January 13, 1998  | January 14, 1998  | January 15, 1998   | January 16, 1998                   |
| <b>9:00-12:00</b><br>Declaration of Rights<br>(Article I) Rm. 309  | <b>8:30-9:00</b><br><b>SESSION</b><br><br><b>9:00-12:00</b><br>Bonding and Investments<br>(Article VII) (MC)*<br>Declaration of Rights<br>(Article I) Rm. 309<br>Executive<br>(Article IV) Rm. A<br>Finance and Taxation<br>(Article VII) Rm. EL<br>Judicial<br>(Article V) (MC)* | <b>8:30-2:00</b><br><b>SESSION</b>  | <b>8:30-6:00</b><br><b>SESSION</b>   | <b>8:30-1:00</b><br><b>SESSION</b> |
| <b>12:00-1:00</b><br>Lunch   | <b>12:00-1:00</b><br>Lunch  | (Lunch provided in<br>Lounge)   | (Lunch provided in<br>Lounge)  |                                    |
| <b>1:00-6:00</b><br><b>SESSION</b><br><br><b>6:00-6:30</b><br>Rules and<br>Admin. (MC)*<br><br><b>6:30-8:00</b><br>Select Com. on Article<br>V Costs (MC)* | <b>1:00-6:00</b><br><b>SESSION</b><br><br><b>6:00-6:30</b><br>Rules and<br>Admin. Rm. 309<br><br><b>6:00-8:00</b><br>Additional committee<br>meetings (if necessary)  | <b>2:00-5:00</b><br>Education<br>(Article IX) Rm. EL<br>Ethics and Elections(Article<br>VI, Part of Article II)Rm.<br>C<br>General Provisions(Articles<br>II, X, XI, and XII)Rm. A<br>Legislative<br>(Article III) Rm. 301<br>Local Government<br>(Article VIII) Rm. 309<br><br><b>5:00-5:30</b><br>Rules & Admin. Rm. 309<br><br><b>5:30-8:00</b><br>Additional committee<br>meetings (if necessary) | <b>6:00-6:30</b><br>Rules and<br>Admin. Rm. 309<br><br><b>6:00-8:00</b><br>Additional committee<br>meetings (if necessary) |                                    |
|  |   |   |  | (MC)* = Meeting Canceled           |

# COMMITTEE MEETINGS

**TUESDAY, JANUARY 13, 1998**

**BONDING AND INVESTMENTS:** 9:00 a.m.—12:00 noon,  
Room C (Senate Office Building):

**MEETING CANCELED**

**DECLARATION OF RIGHTS:** 9:00 a.m.—12:00 noon,  
Room 309 (Capitol):

Equal opportunity:

Proposal 2 Equal Opportunity (Sundberg)

Fees/cost if acquitted:

Proposal 3 Assessment of fees if acquitted (Riley)

Protected classes:

Proposal 11 Gender (Freidin)  
Proposal 86 Women (Freidin)

Parental rights:

Proposal 104 Parental rights (Evans)

Conjugal visitation:

Proposal 141 Conjugal visitation (Mathis)

Privacy:

Proposal 171 Privacy from non-governmental intrusion (Mills)

Natural person:

Proposal 125 Unborn (Mathis)  
Proposal 126 Conception - death (Mathis)

**MATTERS ON RECONSIDERATION:**

Proposal 17 Gender/Sexual Orientation (Riley)

**EXECUTIVE:** 9:00 a.m.—12:00 noon, Room A (Senate Office  
Building):

Civil rights/clemency:

Proposal 122 Restoration of civil rights (Barkdull)

Cabinet reform:

Proposal 159 Cabinet (Mathis)  
Proposal 163 Cabinet (Evans-Jones)  
Proposal 165 Cabinet (Corr)  
Proposal 166 Cabinet (Riley)  
Proposal 117 Appointed St. Board of Education (Corr)  
Proposal 101 Cabinet Reform (Evans-Jones)  
Proposal 113 Lt. Gov. Cabinet reform (Evans-Jones)  
Proposal 182 Cabinet (Riley)

Citizen's advocate:

Proposal 170 Citizen's advocate (Mills)

Public Service Commission:

Proposal 174 Public Service Commission (Sundberg)

**FINANCE AND TAXATION:** 9:00 a.m.—12:00 noon,  
Room EL (Senate Office Building):

Sales tax:

Proposal 6 Sales tax exemptions (Nabors)  
Proposal 121 Unified state tax (Freidin)

Water departments:

Proposal 26 Water management departments (Langley)

Income tax:

Proposal 33 Income Tax (Barnett)

Seaport/airports:

Proposal 41 Seaports/airports (Mathis)  
Proposal 185 Seaports/airports (Mills)

Municipal property:

Proposal 49 Municipal property not taxed (Anthony)  
Proposal 103 Municipal property - taxation (Henderson)  
Proposal 106 Tax exemption - government property (Hawkes)

Partial year assessments:

Proposal 51 Partial-year assessments (Anthony)

Local government mandate:

Proposal 99 Local government - mandates (Langley)

Conservation tax exemption:

Proposal 109 Conservation tax exemption (Mills)

Tangible personal property:

Proposal 112 Tangible personal property (Mills)  
Proposal 124 Tangible personal property (Ford-Coates)

Redevelopment credit:

Proposal 136 Redevelopment/in-fill (Henderson)

Tax Immunity:

Proposal 137 Tax immunity (Evans-Jones)

Limitation on assessments:

Proposal 180 Save Our Homes (Brochin)

**JUDICIAL:** 9:00 a.m.—12:00 noon, Room 301 (Capitol):

**MEETING CANCELED**

**WEDNESDAY, JANUARY 14, 1998**

**EDUCATION:** 2:00 p.m.—5:00 p.m., Room EL (Senate Office  
Building):

School districts:

Proposal 40 Divided school districts (Marshall)  
Proposal 139 Single-member school districts (Mathis)

Lottery funds:

- Proposal 54 Lottery funds (Zack)
- Proposal 89 Lottery Funds (Riley)
- Proposal 138 Lottery funds (Nabors)
- Proposal 143 Lottery funds (Sundberg)

Education as fundamental right:

- Proposal 181 Education as fundamental right (Brochin)

Free college:

- Proposal 140 Free college (Mathis)

**ETHICS AND ELECTIONS:** 2:00 p.m.—5:00 p.m.,  
Room C (Senate Office Building):

Public financing:

- Proposal 16 Public financing (Douglass)

Recall elections:

- Proposal 42 Recall elections (Mathis)

Election of judges:

- Proposal 74 Election of judges (Langley)

Campaign contributions:

- Proposal 76 Campaign contributions (Sundberg)
- Proposal 186 Limiting political contributions (Thompson)

County elections:

- Proposal 173 Non-partisan county elections (Riley)

Ballot access:

- Proposal 178 Electoral Participation (Connor)

Elections fraud:

- Proposal 184 Improper conduct in connection with elections (Mills)

**GENERAL PROVISIONS:** 2:00 p.m.—5:00 p.m.,  
Room A (Senate Office Building):

Environmental:

- Proposal 36 Clean air/water (Henderson)
- Proposal 38 Environmental bill of rights (Mills)
- Proposal 102 Disposition of land (Henderson)

Eminent domain:

- Proposal 83 Eminent Domain (Corr)

Initiatives:

- Proposal 130 Initiatives (Barkdull)
- Proposal 132 Initiatives (Barkdull)
- Proposal 154 Modify initiatives (Barkdull)
- Proposal 160 Initiatives (Smith)
- Proposal 164 Initiatives (Freidin)

**LEGISLATIVE:** 2:00 p.m.—5:00 p.m., Room 301 (Capitol):

Session:

- Proposal 134 Length of Session (Marshall)

Legislative immunity:

- Proposal 90 Legislative Immunity (Hawkes)

Term limits:

- Proposal 105 Term limits (Planas)

Apportionment:

- Proposal 148 Apportionment (Barkdull)
- Proposal 155 Apportionment (Scott)
- Proposal 162 Apportionment (Evans-Jones)
- Proposal 172 Apportionment (Thompson)

General bill relating to Article III:

- Proposal 150 Legislature (Scott)

Time to review vetoes:

- Proposal 179 Veto-legislature (Thompson)

Conversion of constitutional provisions:

- Proposal 183 Conversion of constitutional provisions into general law (Brochin)

**LOCAL GOVERNMENT:** 2:00 p.m.—5:00 p.m.,  
Room 309 (Capitol):

- Proposal 92 Non-charter counties (Anthony)

- Proposal 100 Create/abolish municipalities (Anthony)

## Daily Order of Business

1. Roll call
2. Prayer
3. Pledge of allegiance to the flag
4. Receiving communications
5. Introduction of proposals
6. Reports of committees
7. Matters on reconsideration
8. Special order as determined by the Rules and Administration Committee
9. Unfinished business
10. Correction and approval of journal

### MATTERS ON RECONSIDERATION

#### Proposal 1 by Commissioner Sundberg—

ARTICLE I, s. 9, Fla. Const.; providing that private property may not be forfeited unless the owner is convicted of a felony and has exhausted all appeals.

—committed to the Style and Drafting Committee (December 12, 1997)

—with pending motion to reconsider by Commissioner Zack (January 12, 1998)

### SPECIAL ORDER CALENDAR FOR TUESDAY, JANUARY 13, 1998

#### Proposal 60 by Commissioner Langley—

ARTICLE V, s. 2, Fla. Const.; providing for the cross-assignment of judges.

—approved by the Committee on Judicial (Article V)

—consideration deferred (January 12, 1998)

#### Proposal 39 by Commissioner Henderson—

ARTICLE X, Fla. Const.; creating the Florida Land and Water Conservation Trust Fund and providing for its source of funds and purposes.

—disapproved by the Committee on Bonding and Investments (Article VII)

—amended (1) and consideration deferred (January 12, 1998)

#### Proposal 151 by Commissioner Barkdull—

ARTICLE XII, s. 9(a)(1), Fla. Const.; extending the period during which the Land Acquisition Trust Fund shall continue to exist following its creation by the 1963 Legislature.

—disapproved by the Committee on Bonding and Investments (Article VII)

#### Proposal 91 by Commissioner Hawkes—

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.

—disapproved by the Committee on Bonding and Investments (Article VII)

#### Proposal 96 by Commissioner Nabors—

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

—approved by the Committee on Local Government

### PROPOSED ADDITIONAL SPECIAL ORDER CALENDAR FOR TUESDAY, JANUARY 13, 1998

#### Proposal 98 by Commissioner Planas—

ARTICLE III, s. 15, Fla. Const.; requiring additional qualifications of candidates for, and members of, the state legislature.

—disapproved by the Committee on Legislative

**Proposal 127 by Commissioner Ford-Coates—**

ARTICLE VIII, s. 2, Fla. Const.; providing that a municipality may be abolished only by vote of the electors of the municipality.

*—disapproved by the Committee on Local Government*

**Proposal 116 by the Committee on Education (Article IX) and Commissioner Corr—**

ARTICLE IX, Fla. Const.; revising s. 6 to provide funding for an educational scholarship fund; adding s. 7 to authorize the creation of an educational scholarship fund.

*—recommended as a Committee Substitute and disapproved by the Committee on Education (Article IX)*

**Proposal 135 by Commissioner Henderson—**

ARTICLE VII, s. 4, Fla. Const.; adding lands used for conservation purposes to those lands that may by law be assessed for tax purposes on the basis of their character or use.

*—approved by the Committee on Finance and Taxation (Article VII)*

**Proposal 119 by Commissioner Corr—**

ARTICLE IX, s. 6, Fla., Const.; amending the eligibility requirements for receiving state school funds.

*—disapproved by the Committee on Education*

**Committee Substitute for Proposal 133 by the Committee on Finance and Taxation and Commissioner Scott—**

ARTICLE III, s. 19(d), Fla. Const.; providing guidelines for the public review period for general appropriation acts.

*—recommended as a Committee Substitute and approved by the Committee on Finance and Taxation (Article VII)*

**Proposal 168 by Commissioner Corr—**

ARTICLE IV, s. 6, Fla. Const.; providing that an entity purportedly within an executive department which is not subject to the direct supervision of the agency head is a department.

*—approved by the Committee on Executive (Article IV)*

**Proposal 97 by Commissioner Evans—**

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.

*—disapproved by the Committee on Declaration of Rights (Article I)*

**Proposal 107 by Commissioner Connor—**

ARTICLE I, Fla. Const.; providing that the State Constitution does not restrict the right of parents to consent to medical treatment for their minor children.

*—disapproved by the Committee on Declaration of Rights (Article I)*

**Committee Substitute for Proposal 157 by Committee on Education and Commissioner Mills—**

ARTICLE IX, s. 1, Fla. Const.; defining the term "adequate provision" as applicable to the system of public education.

*—recommended as a Committee Substitute and approved by the Committee on Education (Article IX)*

**Committee Substitute for Proposal 13 by the Committee on Declaration of Rights and Commissioner Brochin—**

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 recommended by 9 members of a jury of 12 persons.

*—recommended as a Committee Substitute and approved by the Committee on Declaration of Rights (Article I)*

**Proposal 144 by Commissioner Barnett—**

ARTICLE I, s. 17, Fla. Const.; relating to punishment for crime.

*—approved by the Committee on Declaration of Rights (Article I)*

**Committee Substitute for Proposal 81 by the Committee on Ethics and Elections and Commissioner Rundle—**

ARTICLE XI, s. 3, 5, Fla. Const.; authorizing the use of random samples to verify names on initiative petitions and providing procedures for submitting and verifying petitions.

*—recommended as a Committee Substitute and approved by the Committee on Ethics and Elections (Article VI, Part of Article II)*

**Proposal 63 by Commissioner Connor—**

ARTICLE II, s. 8, Fla. Const.; strengthening the powers of the Florida Commission on Ethics.

*—disapproved by the Committee on Ethics and Elections*

**Committee Substitute for Proposal 64 by the Committee on Bonding and Investments and Commissioner Nabors—**

ARTICLE VII, s. 11, Fla. Const.; providing for state bonds pledging all or part of a dedicated state tax revenue or the full faith and credit of the state for certain uses as provided by general law.

*—recommended as a Committee Substitute and approved by the Committee on Bonding and Investments (Article VII)*

**At the completion of the Special Order Calendar, we will revert to Proposals Placed on Calendar.**

# Proposals Placed on Calendar

## **Proposal 23 by Commissioner Rundle—**

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.

*—disapproved by the Committee on General Provisions (Articles II, X, XI, and XII)*

## **Proposal 46 by Commissioner Anthony—**

ARTICLE X, s. 13, Fla. Const.; providing for suits against state agencies, counties, school districts, municipalities, special districts, and other political subdivisions.

*—disapproved by the Committee on Declaration of Rights (Article I)*

## **Proposal 50 by Commissioner Anthony—**

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.

*—disapproved by the Committee on Local Government (Article VIII)*

## **Proposal 52 by Commissioner Anthony—**

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.

*—disapproved by the Committee on Finance and Taxation (Article VII)*

## **Proposal 59 by Commissioner Zack—**

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

*—approved by the Committee on Judicial (Article V)*

## **Committee Substitute for Proposal 69 by the Committee on Executive and Commissioner Riley—**

ARTICLE IV, ss. 4, 5, Fla. Const.; providing for the appointment of the Commissioner of Education.

*—recommended as a Committee Substitute and approved by the Committee on Executive (Article IV)*

## **Proposal 72 by Commissioner Mills—**

ARTICLE III, s. 26, Fla. Const.; providing for the revision or amendment of statutory law through the initiative process.

*—disapproved by the Committee on General Provisions*

## **Committee Substitute for Proposal 77 by the Committee on Declaration of Rights and Commissioner Freidin—**

ARTICLE X, s. 13, Fla. Const.; abolishing sovereign immunity in contract and in tort.

*—recommended as a Committee Substitute and approved by the Committee on Declaration of Rights (Article I)*

## **Proposal 88 by Commissioner Freidin—**

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.

*—disapproved by the Committee on Legislative*

## **Proposal 118 by Commissioner Corr—**

ARTICLE X, s. 15, Fla. Const.; providing that lotteries may be operated by the state for the sole purpose of raising proceeds to enhance funding for public education programs; providing that proceeds be appropriated directly to school advisory councils for the sole purpose of enhancing school programs.

*—approved by the Committee on Education*

## **Proposal 161 by Commissioner Brochin—**

ARTICLE III, s. 4, Fla. Const.; deleting the authority of each house of the Legislature to be the sole judge for the interpretation, implementation, and enforcement of section 4 of Article III of the constitution.

*—disapproved by the Committee on Legislative*

## **Proposal 167 by Commissioner Rundle—**

ARTICLE VIII, s. 5, Fla. Const.; providing for the electors of a county to regulate the possession, purchase, and sale of firearms; providing that a county may not prohibit the possession, purchase, and sale of firearms and ammunition.

*—approved by the Committee on Local Government*

## **Proposal 169 by Commissioner Hawkes—**

ARTICLE V, ss. 1 and 4, Fla. Const.; establishing courts of criminal appeals; providing for a court of appeals to be located in each of three regional divisions; providing for justices of the courts of criminal appeals to be appointed by the Governor and be subject to confirmation by the Senate; providing for compensation of the justices; providing for terms of office; providing for the courts to final appellate jurisdiction of criminal appeals, appeals of capital cases, and appeals based on habeas corpus or other postconviction claims; providing for the courts to convene an en banc panel to hear capital cases and to resolve conflicting rulings; authorizing the courts to issue specified writs; providing for the appointment of clerks for the courts; providing applicability of rules.

*—referred to the Committee on Judicial, withdrawn January 12, 1998*