



# Calendar for the Florida Constitution Revision Commission



January 14, 1998

THE COMMISSION WILL CONVENE ON

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

# COMMITTEE MEETINGS

**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):

**MEETING CANCELED**

**THURSDAY, JANUARY 15, 1998**

**DECLARATION OF RIGHTS:** 6:15 p.m.—until completion of agenda, Room 309 (Capitol):

Natural person:

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

**MATTERS ON RECONSIDERATION:**

- Proposal 17 Gender/Sexual Orientation (Riley)

## 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.

*—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (December 12, 1997)*

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

*—consideration deferred until January 14, 1998 on motion of Commissioner Rundle*

#### Proposal 123 by Commissioner Barkdull—

ARTICLE XI, Fla. Const.; deleting certain requirements with respect to votes by the members of the commission to amend this constitution.

*—approved by the Committee on General Provisions*

*—adopted as amended, order engrossed and committed to Style and Drafting (January 12, 1998)*

*—with pending motion to reconsider by Commissioner Scott (January 13, 1998)*

### SPECIAL ORDER AS DETERMINED BY THE RULES AND ADMINISTRATION COMMITTEE FOR WEDNESDAY, JANUARY 14, 1998

#### 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 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)*

*—consideration deferred (January 13, 1998)*

#### 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)*

*—consideration deferred (January 13, 1998)*

**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*

**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)*

**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 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)*

**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*

**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 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*

**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)*

**Committee Substitute for Proposal 51 by the Committee on Finance and Taxation (Article VII) and Commissioner Anthony—**

ARTICLE VII, s. 4, Fla. Const.; requiring the assessment of improvements to real property which occur between assessment dates.

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

**Committee Substitute for Proposal 170 by the Committee on Executive (Article IV) and Commissioner Mills—**

ARTICLE IV, s. 14, Fla. Const.; providing for the establishment of a Citizens Advocate to be appointed by the Governor to aid the public in obtaining redress of grievances arising from administrative actions of state agencies or local governments.

*—disapproved by the Committee on Executive*

**Proposal 174 by Commissioner Sundberg—**

ARTICLE IV, s. 14, Fla. Const.; providing for a public utilities commission established by the Legislature to be an executive agency that exercises quasi-legislative and quasi-judicial powers.

*—disapproved by the Committee on Executive*

**Committee Substitute for Proposals 112 and 124 by the Committee on Finance and Taxation (Article VII) and Commissioner Mills and Ford-Coates—**

ARTICLE VII, s. 3, Fla. Const.; providing for an exemption from ad valorem taxation for certain tangible personal property.

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

**Proposal 2 by Commissioner Sundberg—**

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.

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

**Proposal 11 by Commissioner Freidin—**

ARTICLE I, s. 2, Fla. Const.; providing that persons may not be deprived of their rights because of gender.

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

**Proposal 86 by Commissioner Freidin—**

ARTICLE I, s. 26, Fla. Const.; guaranteeing the equal rights of women and men throughout the state.

*—disapproved by the Committee on Declaration of Rights*

**Proposal 104 by Commissioner Evans—**

ARTICLE I, Fla. Const.; adding s. 26 to provide for parents' rights to direct the education of their children and to provide that the state has a compelling interest in punishing child abuse.

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

**Proposal 141 by Commissioner Mathis—**

ARTICLE I, s. 16, Fla. Const.; providing that the spouse of a state or county prisoner has a right to conjugal visitation with that prisoner; providing that a person connected by affinity or consanguinity to state or county prisoner has a right of family visitation with that prisoner.

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

**Proposal 171 by Commissioner Mills—**

ARTICLE I, s. 23, Fla. Const.; requiring the state to protect natural persons against nongovernmental intrusion for commercial purposes into their lives.

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

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

## Proposals Placed on Calendar

**Committee Substitute for Proposal 6 by the Committee on Finance and Taxation (Article VII) and Commissioner Nabors—**

ARTICLE VII, s. 17, Fla. Const.; providing limits on the adoption of exemptions and exclusions from the general state sales tax.

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

**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)*

*—consideration deferred until January 26-28, 1998*

**Committee Substitute for Proposals 31 and 55 by the Committee on Judicial and Commissioners Sundberg and Zack—**

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 staff, 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, cost, and forfeitures for the purpose of funding the operation of the judiciary, state attorneys, and public defenders.

*—recommended as a Committee Substitute and approved by the Committee on Judicial (Article V)*

*—amended, consideration deferred and referred to the Select Committee on Article V Cost on November 14, 1997*

**Proposal 33 by Commissioner Barnett—**

ARTICLE VII, s. 5, Fla. Const.; eliminating the prohibition against levying a state income tax.

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

**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 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 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 117 by Commissioner Corr—**

ARTICLE IX, s. 2, Fla. Const.; amending the membership of the state board of education; providing for the appointment of the board by the governor.

*—disapproved by the Committee on Executive*

**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)*

*—consideration deferred until January 26-28, 1998*

**Committee Substitute for Proposals 159, 163 and 182 by the Committee on Executive (Article IV) and Commissioners Mathis, Evans-Jones and Riley—**

ARTICLE IV, ss. 3(b), 4, and 8, and ARTICLE XII, s. 9(c), Fla. Const.. and create s. 22, ARTICLE XII, Fla. Const.; providing for membership of the Florida Cabinet.

*—recommended as a Committee Substitute and approved by the Committee on Executive*

**Proposal 165 by Commissioner Corr—**

ARTICLE IV, ss. 4, 5, Fla. Const.; providing membership of the Florida Cabinet and qualifications for Cabinet members and for the Governor and Lieutenant Governor.

*—disapproved by the Committee on Executive*

**Committee Substitute for Proposal 166 by the Committee on Executive (Article IV) and Commissioner Riley—**

ARTICLE IX, s. 2, Fla. Const.; providing for the appointment of the State Board of Education by the Governor and the appointment of the Commissioner of Education by the State Board of Education.

*—recommended as a Committee Substitute and approved by the Committee on Executive*

**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*

*—consideration deferred until January 26-28, 1998*

**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)*

*—consideration deferred (January 13, 1998)*