



Calendar for the Florida Constitution Revision Commission



January 15, 1998

THE COMMISSION WILL CONVENE ON

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 |
| <p>9:00-12:00 Declaration of Rights (Article I) Rm. 309</p> | <p>8:30-9:00 SESSION</p> <p>9:00-12:00 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)*</p> | <p>8:30-2:00 SESSION</p> | <p>8:30-6:00 SESSION</p> | <p>8:30-1:00 SESSION</p> |
| <p>12:00-1:00 Lunch</p> | <p>12:00-1:00 Lunch</p> | <p>(Lunch provided in Lounge)</p> | <p>(Lunch provided in Lounge)</p> | |
| <p>1:00-6:00 SESSION</p> <p>6:00-6:30 Rules and Admin. (MC)*</p> <p>6:30-8:00 Select Com. on Article V Costs (MC)*</p> | <p>1:00-6:00 SESSION</p> <p>6:00-6:30 Rules and Admin. Rm. 309</p> <p>6:00-8:00 Additional committee meetings (if necessary)</p> | <p>2:00-5:00 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)*</p> <p>5:00-5:30 Rules & Admin. (MC)*</p> <p>5:30-8:00 Additional committee meetings (if necessary)</p> | <p>6:00 or upon adjournment of session-until completion of agenda Select Com. On Article V Costs Rm. C</p> <p>6:00-6:30 Rules and Admin. Rm. 309</p> <p>6:00-8:00 Additional committee meetings (if necessary)</p> <p>6:15-until completion of agenda Declaration of Rights Rm. 301</p> | <p>(MC)* = Meeting Canceled</p> |

COMMITTEE MEETINGS

THURSDAY, JANUARY 15, 1998

SELECT COMMITTEE ON ARTICLE V COSTS: 6:00 p.m. or upon adjournment of session—until completion of agenda, Room C (32-LL- Senate Office Building):

Discussion of Article V Costs

DECLARATION OF RIGHTS: 6:15 p.m.—until completion of agenda, Room 301 (Capitol):

Natural person:

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

Proposal 187 Exercise of religion (Connor)

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 15, 1998 on motion of Commissioner Rundle (January 14, 1998)

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 (Articles II, X, XI, and XII)

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

—motion to reconsider by Commissioner Scott having been adopted (January 14, 1998)

**PROPOSED
SPECIAL ORDER CALENDAR FOR
THURSDAY, JANUARY 15, 1998**

**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.

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

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 Ethics and Elections (Article VI, Part of Article II)

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)

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)

**Committee Substitute for Proposal 16 by the
Committee on Ethics and Elections (Article VI, Part
of Article II) and Commissioner Douglass—**

ARTICLE VI, s. 7, Fla. Const.; requiring that public funds be used to finance campaigns for elective state office.

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

****IF RECEIVED****

Proposal 76 by Commissioner Sundberg—

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 an office 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; specifying that the provision of certain indirect support services does not constitute an unlawful activity.

—disapproved by the Committee on Ethics and Elections (Article VI, Part of Article II)

Proposal 186 by Commissioner Thompson—

ARTICLE VI, s. 1, Fla. Const.; limiting political contributions.

—approved by the Committee on Ethics and Elections (Article VI, Part of Article II)

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 14, 1998)

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 (Articles II, X, XI, and XII)

Proposal 130 by Commissioner Barkdull—

ARTICLE XI, s. 3, Fla. Const.; requiring an initiative petition to be signed by a specified percentage of the electors from each congressional district.

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

Proposal 132 by Commissioner Barkdull—

ARTICLE XI, s. 3, Fla. Const.; increasing the percentage of electors who must sign an initiative petition.

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

Proposal 154 by Commissioner Barkdull—

ARTICLE XI, s. 3, Fla. Const.; authorizing the Legislature to modify an adopted initiative petition after a period of time.

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

Proposal 160 by Commissioner Smith—

ARTICLE XI, s. 3, Fla. Const.; providing that, when a referendum to amend or revise the Florida Constitution which has been placed on the ballot by initiative is rejected, the subject matter of that referendum may not be the subject of a subsequent petition and initiative for a specified period

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

Proposal 65 by Commissioner Langley—

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 (Articles II, X, XI, and XII)

Proposal 164 by Commissioner Freidin—

ARTICLE XI, s. 5, Fla. Const.; requiring approval of an amendment or revision of the constitution by a three-fifths vote of the electors voting on the proposal.

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

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 (Article IX)

Proposal 54 by Commissioner Zack—

ARTICLE IX, s. 1, Fla. Const.; requiring that public education be adequately funded in each fiscal year; defining such adequate funding as an annual appropriation for public education which is at least 40 percent of total appropriations under Article III, not including lottery proceeds or federal funds; providing that the minimum percentage is based on the percentage appropriated for public education from total appropriations in the 1986-1987 fiscal year.

—disapproved by the Committee on Education (Article IX)

Committee Substitute for Proposals 138 and 89 by the Committee on Education (Article IX) and Commissioners Nabors and Riley—

ARTICLE X, s. 15, Fla. Const.; limiting the use of state lottery net proceeds to financing certain educational facilities or funding early childhood care and education programs.

—recommended as a Committee Substitute, combined with Proposal 89 and approved by the Committee on Education (Article IX)

****IF RECEIVED****

Proposal 181 by Commissioner Brochin—

ARTICLE IX, s. 1, Fla. Const.; providing public rights to, and state duties to provide, complete and adequate public education.

—approved by the Committee on Education (Article IX)

Proposal 74 by Commissioner Langley—

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.

—disapproved by the Committees on Judicial (Article V); and Ethics and Elections (Article VI, Part of Article II)

Committee Substitute for Proposal 173 by the Committee on Ethics and Elections (Article VI, Part of Article II) and Commissioner Riley—

ARTICLE VIII, s. 1, Fla. Const.; authorizing counties to elect county officers in nonpartisan elections; providing procedures.

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

****IF RECEIVED****

Committee Substitute for Proposal 184 by the Committee on Ethics and Elections (Article VI, Part of Article II) and Commissioner Mills—

ARTICLE VI, s. 1, Fla. Const.; providing that the legislature shall prohibit undue influence and other improper conduct in connection with elections.

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

****IF RECEIVED****

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 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

Committee Substitute for Proposals 36 and 38 by the Committee on General Provisions (Articles II, X, XI, and XII) Commissioners Henderson and Mills—

ARTICLE II, s. 7, Fla. Const.; providing a right to clean and healthful air and water and to protection of other natural resources.

—recommended as a Committee Substitute, combined with Proposal 38 and disapproved by the Committee on General Provisions (Articles II, X, XI, and XII)

****IF RECEIVED****

Committee Substitute for Proposal 102 by the Committee on General Provisions (Articles II, X, XI, and XII) and Commissioner Henderson—

ARTICLE X, Fla. Const.; adding s. 18 to provide restrictions on the disposition of conservation and recreation lands.

—recommended as a Committee Substitute and approved by the Committee on General Provisions (Articles II, X, XI, and XII)

Proposal 83 by Commissioner Corr—

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

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

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

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 40 by Commissioner Marshall—

ARTICLE IX, s. 4, Fla. Const.; authorizing certain counties to be divided into more than one school district.

—approved by the Committee on Education (Article IX)

—referred to the Committee on Education (Article IX) (December 12, 1997)

—disapproved by the Committee on Education (Article IX)

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 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 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)

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 143 by Commissioner Sundberg—

ARTICLE X, s. 15, Fla. Const.; establishing the Education Enhancement Trust Fund for the deposit of proceeds from the lotteries operated by the state; requiring the State Board of Education, or its successor, to appropriate moneys from the trust fund; providing allowable uses of moneys from the trust fund.

—the Committee on Education (Article IX) makes no recommendation

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 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