



# Calendar for the Florida Constitution Revision Commission



January 27, 1998

THE COMMISSION WILL CONVENE ON  
Tuesday, January 27, 1998

9:00 a.m. 12:00 noon

1:00 p.m. 5:00 p.m.

Wednesday, January 28, 1998

9:00 a.m. 12:00 noon

1:00 p.m. 5:00 p.m.

## Schedule for January 26 - 28, 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 26, 1998	January 27, 1998	January 28, 1998	January 29, 1998	January 30, 1998
<b>9:00-12:00</b> Select Com. on Article V Costs Rm. EL  <b>11:00-12:00</b> Judicial (Article V) Rm. 309 Legislative (Article III) Rm. 301	<b>9:00-12:00</b>  <b>SESSION</b>	<b>8:00</b> Style and Drafting Rm. TBA  <b>9:00-12:00</b>  <b>SESSION</b>  <b>12:00</b> Select Com. On Sovereign Immunity Rm. TBA		
<b>12:00-1:00</b> Lunch	<b>12:00-1:00</b> Lunch	<b>12:00-1:00</b> Lunch		
<b>1:00-6:00</b>  <b>SESSION</b>  <b>6:00-6:30</b> Rules and Admin. Rm. 309	<b>1:00-5:00</b>  <b>SESSION</b>  <b>5:00-7:00</b> Finance and Taxation (Article VII) Rm. EL Select Com. on Initiatives Rm. 301	<b>1:00-5:00</b>  <b>SESSION</b>		

# COMMITTEE MEETINGS

**TUESDAY, JANUARY 27, 1998**

**FINANCE AND TAXATION:** 5:00 p.m.—7:00 p.m., Room EL  
(Senate Office Building):

Sales tax:

Proposal 121 - Unified state tax (Freidin)

Water departments:

Proposal 26 - Water management departments (Langley)

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)

Local government mandate:

Proposal 99 - Local government/mandates (Langley)

Conservation tax exemption:

Proposal 109 - Conservation tax exemption (Mills)

Tax immunity:

Proposal 137 - Tax immunity (Evans-Jones)

Limitation on assessments:

Proposal 180 - Save Our Homes (Brochin)

**SELECT COMMITTEE ON INITIATIVES:** 5:00 p.m.—7:00 p.m.,  
Room 301 (Capitol):

Discussion of initiatives

## 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 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; providing that the amendment does not affect the status of such entities to issue revenue bonds before a specified date; and to create ARTICLE XII, s. 23, Fla. Const.; providing that the amendment does not affect the status of such entities in existence on the effective date of the adoption of the amendment.(eg1)

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

*adopted as amended, ordered engrossed and committed to the Style and Drafting Committee (January 15, 1998)*

*with pending motion to reconsider by Commissioner Barkdull (January 26, 1998)*

### SPECIAL ORDER CALENDAR FOR TUESDAY, JANUARY 27, 1998

#### Proposal 105 by Commissioner Planas

ARTICLE III, s. 15, Fla. Const., and ARTICLE VI, s. 4, Fla. Const.; increasing the term of office of state representatives and state senators; increasing the number of years such offices may serve.

*—referred to the Committee on Legislative (Article III), withdrawn (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 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)*

*consideration deferred (January 26, 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)*

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

**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 certain 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)*

*with pending amendment # 1 by Commissioners Mills and Freidin (January 26, 1998)*

**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 providing for the abatement of pollution and noise.

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

**Committee Substitute for Proposal 83 by the Committee on General Provisions (Articles II, X, XI, and XII) and Commissioner Corr**

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

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

**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)*

**Proposal 187 by Commissioner Connor**

ARTICLE I, s. 3, Fla. Const.; limiting conditions for restrictions on the free exercise of religion.

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

**Proposal 126 by Commissioners Mathis, Connor, Hawkes, Evans and Alfonso**

ARTICLE I, s. 2, Fla. Const.; providing that the basic rights of natural persons accrue at the point of their conception and continue until their natural death.

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

**Proposal 125 by Commissioners Mathis, Connor, Hawkes, Evans and Alfonso**

ARTICLE I, s. 2, Fla. Const.; providing that born and unborn natural persons are equal before the law and have inalienable rights.

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

**Proposal 17 by Commissioner Riley**

ARTICLE I, s. 2, Fla. Const.; providing that no person shall be deprived of any right because of gender or sexual orientation.

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

*rereferred to the Committee on Declaration of Rights (Article I) (January 12, 1998)*

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

*amended (1) and consideration deferred (January 26, 1998)*

**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)*

**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)*

**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 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 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)*

**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.

*disapproved by the Committee on Judicial (Article V)*

**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)*

# Proposals Placed on Calendar

## 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.(eg1)

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

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

*motion to reconsider by Commissioner Zack adopted and consideration deferred (January 15, 1998)*

## 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)*

## 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)*

## 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)*

## 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 (Articles II, X, XI, and XII)*

## 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 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)*

*failed, motion to reconsider by Commissioner Barnett adopted, Proposal reconsidered, adopted and committed to the Style and Drafting Committee (January 14, 1998)*

*motion to reconsider by Commissioner Mills adopted and consideration deferred (January 26, 1998)*

## 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 150 by Commissioner Scott

ARTICLE III, Fla. Const., Legislature, to modify provisions governing the legislature.

*—referred to the Committee on Legislative (Article III), withdrawn (January 15, 1998)*

## 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 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 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  
(Article VIII)*

**Committee Substitute for Proposals 172 and 162 by the  
Committee on Legislative (Article III) Commissioners Thompson  
and Evans-Jones**

ARTICLE III, s. 16, Fla. Const., relating to legislative apportionment and create ARTICLE II, s. 10, Fla. Const.; providing for a commission to establish legislative and congressional districts; providing for the appointment of members to the commission; requiring that the chief justice of the supreme court fill certain vacancies on the commission; requiring meetings and records of the commission to be open to the public; providing certain exceptions; requiring that the commission file its final report with the secretary of the state within a specified period; requiring that the supreme court determine the validity of the plans; providing for the supreme court to establish the districts under specified circumstances; providing for the assignment of senatorial terms that are shortened as a result of apportionment; deleting requirements that the Legislature apportion the state into legislative districts.

*—recommended as a Committee Substitute, combined with  
Proposal 162 and approved by the Committee on Legislative (Article  
III)*