



Calendar for the Florida Constitution Revision Commission



January 28, 1998

THE COMMISSION WILL CONVENE ON
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
<p>9:00-12:00 Select Com. on Article V Costs Rm. EL</p> <p>11:00-12:00 Judicial (Article V) Rm. 309 Legislative (Article III) Rm. 301</p>	<p>9:00-12:00 SESSION</p>	<p>8:00-9:00 Style and Drafting Rm. 309</p> <p>9:00-12:00 SESSION</p> <p>12:00-1:00 Select Com. On Sovereign Immunity Rm. 309</p>		
<p>12:00-1:00 Lunch</p>	<p>12:00-1:00 Lunch</p>	<p>12:00-1:00 Lunch</p>		
<p>1:00-6:00 SESSION</p> <p>6:00-6:30 Rules and Admin. Rm. 309</p>	<p>1:00-5:00 SESSION</p> <p>5:00-7:00 Finance and Taxation (Article VII) Rm. EL Select Com. on Initiatives Rm. 301</p>	<p>1:00-5:00 SESSION</p>		

COMMITTEE MEETINGS

WEDNESDAY, JANUARY 28, 1998

STYLE AND DRAFTING: 8:00—9:00 a.m., Room 309 (Capitol):

Organizational meeting

SELECT COMMITTEE ON SOVEREIGN IMMUNITY:

12:00 noon—1:00 p.m., Room 309 (Capitol):

Organizational meeting

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 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)

—failed (January 14, 1998)

—with pending motion to reconsider by Commissioner Argiz (January 15, 1998), motion abandoned (January 26, 1998)

—with pending motion to reconsider by Commissioner Connor, granted without objection (January 27, 1998)

SPECIAL ORDER CALENDAR FOR WEDNESDAY, JANUARY 28, 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)

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)

—consideration deferred (January 15, 1998)

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

—with pending amendment # 1 by Commissioner Henderson (January 27, 1998)

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.

—referred to the Committee on Judicial (Article V), withdrawn (January 12, 1998)

—consideration deferred and referred to the Committee on Judicial (Article V); to be reported by February 9, 1998 (January 14, 1998)

—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)

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 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)

—amended (1) and consideration deferred (January 27, 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 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 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 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 121 by Commissioner Freidin—

ARTICLE VII, Fla. Const., Finance and Taxation, to establish a Unified State Tax.

—referred to the Committee on Finance and Taxation (Article VII)

****IF RECEIVED****

Proposal 26 by Commissioner Langley—

ARTICLE IV, s. 6, and ARTICLE VII, s. 9, Fla. Const.; creating five executive departments of water management and eliminating ad valorem taxing authority for water management purposes.

—referred to the Committee on Finance and Taxation (Article VII)
****IF RECEIVED****

Proposal 99 by Commissioner Langley—

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.

—referred to the Committee on Finance and Taxation (Article VII)
****IF RECEIVED****

Committee Substitute for Proposal 109 by the Committee on Finance and Taxation (Article VII) and Commissioner Mills—

ARTICLE VII, s. 3, Fla. Const.; providing a conservation tax exemption for private landowners.

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

Proposal 180 by Commissioner Brochin—

ARTICLE VII, s. 4, Fla. Const.; providing that, after a specified date, the "Save-Our-Homes" assessment limitation applies only to homestead parcels that have a just value of more than a specified amount; requiring provision to be made by general law for the coordination of this limitation with other assessment limitations set forth in Article VII, s. 4(c), Fla. Const.; allowing provision to be made by general law for adjusting the maximum just value to accommodate inflation.

—disapproved by the Committee on Finance and Taxation (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)

—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 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)

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)

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)

Committee Substitute for Proposals 49, 103 and 185 by the Committee on Finance and Taxation (Article VII) and Commissioners Anthony, Henderson and Mills —

ARTICLE VII, s. 3(a), Fla. Const.; providing that certain property owned by a municipality is not subject to taxation.

—recommended as a Committee Substitute, combined with Proposals 103 and 185, and approved 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)

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 106 by Commissioner Hawkes—

ARTICLE VII, s. 3, Fla. Const.; providing a tax exemption for property owned by any governmental entity.

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

Proposal 150 by Commissioner Scott—

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

—referred to the Committee on Legislative (Article III)

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)

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)

—motion to reconsider by Commissioner Barkdull adopted and consideration deferred (January 27, 1998)

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)