



# Calendar for the Florida Constitution Revision Commission



**Monday, February 9, 1998**

**THE COMMISSION WILL CONVENE ON**

**Monday, February 9, 1998**

**1:00 p.m.—5:00 p.m.**

**Tuesday, February 10, 1998**

**9:00 a.m.—12:00 noon**

**1:00 p.m.—5:00 p.m.**

**Wednesday, February 11, 1998**

**9:00 a.m.—12:00 noon**

**1:00 p.m.—5:00 p.m.**

**Thursday, February 12, 1998**

**9:00 a.m.—1:00 p.m.**

## Schedule for the week of February 9 - 13, 1998

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

<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>
<b>February 9, 1998</b>	<b>February 10, 1998</b>	<b>February 11, 1998</b>	<b>February 12, 1998</b>	<b>February 13, 1998</b>
<b><u>11:00-1:00</u></b> Select Com. on Sovereign Immunity Rm. 317 Select Com. on Article V Costs Rm. 214	<b><u>9:00-12:00</u></b>  <b>SESSION</b>	<b><u>9:00-12:00</u></b>  <b>SESSION</b>	<b><u>9:00-1:00</u></b>  <b>SESSION</b>	
<b><u>12:00-1:00</u></b> Lunch	<b><u>12:00-1:00</u></b> Lunch	<b><u>12:00-1:00</u></b> Lunch		
<b><u>1:00-5:00</u></b>  <b>SESSION</b>  <b><u>5:00-7:00</u></b> Select Com. on Initiatives Rm. 214	<b><u>1:00-5:00</u></b>  <b>SESSION</b>  <b><u>5:00-7:00</u></b> Select Com. on Sovereign Immunity Rm. 317	<b><u>1:00-5:00</u></b>  <b>SESSION</b>		

# COMMITTEE MEETINGS

**MONDAY, FEBRUARY 9, 1998**

**SELECT COMMITTEE ON SOVEREIGN IMMUNITY:**

11:00 a.m.—1:00 p.m., Room 317 (Capitol):

Workshop on the following proposals relating to sovereign immunity:

Proposal 46 - Municipal sovereign immunity (Anthony)  
Proposal 59 - Sovereign immunity (Zack)  
Proposal 77 - Sovereign immunity (Freidin)

Public testimony on sovereign immunity

**SELECT COMMITTEE ON ARTICLE V COSTS:**

11:00 a.m.—1:00 p.m., Room 214 (Capitol):

Continued review of Article V Costs

**SELECT COMMITTEE ON INITIATIVES:**

5:00 p.m.—7:00 p.m., Room 214 (Capitol):

Discussion of constitutional and statutory initiatives

**TUESDAY, FEBRUARY 10, 1998**

**SELECT COMMITTEE ON SOVEREIGN IMMUNITY:**

5:00 p.m.—7:00 p.m., Room 317 (Capitol):

Workshop on the following proposals relating to sovereign immunity:

Proposal 46 - Municipal sovereign immunity (Anthony)  
Proposal 59 - Sovereign immunity (Zack)  
Proposal 77 - Sovereign immunity (Freidin)

Public testimony on sovereign immunity

## 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)*

*—consideration deferred until February 9, 1998 on motion of Commissioner Connor (January 28, 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. (eg1)

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

*—adopted as amended, ordered engrossed and committed to the Style and Drafting Committee, consideration deferred with pending motion to reconsider by Commissioner Alfonso (January 28, 1998)*

**SPECIAL ORDER CALENDAR  
FOR MONDAY, FEBRUARY 9, 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)*

*—amended (2) and consideration deferred (January 28, 1998)*

**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)*

**Committee Substitute for Proposals 172 and 162 by the Committee on Legislative (Article III) and 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)*

**Proposal 148 by Commissioner Barkdull—**

ARTICLE III, s. 16, Fla. Const.; providing for legislative apportionment by an independent commission if not accomplished by the Legislature and the Supreme Court and ARTICLE XII, Fla. Const.; adding s. 22 to provide for the membership of the independent reapportionment commission.

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

**\*\*\*IF RECEIVED\*\*\***

**Proposal 155 by Commissioner Scott—**

ARTICLE III, s. 16(a), Fla. Const.; providing for the Legislature to apportion the state into single-member senatorial districts of contiguous territory and single-member representative districts of contiguous territory.

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

**\*\*\*IF RECEIVED\*\*\***

**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 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)*

**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 with pending amendment # 1 (January 26, 1998) by Commissioners Mills, Freidin and Rundle (January 28, 1998)*

**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 rereferred 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)*

*—consideration deferred (January 28, 1998)*

**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 (January 28, 1998)*

**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), withdrawn (January 28, 1998)*

**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), withdrawn (January 28, 1998)*

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

ARTICLE VII, s. 3, Fla. Const.; allowing a local option tax exemption for owners of land used for conservation purposes; requiring general law authorization.

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

**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 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)*

**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)*

**Proposal 149 by Commissioner Scott—**

ARTICLE IV, Fla. Const., Executive, to modify provisions governing the executive.

*—referred to the Committee on Executive (Article IV)*

**\*\*\*IF RECEIVED\*\*\***

# Proposals Placed on Calendar

## **Proposal 41 by Commissioner Mathis—**

ARTICLE VII, s. 3, Fla. Const.; providing that certain property of a publicly owned and operated airport or seaport shall be taxed only to the extent that similar property owned by a county is taxed.

*—referred to the Committee on Finance and Taxation (Article VII), withdrawn (January 28, 1998)*

## **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, Fla. Const.; revising the requirements for exempting municipally owned property; allowing the Legislature to exempt from taxation property owned by a governmental entity and used for airport, seaport, or public purposes, as defined by law, and uses that are incidental thereto.

*—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)*

## **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)*

## **Committee Substitute for Proposals 106 & 137 by the Committee on Finance and Taxation (Article VII) and Commissioners Hawkes and Evans-Jones—**

ARTICLE VII, s. 3(a), Fla. Const.; providing a tax exemption for certain property owned by any governmental entity; providing that certain property owned by a governmental entity may be taxable, as provided by general law; providing that no governmental entity shall have immunity from taxation under certain conditions.

*—recommended as a Committee Substitute, combined with Proposal 137 and disapproved by the Committee on Finance and Taxation (Article VII)*

## **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)*

## **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)*