



# Calendar for the Florida Constitution Revision Commission



December 10, 1997

THE COMMISSION WILL CONVENE ON  
Wednesday, December 10, 1997

9:00 a.m.—2:00 p.m.

Thursday, December 11, 1997

9:00 a.m.—12:00 noon

Friday, December 12, 1997

9:00 a.m.—12:00 noon

1:00 p.m.—5:00 p.m. or until completion

## Schedule for the week of December 8—12, 1997

(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
December 8, 1997	December 9, 1997	December 10, 1997	December 11, 1997	December 12, 1997
	<b>9:00-12:00</b> Select Com. on Art. V Costs Rm. 301 Declaration of Rights Rm. 309	<b>9:00-2:00</b>  <b>SESSION</b>	<b>9:00-12:00</b>  <b>SESSION</b>	<b>9:00-12:00</b>  <b>SESSION</b>
	<b>12:00-1:00</b> Lunch		<b>12:00-1:00</b> Lunch	<b>12:00-1:00</b> Lunch
	<b>1:00-4:00</b> General Provisions Rm. A Ethics & Elections Rm. C  <b>4:00-7:00</b> Finance & Tax. Rm. EL Declaration of Rights Rm. 309 Judicial Rm. 301	<b>2:00-4:00</b> Bonding & Invests. Rm. C Declaration of Rights Rm. 309 Executive Rm. A Finance & Tax. (if needed) Rm. EL Judicial (if needed) Rm. 301  <b>4:00-7:00</b> Declaration of Rights Rm. 309  <b>5:00-5:30</b> Rules & Admin. Rm. 309	<b>1:00-4:00 or until completion</b> Education Rm. EL Ethics & Elections Rm. C General Provisions Rm. A Legislative Rm. 301 Local Gov. Rm. 309  <b>4:00-until completion</b> Select Com. on Art. V Costs Rm. 301  <b>5:00-5:30</b> Rules & Admin. Rm. 309	<b>1:00-5:00 or until completion</b>  <b>SESSION</b>

# COMMITTEE MEETINGS

**WEDNESDAY, DECEMBER 10, 1997**

**BONDING AND INVESTMENTS:** 2:00 p.m.—4:00 p.m.,  
Room C (Senate Office Building):

- Proposal 64 Revenue Bonds (Nabors)
- Proposal 39 Florida Land & Water Conservation Trust Fund (Henderson)
- Proposal 129 Aid to Professional Sports (Marshall)
- Proposal 151 Extend Bonding Deadline for P2000 (Barkdull)
- Proposal 91 Assessment of Pollution Control Devices (Hawkes)

**DECLARATION OF RIGHTS:** 2:00 p.m.—4:00 p.m., Room 309 (Capitol):

Matters relating to Protected Classes (Article I, section 2):

- Proposal 58 Age (Zack)
- Proposal 17 Gender/Sexual Orientation (Riley)
- Proposal 11 Gender (Freidin)
- Proposal 86 Guarantee of Equality (Freidin)
- Proposal 14 Disability (Freidin)
- Proposal 5 National Origin (Planas)

**EXECUTIVE:** 2:00 p.m.—4:00 p.m., Room A (Senate Office Building):

Proposal 19 Gubernatorial suspension (Barkdull)

Cabinet Reform:

- Proposal 69 Appointed Commissioner of Education/Cabinet Reform (Riley)
- Proposal 117 State Board of Education (Corr)
- Proposal 113 Additional Duties of Lieutenant Governor (Evans-Jones)
- Proposal 159 Membership of Cabinet (Mathis)
- Proposal 163 Cabinet Reform (Evans-Jones)
- Proposal 165 Cabinet Reform (Corr)
- Proposal 166 Appointed State Board of Education (Riley)

Proposal 101 Elected Public Service Commission (Evans-Jones)

Proposal 122 Clemency (Barkdull)

Proposal 149 Modify Provisions Relating to Executive (Scott)

Proposal 168 Executive Departments (Corr)

**FINANCE AND TAXATION:** 2:00 p.m.—4:00 p.m.,  
Room EL (Senate Office Building):

All outstanding proposals under consideration during the Tuesday, December 9, 1997, meeting of the Committee on Finance and Taxation are available for today's meeting.

**DECLARATION OF RIGHTS:** 4:00 p.m.—7:00 p.m., Room 309 (Capitol):

Court Costs:

- Proposal 3 Court Costs when Exonerated (Riley)

Parents' Rights:

- Proposal 97 Partial-Birth Abortion (Evans)
- Proposal 104 Right to direct upbringing and education (Evans)

Parental Consent:

- Proposal 107 Parental Consent for medical treatment (Connor)

- Proposal 125 Unborn (Mathis)
- Proposal 126 Conception/Natural Death (Mathis)

**THURSDAY, DECEMBER 11, 1997**

**EDUCATION:** 1:00 p.m.—4:00 p.m., Room EL (Senate Office Building):

Lottery Funds:

- Proposal 54 Lottery Funds (Zack)
- Proposal 89 Lottery Funds (Riley)
- Proposal 118 Lottery Funds (Corr)
- Proposal 138 Lottery Funds (Nabors)
- Proposal 143 Lottery Funds (Sundberg)

- Proposal 111 Provides education is a fundamental right (Mills)
- Proposal 157 Provides education is a fundamental right (Mills)

Proposal 116 Creates Educational Scholarship Fund (Corr)

Proposal 119 Amends eligibility requirements for state school funds (Corr)

School Board Elections:

- Proposal 139 Elected School Boards (Mathis)

Proposal 140 Free Public Schools/Universities (Mathis)

**ETHICS AND ELECTIONS:** 1:00 p.m.—4:00 p.m.,  
Room C (Senate Office Building):

All outstanding matters on the agenda for the Tuesday, December 9, 1997, meeting of the Committee on Ethics and Elections are available for consideration during this meeting.

**GENERAL PROVISIONS:** 1:00 p.m.—4:00 p.m., Room A  
(Senate Office Building):

All outstanding matters on the agenda for the Tuesday, December 9, 1997, meeting of the Committee on General Provisions are available for consideration during this meeting.

**LOCAL GOVERNMENT:** 1:00 p.m.—4:00 p.m., Room 309  
(Capitol):

Proposal 50 Fiscal Home Rule (Anthony)

Proposal 96 Ex Parte Communications (Nabors)

Proposal 92 Provides powers of non-charter counties (Nabors)

Abolish/Merge Municipalities:

- Proposal 100 Provides methods to create, abolish or merge municipalities (Anthony)
- Proposal 127 Referendum to Abolish Municipalities (Ford-Coates)

**LEGISLATIVE:** 1:00 p.m.—4:00 p.m., Room 301 (Capitol):

Legislative Immunity:

Proposal 90 Legislative Immunity (Hawkes)

Legislative Session:

Proposal 88 Length of term of Session (Freidin)

Legislators:

Proposal 98 Terms and Qualifications of Legislators (Planas)

Proposal 105 Increases terms of office for legislators (Planas)

Apportionment:

Proposal 148 Apportionment Commission (Barkdull)

Proposal 155 Legislative Reapportionment (Scott)

Proposal 162 Apportionment Commission (Evans-Jones)

Proposal 172 Apportionment Commission (Thompson)

Proposal 161 Delete Authority for Houses to Judge Own Rules (Brochin)

**SELECT COMMITTEE ON ARTICLE V COSTS:**

4:00 p.m.— until completion, Room 301 (Capitol):

Discussion of Article V Costs

## 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 87** by Commissioner Wetherington—ARTICLE V, s. 1, Fla. Const.; allowing the legislature to establish by general law a system of family magistrates.

Amended and adopted on November 13, 1997

With pending motion to reconsider by Commissioner Barkdull (November 14, 1997)

### SPECIAL ORDER AS DETERMINED BY THE RULES AND ADMINISTRATION COMMITTEE FOR WEDNESDAY, DECEMBER 10, 1997

**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.

Approved as a Committee Substitute by the Committee on Judicial (Article V)—consideration deferred on November 14, 1997 with amendment # 1 by Commissioner Sundberg adopted

Motion to be taken up on December 10, 1997 at 2:00 p.m. adopted

**Committee Substitute for Proposal 66** by the Committee on Judicial and Commissioner Wetherington—ARTICLE V, ss. 10 and 11, Fla. Const.; providing for circuit court judges and county court judges to run for reelection unless the electors within the circuit or within the county approve a local option whereby the circuit court judges or the county court judges are selected by merit selection and are subject to a vote of retention.

The Committee on Judicial (Article V) recommends a committee substitute

**Proposal 61** by Commissioner Wetherington—ARTICLE V, ss. 10 and 11, Fla. Const.; providing for circuit and county judges to be subject to a vote of retention rather than running for reelection.

Disapproved by the Committee on Judicial (Article V)

**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 Committee on Judicial (Article V)

**Proposal 94** by Commissioner Evans—ARTICLE V, s. 10, Fla. Const.; providing that candidates for judicial office may not be precluded from taking a public position on issues.

#### — IF RECEIVED

**Proposal 115** by Commissioner Corr—ARTICLE V, s. 10, Fla. Const.; prohibiting judicial candidates from soliciting and accepting campaign contributions from members of The Florida Bar.

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

**Proposal 108** by Commissioner Connor—ARTICLE VI, s. 4, Fla. Const.; providing that judicial officers may not hold office for more than eight consecutive years.

— IF RECEIVED

**Committee Substitute for Proposal 45** by the Committee on Executive and Commissioner Henderson—ARTICLE IV, s. 9, Fla. Const.; creating the Fish and Wildlife Conservation Commission to be composed initially of the existing members of the Game and Fresh Water Fish Commission and the Marine Fisheries Commission and providing for the powers and duties of the commission.

Approved as a Committee Substitute by the Committee on Executive (Article IV)—consideration deferred on November 14, 1997

**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.

Approved as a Committee Substitute 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.

— IF RECEIVED

**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.

Approved by the Committee on Declaration of Rights (Article I)

**Proposal 24** by Commissioner Rundle—ARTICLE IV, s. 8, Fla. Const.; requiring that a state prisoner serve at least 85 percent of his or her term of imprisonment, unless granted pardon or clemency; prohibiting the reduction of a prisoner's sentence by more than 15 percent; requiring that a state prisoner sentenced to life imprisonment be incarcerated for the remainder of his or her natural life, unless granted pardon or clemency.

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)—consideration deferred on November 14, 1997

**Proposal 85** by Commissioner Sundberg—ARTICLE I, s. 24; ARTICLE III, ss. 1, 2, 3, 4, 5, 7, 8, 9, 11, 15, 16, 17, 19; ARTICLE IV, ss. 6, 7, 9, 13; ARTICLE V, ss. 2, 9, 11, 12, 20; ARTICLE VII, ss. 1, 5, 18; ARTICLE VIII, s. 6; ARTICLE X, ss. 2, 12; ARTICLE XI, ss. 1, 2, 5, 6; ARTICLE XII, ss. 11, 12, 14, Fla. Const.; and to create ARTICLE III, ss. 20, 21; ARTICLE XII, s. 22, Fla. Const.; providing for a unicameral Legislature.

Disapproved by the Committee on Legislative (Article III)—consideration deferred on November 13, 1997

**Committee Substitute for Proposal 70** by the Committee on General Provisions and Commissioner Mills—ARTICLE X, s. 4, Fla. Const.; providing a value limitation on the homestead exemption; authorizing the legislature to change the amount of the value limitation; providing that the homestead exemption does not apply to certain property.

Approved as a Committee Substitute by the Committee on General Provisions (Articles II, X, XI, and XII)—consideration deferred on November 14, 1997 with pending amendment #1 by Commissioner Planas

**Committee Substitute for Proposal 47** by the Committee on General Provisions and Commissioner Anthony—ARTICLE VIII, s. 7, Fla. Const. and revise ARTICLE XI, s. 3, Fla. Const.; providing that the power of self-government of a county or municipality may not be diminished except by general law, county charter, or special act approved by the electors of the county or municipality; providing that a constitutional initiative that limits the powers of municipalities or limits the ability of municipalities to raise revenue must be approved by the electors of a municipality in order to take effect within the municipality.

Approved as a Committee Substitute by the Committee on General Provisions (Articles II, X, XI, and XII)—consideration deferred on November 14, 1997

**Proposal 63** by Commissioner Rundle—ARTICLE II, s. 8, Fla. Const.; strengthening the powers of the Florida Commission on Ethics.

Disapproved by the Committee on Ethics and Elections (Article VI, Part of Article II)—consideration deferred on November 14, 1997

**Proposal 18** by Commissioner Riley—ARTICLE VI, s. 5, Fla. Const.; providing for elections to be held on Saturday and Sunday and prohibiting second primaries.

Disapproved by the Committee on Ethics and Elections (Article VI, Part of Article II)—consideration deferred on November 13, 1997

# Proposals Placed on Calendar

**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 Committee on Declaration of Rights (Article I)

**Proposal 56** by Commissioner Zack—ARTICLE I, Fla. Const.; adding s. 26 to that article; providing that every minor child who is a resident of this state must be provided with medical care, irrespective of the family's ability to pay for the care.

Disapproved by Committee on Declaration of Rights (Article I)

**Committee Substitute for Proposal 77** by Commissioner Freidin—ARTICLE X, s. 13, Fla. Const.; providing that the state and its agencies and subdivisions are liable for damages as a result of their actions to the same extent as private parties.

Approved as a Committee Substitute by the Committee on Declaration of Rights (Article I)

**Proposal 78** by Commissioner Ford-Coates—ARTICLE VI, s. 4, Fla. Const.; deleting provisions that establish term limits for Florida delegates to Congress.

Approved by the Committee on Ethics and Elections (Article VI, Part of Article II)—consideration deferred on November 13, 1997

**Committee Substitute for Proposal 79** by Commissioner Riley—ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of an independent or minor party candidate on an election ballot must not be greater than the requirements for major party candidates.

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

**Proposal 80** by Commissioner Freidin—ARTICLE III, s. 18, Fla. Const.; requiring that a code of ethics for persons or entities in the exercise of governmental duties which prohibits conflict between public duty and private interests be prescribed by law.

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

**Committee Substitute for Proposal 81** by Commissioner Rundle—ARTICLE XI, s. 3, Fla. Const.; authorizing supervisors of elections to conduct random signature checks on initiative petitions; specifying time for submitting initiative petitions to supervisors of elections for verification of signatures.

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

**Proposal 84** by Commissioner Corr—ARTICLE VI, s. 5, Fla. Const.; providing that campaign contributions may be made only by persons who are eligible to vote for the candidate to whom they are making the contribution.

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

**Proposal 114** by Commissioner Corr—ARTICLE VI, Fla. Const.; providing that campaign contributions may be made by only a natural person.

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

**Proposal 128** by Commissioner Ford-Coates—ARTICLE VI, s. 5, Fla. Const.; providing for primary elections.

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

**Proposal 131** by Commissioner Marshall—ARTICLE I, s. 5, Fla. Const.; providing that the rights of electoral participation and political association are fundamental; providing for strict judicial scrutiny of any law that burdens the exercise of those rights.

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

**Proposal 142** by Commissioner Smith—ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of an independent or minor party candidate on an election ballot must not be greater than the requirements for major party candidates; providing that filing fees for ballot access must be reasonable.

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

**Proposal 158** by Commissioner Marshall—ARTICLE IX, s. 4, Fla. Const.; providing for nonpartisan school board elections.

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