



# Calendar for the Florida Constitution Revision Commission



December 11, 1997

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

# COMMITTEE MEETINGS

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)

Proposal 40 Division of School Districts (Marshall)

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

Proposal 74 Election of Justices and Judges (Langley)

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)

Proposal 167 Local Option/Sale of Firearms (Rundle)

**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)

Proposal 146 Legislative Districts (Barnett)

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)

Committee Substitute for Proposal 45 Creating the Fish and Wildlife Conservation Commission (Henderson)

## 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

### **SPECIAL ORDER AS DETERMINED BY THE RULES AND ADMINISTRATION COMMITTEE FOR THURSDAY, DECEMBER 11, 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.

*—consideration deferred with substitute amendment by Commissioner Mills pending*

#### **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)*

#### **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)*

#### **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)*

#### **Committee Substitute for Proposal 79 by the Committee on Ethics and Elections and Commissioner Riley—**

ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of a candidate with no party affiliation 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 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 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)*

**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 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)*

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

**Proposal 97 by Commissioner Evans—**

ARTICLE I, s. 23, Fla. Const.; prohibiting the performance of a partial-birth abortion, as defined, except in specified circumstances; providing that a woman upon whom such an abortion is performed is not subject to prosecution under this section.

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

**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.

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

**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.

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

**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.

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

**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.

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

**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.

*—referred to the Committee on Ethics and Elections (Article VI, Part of Article II)*

**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 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\*\***

**Proposal 153 by Commissioner Barkdull—**

ARTICLE V, s. 12, Fla. Const.; providing for membership of the judicial qualifications commission.

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

**Proposal 60 by Commissioner Langley—**

ARTICLE V, s. 2, Fla. Const.; providing for the cross-assignment of judges.

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

**At the conclusion of the Special Order, the Commission will proceed to proposals placed on the Calendar.**

## Proposals Placed on Calendar

**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.

Consideration deferred until the January 1998 meetings

**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)

**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 staff; 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

Consideration deferred until the January 1998 meetings

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

**Proposal 52** by Commissioner Anthony—ARTICLE VII, s. 6, Fla. Const.; exempting the owner of homestead property from payment of ad valorem taxes upon half of the first \$50,000 in value of such property.

Disapproved by the Committee on Finance and Taxation (Article VII)

**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 81** by the Committee on Ethics and Elections and Commissioner Rundle—ARTICLE XI, s. 3, 5, Fla. Const.; authorizing the use of random samples to verify names on initiative petitions and providing procedures for submitting and verifying petitions.

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

**Committee Substitute for Proposal 133** by Committee on Finance and Taxation and Commissioner Scott—ARTICLE III, s. 19(d), Fla. Const.; providing guidelines for the public review period for general appropriation acts.

Approved as a Committee Substitute by the Committee on Finance and Taxation (Article VII)

**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)