



Calendar for the Florida Constitution Revision Commission



December 12, 1997

THE COMMISSION WILL CONVENE ON
Friday, December 12, 1997
8:30 a.m.—1:00 p.m.

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

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

PROPOSED SPECIAL ORDER AS DETERMINED BY THE RULES AND ADMINISTRATION COMMITTEE FOR FRIDAY, DECEMBER 12, 1997

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 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 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)

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.

—approved as a Committee Substitute by the Committee on Bonding and Investments (Article VII)

Proposal 39 by Commissioner Henderson—

ARTICLE X, Fla. Const.; creating the Florida Land and Water Conservation Trust Fund and providing for its source of funds and purposes.

—disapproved by the Committee on Bonding and Investments (Article VII)

Proposal 151 by Commissioner Barkdull—

ARTICLE XII, s. 9(a)(1), Fla. Const.; extending the period during which the Land Acquisition Trust Fund shall continue to exist following its creation by the 1963 Legislature.

—disapproved by the Committee on Bonding and Investments (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)

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.

—approved as a Committee Substitute by the Committee on Executive (Article IV)

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.

—approved by the Committee on Executive (Article IV)

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)

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 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 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.

—disapproved by the Committee on Judicial (Article V)

Committee Substitute for Proposal 108 by the Committee on Judicial and Commissioner Connor—

ARTICLE VI, s. 4, and ARTICLE V, s. 10, Fla. Const.; providing that judicial officers may not hold office for more than eight consecutive years; reducing the terms of office for certain judicial officers.

—recommended as a Committee Substitute and disapproved by the Committee on Judicial (Article V)

Proposal 153 by Commissioner Barkdull—

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

—approved by the Committee on Judicial (Article V)

Proposal 60 by Commissioner Langley—

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

—approved by the Committee on Judicial (Article V)

Proposal 95 by Commissioner Evans—

ARTICLE I, s. 16, Fla. Const.; requiring that the state reimburse a person charged with a crime for the costs of a successful defense whenever the charges are dismissed or the person is acquitted.

—disapproved by the Committee on Judicial (Article V)

Committee Substitute for Proposal 14 by the Committee on Declaration of Rights and Commissioner Freidin—

ARTICLE I, s. 2, Fla. Const.; changing the term "physical handicap" to "physical disability."

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

Committee Substitute for Proposal 21 by the Committee on Declaration of Rights and Commissioner Rundle—

ARTICLE I, s. 22, Fla. Const.; providing that a party to an action to establish paternity does not have a right to a trial by jury.

—approved as a Committee Substitute 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)

Proposal 5 by Commissioner Planas—

ARTICLE I, s. 2, Fla. Const.; prohibiting discrimination based on national origin.

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

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 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

Consideration deferred until the January 1998 meetings

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.

Referred to the Committee on Legislative (Article III)

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

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)

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.

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

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)