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CALL TO ORDER

The Commission was called to order by the Chairman at 9:05 a.m. A quorum was present—34:

Mr. Chairman Evans Marshall Smith
Alfonso Evans-Jones Mathis Sullivan
Anthony Ford-Coates Mills Sundberg
Barkdull Freidin Morsani Thompson
Barnett Hawkes Nabors Wetherington
Brochin Henderson Planas Zack
Butterworth Kogan Riley
Connor Langley Rundle
Carr Lowndes Scott
Alternates:
Barton

Excused: Commissioner Argiz; Commissioner Crenshaw until 11:00 a.m.; Commissioner Jennings until 10:25 a.m. and Commissioner Kogan at 2:00 p.m.; Alternate Logan

PRAYER

The following prayer was offered by Dr. Darden Battle, Pastor, East Hill Baptist Church.

Join me as we pray. Almighty and everloving God we call upon you for your wisdom and your understanding. We pray Father, that you will be with those who deliberate today, that they would seek not to know what is best for them or their concerns, but they would know what is best under your wisdom and your guidance. That you would give them the leadership to make those decisions that are best for those whom they represent. Bless them now Father, in the name of Christ we pray. Amen.

PLEDGE

Commissioner Hawkes led the Commission in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF PROPOSALS

By Commissioner Henderson—

Proposal 102—A proposal to revise ARTICLE X, Fla. Const.; adding s. 18 to provide restrictions on the disposition of conservation and recreation lands.

—was referred to the General Provisions Committee.

By Commissioner Henderson—

Proposal 103—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing for immunity of certain municipal property from taxation; providing for exemption of property owned by a governmental entity from taxation.

—was referred to the Finance and Taxation Committee.

By Commissioner Evans—

Proposal 104—A proposal to revise 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.

—was referred to the Declaration of Rights Committee.

By Commissioner Planas—

Proposal 105—A proposal to revise ARTICLE III, s. 15, Fla. Const., and ARTICLE VI, s. 4, Fla. Const.; increasing the term of office of state representatives and state senators; increasing the number of years such officers may serve.

—was referred to the Legislative Committee.

By Commissioner Hawkes—

Proposal 106—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing a tax exemption for property owned by any governmental entity.

—was referred to the Finance and Taxation Committee.

By Commissioner Connor—

Proposal 107—A proposal to revise 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.

—was referred to the Declaration of Rights Committee.

By Commissioner Connor—

Proposal 108—A proposal to revise ARTICLE VI, s. 4, Fla. Const.; providing that judicial officers may not hold office for more than eight consecutive years.

—was referred to the Judicial Committee.
By Commissioner Mills—

Proposal 109—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing a conservation tax exemption for private landowners.
—was referred to the Finance and Taxation Committee.

Proposal 110—A proposal to revise ARTICLE VII, s. 2, Fla. Const.; prohibiting the levy of ad valorem taxes on intangible personal property; providing that a tax return for business tangible personal property need not be filed unless the value of the property exceeds a specified amount.
—was referred to the Finance and Taxation Committee.

Proposal 111—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; providing that public education is a fundamental right of the people.
—was referred to the Education Committee.

Proposal 112—A proposal to revise ARTICLE VII, s. 2, Fla. Const.; providing that a tax return for tangible personal property need not be filed unless the value of the property exceeds a specified amount.
—was referred to the Finance and Taxation Committee.

Proposal 113—A proposal to revise ARTICLE IV, s. 2, Fla. Const.; providing additional powers and duties for the Lieutenant Governor.
—was referred to the Executive Committee.

Proposal 114—A proposal to revise ARTICLE VI, Fla. Const.; providing that campaign contributions may be made by only a natural person.
—was referred to the Ethics and Elections Committee.

Proposal 115—A proposal to revise ARTICLE V, s. 10, Fla. Const.; prohibiting judicial candidates from soliciting and accepting campaign contributions from members of The Florida Bar.
—was referred to the Ethics and Elections Committee.

Proposal 116—A proposal to revise ARTICLE IX, s. 2, Fla. Const.; amending the membership of the state board of education; providing for the appointment of the board by the governor.
—was referred to the Declaration of Rights Committee.

Proposal 118—A proposal to revise ARTICLE X, s. 15, Fla. Const.; prohibiting 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.
—was referred to the Education Committee.

Proposal 119—A proposal to revise ARTICLE IX, s. 6, Fla. Const.; amending the eligibility requirements for receiving state school funds.
—was referred to the Education Committee.

Proposal 120—A proposal to revise ARTICLE VII, s. 9, Fla. Const.; providing a statewide millage cap for water management purposes.
—was referred to the General Provisions Committee.

Proposal 121—A proposal to revise ARTICLE IX, s. 1, Fla. Const., Finance and Taxation, to establish a Unified State Tax.
—was referred to the Finance and Taxation Committee.

Proposal 122—A proposal to revise ARTICLE IV, s. 8, Fla. Const.; providing for the automatic restoration of a person’s civil rights following completion of sentence and a subsequent period during which the person is free of arrest.
—was referred to the Executive Committee.

Proposal 123—A proposal to revise ARTICLE XI, s. 6, Fla. Const.; repealing s. 8 relating to the Taxation and Budget Reform Commission.
—was referred to the General Provisions Committee.

Proposal 124—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing an exemption from ad valorem taxation of certain tangible personal property.
—was referred to the Finance and Taxation Committee.

Proposal 125—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that born and unborn natural persons are equal before the law and have inalienable rights.
—was referred to the Declaration of Rights Committee.
By Commissioners Mathis, Connor, Hawkes, Evans and Alfonso—

Proposal 126—A proposal to revise 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.

—was referred to the Declaration of Rights Committee.

By Commissioner Ford-Coates—

Proposal 127—A proposal to revise ARTICLE VIII, s. 2, Fla. Const.; providing that a municipality may be abolished only by vote of the electors of the municipality.

—was referred to the Local Government Committee.

By Commissioner Ford-Coates—

Proposal 128—A proposal to revise ARTICLE VI, s. 5, Fla. Const.; providing for primary elections.

—was referred to the Ethics and Elections Committee.

By Commissioner Marshall—

Proposal 129—A proposal to revise ARTICLE VII, s. 10, Fla. Const.; prohibiting the state and local government entities from entering into certain ownership arrangements with or using their taxing power or credit to aid professional sports franchises.

—was referred to the Bonding and Investments Committee.

By Commissioner Marshall—

Proposal 130—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; requiring an initiative petition to be signed by a specified percentage of the electors from each congressional district.

—was referred to the General Provisions Committee.

By Commissioner Mathis—

Proposal 131—A proposal to revise 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.

—was referred to the Ethics and Elections Committee.

By Commissioner Mathis—

Proposal 132—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; increasing the percentage of electors who must sign an initiative petition.

—was referred to the General Provisions Committee.

By Commissioner Scott—

Proposal 133—A proposal to revise ARTICLE III, s. 19(d), Fla. Const.; providing guidelines for the public review period for general appropriation acts.

—was referred to the Finance and Taxation Committee.

By Commissioner Marshall—

Proposal 134—A proposal to revise ARTICLE III, s. 3, Fla. Const.; providing for length of regular legislative sessions.

—was referred to the Legislative Committee.

By Commissioner Henderson—

Proposal 135—A proposal to revise 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.

—was referred to the Finance and Taxation Committee.

By Commissioner Henderson—

Proposal 136—A proposal to revise ARTICLE VII, s. 9, Fla. Const.; authorizing local taxing authorities to classify real property and improvements to promote redevelopment and infill.

—was referred to the Finance and Taxation Committee.

By Commissioner Evans-Jones—

Proposal 137—A proposal to revise ARTICLE VII, s. 1, Fla. Const.; providing that property owned by an immune or exempt governmental entity is taxable if it is used by a private entity in any manner other than as specified.

—was referred to the Finance and Taxation Committee.

By Commissioner Nabors—

Proposal 138—A proposal to revise 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.

—was referred to the Education Committee.

By Commissioner Mathis—

Proposal 139—A proposal to revise ARTICLE IX, s. 4, Fla. Const.; prohibiting the election of district school board members in countywide elections.

—was referred to the Education Committee.

By Commissioner Mathis—

Proposal 140—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; providing for free public schools and universities.

—was referred to the Education Committee.

By Commissioner Mathis—

Proposal 141—A proposal to revise ARTICLE I, s. 16, Fla. Const.; providing that the spouse of a state or county prisoner has a right to conjugal visitation with that prisoner; providing that a person connected by affinity or consanguinity to a state or county prisoner has a right of family visitation with that prisoner.

—was referred to the Declaration of Rights Committee.
Proposal 142—A proposal to revise 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.
—was referred to the Ethics and Elections Committee.

Proposal 143—A proposal to revise 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.
—was referred to the Education Committee.

Proposal 144—A proposal to revise ARTICLE I, s. 17, Fla. Const., relating to punishment for crime.
—was referred to the Declaration of Rights Committee.

Proposal 145—A proposal to revise ARTICLE II, s. 8, Fla. Const.; providing that all elected officials or candidates for such offices must file public financial disclosure statements.
—was referred to the Ethics and Elections Committee.

Proposal 146—A proposal to revise ARTICLE III, s. 1, Fla. Const.; providing that the Legislature may consist of senate districts and representative districts that overlap or that are identical in territory with one another.
—was referred to the Legislative Committee.

Proposal 147—A proposal to revise ARTICLE VII, Fla. Const., Finance and Taxation, to modify provisions governing finance and taxing authority.
—was referred to the Finance and Taxation Committee.

Proposal 148—A proposal to revise 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.
—was referred to the Legislative Committee.

Proposal 149—A proposal to revise ARTICLE IV, Fla. Const., Executive, to modify provisions governing the executive.

Proposal 150—A proposal to revise ARTICLE III, Fla. Const., Legislature, to modify provisions governing the legislature.
—was referred to the Legislative Committee.

Proposal 151—A proposal to revise 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.
—was referred to the Bonding and Investments Committee.

Proposal 152—A proposal to revise ARTICLE XI, s. 2, Fla. Const.; amending the deadline by which the Constitution Revision Commission must file any proposed revision with the Secretary of State.
—was referred to the General Provisions Committee.

Proposal 153—A proposal to revise ARTICLE V, s. 12, Fla. Const.; providing for membership of the judicial qualifications commission.
—was referred to the Judicial Committee.

Proposal 154—A proposal to revise ARTICLE XI, s. 3, Fla. Const.; authorizing the Legislature to modify an adopted initiative petition after a period of time.
—was referred to the General Provisions Committee.

Proposal 155—A proposal to revise 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.
—was referred to the Legislative Committee.

Proposal 156—A proposal to revise ARTICLE V, s. 12, Fla. Const.; providing for the inclusion of two members of The Florida Bar on group II of the judicial qualifications commission.
—was referred to the Judicial Committee.

Proposal 157—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; providing for a fundamental right to an adequate system of public education; defining the term “adequate provision” as applicable to the system of public education.
Proposal 158—A proposal to revise ARTICLE IX, s. 4, Fla. Const.; providing for nonpartisan school board elections.
—was referred to the Education Committee.

By Commissioner Marshall—

Proposal 159—A proposal to revise ARTICLE IV, ss. 3, 4, and 8, and ARTICLE XII, s. 9, Fla. Const.; providing for membership of the Florida Cabinet.
—was referred to the Executive Committee.

By Commissioner Mathis—

Proposal 160—A proposal to revise 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.
—was referred to the General Provisions Committee.

By Commissioner Smith—

Proposal 161—A proposal to revise ARTICLE III, s. 4, Fla. Const.; providing for the electors of a county to regulate the possession, purchase, and sale of firearms and ammunition.
—was referred to the Education Committee.

By Commissioner Freidin—

Proposal 162—A proposal to revise ARTICLE XI, s. 16, Fla. Const., relating to legislative apportionment and the addition of s. 10 to ARTICLE II of the Fla. Const., providing for the establishment of an independent commission to reapportion the state legislative districts and redistrict congressional districts; prescribing guidelines for such reapportionment and redistricting; providing for judicial review thereof.
—was referred to the Legislative Committee.

By Commissioner Evans-Jones—

Proposal 163—A proposal to revise ARTICLE IV, ss. 4 and 6, Fla. Const.; providing for the Cabinet to be composed of the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Education by the State Board of Education to be appointed by the Governor.
—was referred to the Executive Committee.

By Commissioner Freidin—

Proposal 164—A proposal to revise 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.
—was referred to the General Provisions Committee.

By Commissioner Mills—

Proposal 165—A proposal to revise ARTICLE IV, ss. 4, 5, Fla. Const.; providing membership of the Florida Cabinet and qualifications for Cabinet members and for the Governor and Lieutenant Governor.
—was referred to the Executive Committee.

By Commissioner Riley—

Proposal 166—A proposal to revise ARTICLE IV, s. 5, and ARTICLE IX, s. 2, Fla. Const.; providing for the appointment of the State Board of Education by the Governor and the appointment of the Commissioner of Education by the State Board of Education.
—was referred to the Executive Committee.

By Commissioner Rundle—

Proposal 167—A proposal to revise ARTICLE VIII, s. 5, 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.
—was referred to the Local Government Committee.

By Commissioner Corr—

Proposal 168—A proposal to revise ARTICLE IV, s. 6, Fla. Const.; providing for the establishment of 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 have 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.
—was referred to the Judicial Committee.

By Commissioner Mills—

Proposal 169—A proposal to revise 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 have 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.
—was referred to the Executive Committee.

By Commissioner Corr—

Proposal 170—A proposal to revise ARTICLE I, s. 5, Fla. Const.; providing for the establishment of a Citizens Advocate to be appointed by the Governor to aid the public in obtaining redress of grievances arising from administrative actions of state agencies or local governments.
—was referred to the Executive Committee.

By Commissioner Mills—

Proposal 171—A proposal to revise ARTICLE I, s. 23, Fla. Const.; requiring the state to protect natural persons against nongovernmental intrusion for commercial purposes into their lives.
The Rules and Administration Committee submits the following proposals to be placed on the Special Order for Thursday, December 11, 1997: Committee Substitute for Proposal 70, Proposal 85, Committee Substitute for Proposal 47, Proposal 18, Committee Substitute for Proposal 79, Proposal 142, Proposal 80, Proposal 84, Proposal 114, Proposal 128, Proposal 131, Proposal 158, Proposal 1, Proposal 56, Proposal 97 if received, Proposal 104 if received, Proposal 107 if received, Proposal 125 if received, Proposal 126 if received, Proposal 74, Proposal 94 if received, Proposal 108 if received, Proposal 153 if received, Proposal 60 if received.

The Finance and Taxation Committee recommends the following not pass: Proposal 142, Proposal 84, Proposal 115, Proposal 131

The Finance and Taxation Committee recommends the following pass: Proposal 52

The Ethics and Elections Committee recommends the following not pass: Proposal 79, Proposal 81

The Ethics and Elections Committee recommends the following pass: Proposal 114, Proposal 80, Proposal 128, Proposal 158

The Ethics and Elections Committee recommends the following pass: Proposal 135

The proposals contained in the following reports were placed on the calendar.

The proposals with committee substitutes attached contained in the foregoing reports were placed on the calendar.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and Committee Substitute for Proposals 31 and 55, Committee Substitute for Proposal 66, Proposal 61, Proposal 74, Proposal 115, Committee Substitute for Proposal 45, Committee Substitute for Proposal 13, Proposal 24, Proposal 40, Proposal 85, Committee Substitute for Proposal 70, Committee Substitute for Proposal 47, Proposal 63 and Proposal 18 were established as the Special Order for this day.

Commissioner Mills moved that the rules be waived and consideration of Committee Substitute for Proposals 31 and 55 scheduled for 2:00 p.m. this day be deferred until Friday, December 12 at 9:00 a.m.

Commissioner Langley offered a substitute motion to allow the Select Committee on Article V Costs to meet Thursday, December 11 to consider Committee Substitute for Proposals 31 and 55; and to defer further consideration until the January meetings. The motion was adopted.

On motion by Commissioner Barkdull, the rules were waived and Committee Substitute for Proposal 45 was removed from the Special Order and referred to the Legislative Committee.

On motion by Commissioner Riley, the rules were waived and Proposal 40 was removed from the Special Order and referred to the Education Committee to be placed on the agenda for Thursday, December 11.

SPECIAL ORDER

Committee Substitute for Proposal 66—A proposal to revise 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.

—was read.
Commissioner Langley moved the following amendment which was adopted:

Amendment 1—On page 2, line 28, delete “2004” and insert 2000
Commissioner Langley moved the following amendment:

Amendment 2—On page 2, line 31, after the period (.) insert: Any future election to exercise the local option to select circuit court judges by merit selection and retention rather than by election shall be invoked by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen. Any future election to exercise the local option to select county court judges by merit selection and retention rather than by election shall be invoked by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen.

Commissioner Sundberg moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 1, line 1, and line 5 delete “future election” and insert election after the year 2000

Amendment 2 as amended was adopted. The vote was:

Yea—31
Mr. Chairman Evans-Jones Marshall Scott
Alfonso Ford-Coates Mathis Smith
Anthony Freidin Mills Sullivan
Barkdull Hawkes Morsani Sundberg
Brochin Henderson Nabors Thompson
Butterworth Kogan Planas Wetherington
Connor Langley Riley Zack
Evans Lowndes Rundle

Nays—None

Commissioner Barkdull moved the following amendment:

Amendment 3—On page 4, line 13, insert:

Schedule of this proposal.—If adopted in 1998 then in all circuits and counties wherein this proposal received a majority vote of approval there shall be a merit retention election for all circuit and county judges in such circuits and counties at all subsequent general elections.

Commissioner Barkdull moved the following amendment to Amendment 3 which failed:

Amendment 3A—On page 1, line 2, and line 6 delete “and counties”

The question recurred on Amendment 3, which was withdrawn on motion by Commissioner Barkdull.

Commissioner Smith moved the following amendment to the proposal as amended which was adopted:

Amendment 4—On page 2, line 31, after the period (.) insert: Any election after the year 2000 to exercise the local option to select or elect circuit court judges by merit selection and retention rather than by election shall be invoked by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the circuit in the last preceding election in which presidential electors were chosen. Any election after the year 2000 to exercise the local option to select or elect county court judges by merit selection and retention or election rather than by election shall be invoked by filing with the secretary of state a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen.

COMMISSIONER THOMPSON PRESIDING

CHAIRMAN DOUGLASS PRESIDING

SPECIAL GUEST

Chairman Douglass introduced newly appointed Supreme Court Justice Barbara Pariente, who was present in the chamber.

Upon request of the Chairman, Justice Pariente was escorted to the rostrum where she addressed the Commission.

COMMISSIONER THOMPSON PRESIDING

On motion by Commissioner Wetherington, Committee Substitute for Proposal 66 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—29
Mr. Chairman Ford-Coates Mathis Smith
Alfonso Freidin Mills Sullivan
Anthony Henderson Morsani Sundberg
Barkdull Jennings Nabors Wetherington
Barnett Kogan Planas Zack
Butterworth Langley Riley
Crenshaw Lowndes Rundle
Evans-Jones Marshall Scott

Nays—4
Brochin Connor Corr Evans

Vote after roll call:

Yea—Hawkes
Nay—Thompson

CHAIRMAN DOUGLASS PRESIDING

Consideration of Proposal 61 was deferred.

Proposal 74—A proposal to revise 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. was read.

Proposal 74 was removed from the Special Order and referred to the Ethics and Elections Committee.

Proposal 115—A proposal to revise ARTICLE V, s. 10, Fla. Const.; prohibiting judicial candidates from soliciting and accepting campaign contributions from members of The Florida Bar.

Proposal 115—was read.

Commissioner Corr moved Proposal 115 which failed. The vote was:

Yeas—7
Alfonso Connor Hawkes Thompson
Brochin Corr Marshall

Nays—27
Mr. Chairman Evans-Jones Mathis Scott
Alfonso Ford-Coates Mills Smith
Anthony Henderson Morsani Sullivan
Barkdull Jennings Nabors Sundberg
Barnett Kogan Planas Wetherington
Butterworth Lowndes Zack
Crenshaw Langley Riley
Evans Lowndes Rundle

COMMISSIONER THOMPSON PRESIDING

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COMMISSIONER THOMPSON PRESIDING
Proposal 61—A proposal to revise 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.

—was read.

Commissioner Brochin moved the following amendment, which was adopted:

Amendment 1—On page 1, line 16, through page 3, line 4, delete those lines and insert:

(a) Any justice of the supreme court, or any judge of a district court of appeal, or circuit judge may qualify for retention by a vote of the electors in the general election next preceding the expiration of his term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a vacancy occurs in a judicial office, or any judge of a district court of appeal so qualifies, the ballot shall read substantially as follows: "Shall the (name of justice or judge) of the (name of the court) be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years. The term of the justice or judge retained shall commence on the first Tuesday after the first Monday in January of the year following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote not to retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

(b) Circuit judges and judges of county courts shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts. The terms of circuit judges shall be for six years. The terms of judges of county courts shall be for four years.

SECTION 11. Vacancies.—

(a) Whenever a vacancy occurs in a judicial office, the governor shall fill each vacancy on the supreme court or on a district court of appeal by appointing, for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nominations shall be made within thirty days from the occurrence of a vacancy, unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to him.

(d) There shall be a separate judicial nominating

And the title is amended as follows:

On page 1, line 3, delete that line and insert: providing for circuit judges to be

Commissioner Wetherington moved Proposal 61 as amended which failed. The vote was:

Yea—11

Anthony Brochin Mills Sundberg
Barkdull Butterworth Riley Wetherington
Barnett Freidin Rundle

Nay—22

Mr. Chairman Connor Evans Ford-Coates
Alfonso Corr Evans-Jones Hawkes

SPECIAL GUESTS

Chairman Douglass introduced attorneys Cris Martinez and Debbie Ben-David as the newest members of the Constitution Revision Commission staff, who were present in the chamber.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:48 a.m. to reconvene at 12:30 p.m.

AFTERNOON SESSION

The Commission passed Proposal 61 as amended which was read.

Proposal 87—A proposal to revise ARTICLE V, s. 1, Fla. Const.; providing for judicial retention rather than running for reelection.

The motion by Commissioner Barkdull on November 14 that the Commission reconsider the vote by which Proposal 87 passed as amended November 13 was taken up and the motion was adopted. The vote was:

Yea—15

Mr. Chairman Crenshaw Langley Rundle
Alfonso Evans Lowndes Scott
Anthony Evans-Jones Marshall Smith
Barkdull Ford-Coates Mathis Sullivan
Barnett Freidin Mills Sundberg
Brotchin Hawkes Morsani Thompson
Butterworth Henderson Nabors Wetherington
Connor Jennings Planas Zack
Corr Kogan Riley

Alternates:

Barton

MATTERS ON RECONSIDERATION

The motion by Commissioner Barkdull on November 14 that the Commission reconsider the vote by which Proposal 87 passed as amended November 13 was taken up and the motion was adopted. The vote was:

Yea—12

Mr. Chairman Butterworth Mills Sullivan
Barkdull Evans-Jones Nabors Thompson
Barnett Jennings Planas Zack
Convon Lowndes Scott

Nay—21

Alfonso Corr Ford-Coates Langley
Barnett Crenshaw Henderson Riley
Connor Evans Kogan Wetherington

Proposal 87—A proposal to revise ARTICLE V, s. 1, Fla. Const.; allowing the legislature to establish by general law a system of family magistrates.

COMMISSIONER SCOTT PRESIDING

MOTIONS

Commissioner Mills moved to defer consideration of Proposal 87. The motion failed. The vote was:

Yea—12

Mr. Chairman Butterworth Mills Sullivan
Barkdull Marshall Morsani Thompson
Barnett Mathis Nabors Zack

Nay—21

Alfonso Corr Ford-Coates Jennings
Anthony Crenshaw Freidin Kogan
Brochin Evans Hawkes Langley
Connor Evans-Jones Henderson Lowndes
Planas             Rundle             Smith             Wetherington
Riley

Commissioner Douglass moved to refer Proposal 87 to the Select
Committee on Article V Costs. The motion failed.

Commissioner Wetherington moved Proposal 87 which failed. The
vote was:
Yeas—15
Crenshaw             Hawkes             Lowndes             Smith
Evans                Henderson          Mathis             Sullivan
Ford-Coates          Kogan              Morsani            Wetherington
Freidin              Langley            Nabors

Nays—19
Mr. Chairman       Brochin              Jennings           Rundle
Alfonso             Butterworth        Marshall           Scott
Anthony             Connor              Mills               Thompson
Barkdull            Corr                Planas             Zack
Barnett             Evans-Jones        Riley

SPECIAL ORDER, continued

On motion by Commissioner Brochin, consideration of Committee
Substitute for Proposal 13 was deferred to the January meetings.

On motion by Commissioner Smith, consideration of Proposal 1 was
defered.

On motion by Commissioner Rundle, consideration of Proposal 24
was deferred.

On motion by Commissioner Smith, consideration of Proposal 85 was
defered.

CHAIRMAN DOUGLASS PRESIDING

The Commission resumed consideration of—

Committee Substitute for Proposal 70—A proposal to revise 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.

—with pending Amendment 1 by Commissioner Planas, which was
previously considered November 14.

MOTION

On motion by Commissioner Barkdull, time of recess was extended
until completion of Committee Substitute for Proposal 70 and an-
nouncements.

Commissioner Mills moved the following substitute amendment:

Amendment 2A—
On page 2, line 14, delete “change” and insert: raise

Amendment 2B—
On page 2, line 23, delete the words “hinder, delay or”

Commissioner Scott moved the following amendment to Amendment
2:

Amendment 2C—
On page 1, line 23, delete the word “two” and insert four

Commissioner Planas moved the following substitute amendment for
Amendment 2C which was adopted:

Amendment 2D—
On page 1, line 23, delete the word “two” and insert five

On motion by Commissioner Barkdull, consideration of Committee
Substitute for Proposal 70 with pending Amendment 2 as amended
was deferred.

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Bonding and Investments
Committee, Declaration of Rights Committee, Executive Committee, Fi-
nance and Taxation Committee, and Judicial Committee would meet at
2:30 p.m. in lieu of 2:00 p.m.; the Declaration of Rights Committee would
meet at 4:30 p.m. in lieu of 4:00 p.m.; and the Rules and Administration
Committee would meet at 5:30 p.m. in lieu of 5:00 p.m.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and all
proposals remaining on the Special Order this day, except those deferred
until January were established as the Special Order for Thursday, Decem-
ber 11.

On motion by Commissioner Barnett, by unanimous consent Propo-
sal 145 and Proposal 146 were withdrawn from further consider-
ation.

On motion by Commissioner Rundle, by unanimous consent Propo-
sal 63 was withdrawn from further consideration.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 14 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at
2:27 p.m. for the purpose of holding committee meetings and conducting
other Commission business to reconvene at 9:00 a.m., Thursday, Decem-

PAGES

December 8-12

Under the direction of their advisor, Mary Hensarling, the following
students from Cobb Middle School in Tallahassee served as pages: Laura Deeb, Brett Guido, Carolann Lawson, Angela Pinder, Rachel Sandler, Justin Sorrell, Lihn Trang, Helen Travis, Forrest Underwood, and Sarah Woodberry.
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