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CALL TO ORDER

The Commission was called to order by the Chairman at 8:49 a.m. A quorum was present—28:

Mr. Chairman  Corr  Jennings  Nabor s
Alfonso  Evans  Kogan  Riley
Barkdull  Evans-Jones  Lowndes  Rundle
Barnett  Ford-Coates  Marshall  Smith
Brochin  Freidin  Mathis  Sundberg
Butterworth  Hawkes  Mills  Wetherington
Connor  Henderson  Morsani  Zack

Alternates: Barton

Excused: Commissioners Anthony, Argiz, Crenshaw, Langley, Pianas, Scott, Sullivan and Thompson; Alternate Logan

PRAYER

The following prayer was offered by Dr. David Hortin, Senior Pastor, Trinity United Methodist Church:

Creator God, we pause before these proceedings to seek Your blessing and guidance upon those who gather to revise the constitution of the State of Florida. We turn to you because we think of you as the source of wisdom and truth, as the source of inspiration and insight. We regard you as the motivation for equity and justice.

We always need your encouragement as we work with those who come from different perspectives. Help them all to work toward government that serves the people of Florida with efficiency and economy. In the name of all that is Holy and worthy we pray. Amen.

PLEDGE

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

REPORTS OF COMMITTEES

The Education Committee recommends the following pass: Proposal 118

The proposal was placed on the calendar.

The Education Committee recommends the following not pass: Proposal 116, Proposal 119

The proposals contained in the foregoing report were placed on the calendar.

The Education Committee recommends a committee substitute for Proposal 157; and recommends that it pass.

The proposal with committee substitute attached was placed on the calendar.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and Committee Substitute for Proposal 47, Proposal 18, Committee Substitute for Proposal 79, Proposal 80, Proposal 84, Proposal 114, Proposal 128, Proposal 158, Proposal 1, Proposal 56, Committee Substitute for Proposal 64, Proposal 39, Proposal 151, Proposal 91, Committee Substitute for Proposal 69, Proposal 168, Proposal 52, Proposal 135, Committee Substitute for Proposal 133, Proposal 94, Committee Substitute for Proposal 108, Proposal 153, Proposal 60, Proposal 95, Committee Substitute for Proposal 14, Committee Substitute for Proposal 21, Proposal 17, and Proposal 5 were established as the Special Order Calendar for this day.

SPECIAL ORDER

Committee Substitute for Proposal 47—A proposal to create 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.

—was read.

Commissioner Nabors moved the following amendment which was adopted:

Amendment 1—Delete everything after the proposing clause and insert:

Section 1. Section 3 of Article XI of the Florida Constitution is revised by amending that section to read:

ARTICLE XI
AMENDMENTS

SECTION 3. Initiative.—The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, county and municipal power of local self-government with respect to matters of local concern may not be diminished except by a general law enacted by the legislature, a provision of the county charter, or a special act approved by the electors of the respective county or municipality. All revisions or amendments any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter connected therewith. It may be invoked by filing with the secretary of state a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

And the title is amended as follows:
Delete everything before the proposing clause and insert:

A proposal to revise ARTICLE XI, s. 3, Fla. Const.; providing that the power of self-government with respect to local matters may not be diminished except by general law, county charter provision, or special act approved by the electors of the affected county or municipality.

Commissioner Nabors, on behalf of Commissioner Anthony, moved Committee Substitute for Proposal 47 as amended which failed. The vote was:

Yeas—5
Brochin Nabors Riley Sundberg

Jennings
Nays—21
Mr. Chairman Evans Kogan Smith
Alfonso Evans-Jones Lowndes Wetherington
Barkdull Ford-Coates Marshall Zack
Barnett Freidin Mathis
Connor Hawkes Mills
Corr Henderson Morsani

Vote after roll call:
Yea to Nay—Sundberg

Proposal 18—A proposal to revise Article VI, s. 5, Fla. Const.; providing for elections to be held on Saturday and Sunday and prohibiting second primaries.

—was read.

Commissioner Riley moved the following amendment which was adopted:

Amendment 1—On page 1, lines 14 and 15, delete the words “Saturday and Sunday Tuesday” and insert: Tuesday

Commissioner Riley moved Proposal 18 as amended which failed. The vote was:

Yeas—11
Connor Henderson Mathis Riley
Evans Jennings Mills Smith
Ford-Coates Lowndes Morsani

Nays—16
Mr. Chairman Brochin Evans-Jones Nabor
Alfonso Barkdull Barnett
Corr Butlerworth Kogan Lowndes Marshall Wetherington
Mills Sundberg

Vote after roll call:
Yea—Hawkes

COMMISSIONER MILLS PRESIDING

Proposal 80—A proposal to revise 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.

—was read.

Commissioner Freidin moved the following amendment which failed:

Amendment 1—On page 1, line 17, delete all of said line and insert: or entities that have contracted with government to perform governmental functions which prohibits

Commissioner Freidin moved Proposal 80 which failed. The vote was:

Yeas—6
Butterworth Ford-Coates Smith Sundberg Zack

Nays—18
Alfonso Corr Evans-Lowndes Nabor
Barkdull Barnett Brochin Connor
Kogan Henderson Morsani Smith
Lowndes Mathis Wetherington
Mills Sundberg

Proposal 84—A proposal to revise 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.

—was read.

Commissioner Corr moved the following amendment which was adopted:

Amendment 1—On page 1, lines 15-18, delete those lines and insert:

SECTION 5. Contribution disclosure.—All contributions to a candidate must be disclosed and listed on the official ballot, in addition to the candidates name, in the election for which the contributions are made. This disclosure must include the total amount of each contribution and the contributor’s name and occupation, or the special interest if other than a natural person. The legislature shall create the Campaign Finance Disclosure Trust Fund during the first regular legislative session following the adoption of this amendment, to be established by a fee
representing a percentage of total contributions made by non-natural persons. The fee must be adequate to fund the cost of listing and disclosing contributions on the ballot. No candidate may accept any contribution within 30 days prior to the election for which the contribution is made. Failure to disclose all contributions in good faith shall constitute a felony of the third degree.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: campaign contributions be disclosed on the ballot.

Commissioner Corr moved Proposal 84 as amended which failed. The vote was:

Yeas—3
Alfonso Corr Hawkes

Nays—19
Barnett Ford-Coates Marshall Riley
Brochin Henderson Mathis Smith
Connor Jennings Mills Sundberg
Evans Kogan Morsani Zack
Evans-jones Lowndes Nabors

Proposal 114—A proposal to revise ARTICLE VI, Fla. Const.; providing that campaign contributions may be made by only a natural person.

—was read.

Commissioner Corr moved Proposal 114 which failed. The vote was:

Yeas—9
Alfonso Corr Hawkes Marshall Riley
Brochin Ford-Coates Lowndes Nabors
Butterworth

Nays—15
Barkdull Evans-jones Mathis Sundberg
Barnett Henderson Morsani Wetherington
Connor Jennings Riley Zack
Evans Kogan Smith

Vote after roll call:

Nay—Mills

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

—was read.

Commissioner Ford-Coates moved the following amendment which was adopted:

Amendment 1—On page 1, line 13, delete the word “as” and insert: if

On motion by Commissioner Ford-Coates, Proposal 128 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—19
Mr. Chairman Corr Mathis Smith
Alfonso Corr Mathis Smith
Barkdull Jennings Morsani Wetherington
Brochin Lowndes Nabors Zack
Connor Marshall Riley

Nays—7
Barnett Evans Hawkes Kogan
Butterworth Evans-jones Henderson

Proposal 1—A proposal to revise 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.

—was read.

Proposal 129—A proposal to revise 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.

—as amended was adopted this day.

On motion by Commissioner Hawkes, the Commission reconsidered the vote by which Amendment 1 was adopted. Amendment 1 was withdrawn.

Commissioner Hawkes moved the following amendment which was adopted:

Amendment 2—On page 1, lines 23 and 24, delete those lines and insert: be no greater than the requirements for a candidate from the party having the largest number of registered voters at the time as provided by general law.

On motion by Commissioner Hawkes, Committee Substitute for Proposal 79 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—24
Mr. Chairman Corr Jennings Morsani
Alfonso Corr Kogan Nabors
Barkdull Evans Lowndes Smith
Barnett Ford-Coates Marshall Sundberg
Brochin Hawkes Mathis Wetherington
Butterworth Henderson Mills Zack

Nays—None

Proposal 158—A proposal to revise ARTICLE IX, s. 4, Fla. Const.; providing for nonpartisan school board elections.

—was read.

Commissioner Henderson moved the following amendment which was adopted:

Amendment 1—On page 1, lines 19-22, delete everything after the word “law.”

On motion by Commissioner Marshall, Proposal 158 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—19
Mr. Chairman Corr Marshall Smith
Alfonso Corr Mathis Sundberg
Barkdull Evans-jones Morsani Wetherington
Brochin Kogan Nabors Zack
Butterworth Lowndes Riley

Nays—7
Alfonso Evans Hawkes Mills
Connor Ford-Coates Jennings

Proposal 1—A proposal to revise 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.

—was read.
On motion by Commissioner Barkdull, time of recess was extended until completion of Proposal 1, motions and announcements.

Commissioner Wetherington moved the following amendment:

**Amendment 1**—On page 1, lines 14-19, delete those lines and insert:

SECTION 9. Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself. Private property may be forfeited only upon proof beyond all reasonable doubt that the property was used in or was the product of the commission of a felony by the property owner.

Commissioner Hawkes moved the following substitute amendment which failed:

**Amendment 2**—On page 1, lines 14-19, delete those lines and insert:

SECTION 9. Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself. Private property may be forfeited only upon proof beyond all reasonable doubt that the property was used in or was the product of the commission of a felony by the property owner. All proceeds from forfeitures shall be used for the enhancement of education as provided by law.

The question recurred on Amendment 1 which was adopted. The vote was:

**Yeas—19**
- Barnett
- Connor
- Corr
- Evans
- Evans-Jones
- Ford-Coates
- Hawkes
- Kogan
- Mathis
- Mills
- Smith
- Sundberg
- Wetherington
- Alfonso
- Barkdull
- Brochin

**Nays—6**
- Alfonso
- Barkdull
- Brochin
- Butterworth
- Evans
- Jennings
- Marshall

**MOTIONS**

On motion by Commissioner Barnett, by unanimous consent consideration of Proposal 15 was withdrawn from further consideration.

Commissioner Barkdull moved that the rules be waived and that committees be granted an extension of time until Tuesday, January 13, for consideration of all pending proposals.

Commissioner Jennings offered a substitute motion that the rules be waived and that committees be granted an extension of time until Friday, January 16, for consideration of all pending proposals. The motion was adopted.

**COMMITTEE APPOINTED**

The Chairman announced the appointment of Commissioner Mills, Chairman; Commissioners Barnett, Alfonso and Lowndes to the Style and Drafting Committee.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of December 11 was corrected and approved.

**RECESS**

On motion by Commissioner Barkdull, the Commission recessed at 1:34 p.m. to reconvene Monday, January 12 at 1:00 p.m.
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