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CALL TO ORDER

The Commission was called to order by the Chairman at 8:37 a.m. A quorum was present—25:

Mr. Chairman Connor Kogan Riley
Alfonso Evans Lowndes Rundle
Anthony Evans-Jones Mathis Smith
Barkdull Ford-Coates Mills West
Barnett Freidin Morsani
Brochin Hawkes Nabors
Butterworth Henderson Planas

Alternates:
Barton Logan

Excused: Commissioners Corr, Jennings, Sullivan, Sundberg and Wetherington

PRAYER

The following prayer was offered by Reverend Robert Shelley, Pastor of the Christian Heritage Church, Tallahassee.

I would like to pray with you the petition of Micah 6:8—He has showed you, O man, what is good and, what the Lord requires of you, but to do justly, to love mercy, and to walk humbly with your God.

Our Father God, you have shown us down through the millennia by your revelation of knowledge what you desire from man. So we would pray this morning that the same revelation of knowledge that has been a part of our heritage move and touch and impress each mind, each heart that is here. That each law that is being considered, each word might be considered with justice. It would be equitable and fair to all men. And, Lord, that we might walk humbly before you, that we might lean upon your strength, upon your wisdom and your knowledge as we contemplate this very important agenda. We ask this in the name of Jesus Christ, our Lord. Amen.

PLEDGE

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

REPORTS OF COMMITTEES

January 13, 1998


At the completion of the Special Order, we will revert to Proposals Placed on Calendar.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

The Declaration of Rights Committee recommends the following pass: Proposal 2, Proposal 11, Proposal 141, Proposal 144

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

The Executive Committee recommends the following not pass: Proposal 86, Proposal 97, Proposal 104, Proposal 107, Proposal 171

The Finance and Taxation Committee recommends the following not pass: Proposal 101, Proposal 113, Proposal 117, Proposal 165, Proposal 174

The Finance and Taxation Committee recommends the following not pass: Proposal 33

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

The Declaration of Rights Committee makes no recommendation for Proposal 3

The proposal was placed on the calendar.

The Executive Committee recommends committee substitutes for the following: Proposal 159, Proposal 163 and Proposal 182; Proposal 166

The Finance and Taxation Committee recommends committee substitutes for the following: Proposal 112 and Proposal 124; Proposal 6; Proposal 51

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

The Executive Committee recommends a committee substitute for Proposal 170; and recommends that it not pass.

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

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and Proposal 60, Proposal 39, Proposal 151, Proposal 91, Proposal 96,
Proposal 198, Proposal 127, Committee Substitute for Proposal 116, Proposal 135, Proposal 119, Committee Substitute for Proposal 133, Proposal 168, Proposal 97, Proposal 107, Committee Substitute for Proposal 157, Committee Substitute for Proposal 13, Proposal 144, Committee Substitute for Proposal 81, Proposal 63 and Committee Substitute for Proposal 64 were established as the Special Order Calendar for this day.

On motion by Commissioner Barnett, Committee Substitute for Proposal 13 and Proposal 144 were removed from Special Order.

On motion by Commissioner Rundle, by unanimous consent Committee Substitute for Proposal 81 was withdrawn from further consideration.

On motion by Commissioner Freidin, by unanimous consent Proposal 88 was withdrawn from further consideration.

On motion by Commissioner Anthony, by unanimous consent Proposal 52 was withdrawn from further consideration.

On motion by Commissioner Alfonso, by unanimous consent Proposal 176 was withdrawn from further consideration.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 8:49 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:04 p.m. A quorum present—30:

Mr. Chairman  Connor  Lowndes  Rundle
Alfonso  Crenshaw  Marshall  Scott
Anthony  Evans  Mathis  Smith
Argiz  Evans-Jones  Mills  Thompson
Barkdull  Ford-Coates  Morsani  West
Barnett  Freidin  Nabors  Zack
Brochin  Henderson  Planas
Butterworth  Kogan  Riley
Alternates:
Barton  Leesfield  Logan

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Declaration of Rights Committee would meet at 6:15 p.m. Thursday, January 15.

Commissioner Ford-Coates announced that the Local Government Committee meeting scheduled for 2:00 p.m. Wednesday, January 14 was cancelled.

MOTIONS

On motion by Commissioner Barkdull, the rules were waived and the Declaration of Rights Committee was granted an extension of time until the completion of the 6:15 p.m. meeting Thursday, January 15, for consideration of pending proposals.

On motion by Commissioner Barkdull, by unanimous consent Proposal 122 was withdrawn from further consideration.

On motion by Commissioner Planas, by unanimous consent Proposal 98 was withdrawn from further consideration.

On motion by Commissioner Ryley, by unanimous consent Proposal 3 was withdrawn from further consideration.

On motion by Commissioner Anthony, by unanimous consent Proposal 100 was withdrawn from further consideration.

On motion by Commissioner Henderson, by unanimous consent Proposal 136 was withdrawn from further consideration.

SPECIAL ORDER

Proposal 60—A proposal to revise ARTICLE V, s. 2, Fla. Const.; providing for the cross-assignment of judges.

—was read.

Commissioner Kogan, on behalf of Commissioner Langley moved Proposal 60 which failed. The vote was:

Yeas—25
Barkdull  Crenshaw  Henderson  Riley
Barnett  Ford-Coates  Kogan  Thompson
Butterworth  Freidin  Mathis  Zack
Nays—15
Alfonso  Connor  Marshall  Planas
Anthony  Evans  Mills  Smith
Argiz  Evans-Jones  Morsani  West
Brochin  Lowndes  Nabors

The Commission resumed consideration of—

Proposal 39—A proposal to revise ARTICLE X, Fla. Const.; creating the Florida Land and Water Conservation Trust Fund and providing for its source of funds and purposes.

—which was previously considered and amended January 12.

Commissioner Crenshaw moved the following amendment to Proposal 39 as amended which was adopted:

Amendment 2—On page 2, line 19, delete , and for such multiple purposes as provided by general law

Commissioner Butterworth moved the following amendment to Proposal 39 as amended which was adopted:

Amendment 3—On page 2, line 16, delete related interests and insert: related natural resources

RECONSIDERATION OF AMENDMENT

On motion by Commissioner Butterworth, the Commission reconsidered the vote by which Amendment 3 was adopted. Amendment 3 was withdrawn.

Commissioner Mills moved the following amendment to Proposal 39 as amended which was adopted:

Amendment 4—On page 2, line 16, after the word related insert: property

On motion by Commissioner Henderson, Proposal 39 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—25
Alfonso  Crenshaw  Marshall  Smith
Anthony  Evans-Jones  Mathis  Thompson
Argiz  Ford-Coates  Mills  West
Barnett  Freidin  Morsani  Zack
Brochin  Henderson  Planas  Riley
Butterworth  Kogan  Nabors  Scott
Connor  Lowndes

MOTION

On motion by Commissioner Barkdull, by unanimous consent Proposal 151 was withdrawn from further consideration.
Consideration of **Proposal 91** was deferred.

**Proposal 96**—A proposal to revise ARTICLE I, s. 5, Fla. Const.; prescribing types of communication that are within the purview of the people's right to instruct their representatives.

—was read.

On motion by Commissioner Nabors, **Proposal 96** was adopted and committed to the Style and Drafting Committee. The vote was:

**Yeas—27**

Alfonso Connor Lowndes Rundle
Anthony Evans Marshall Scott
Argiz Evans-Jones Mathis Smith
Barkdull Ford-Coates Mills Thompson
Barnett Freidin Morsani West
Brochin Henderson Planas Zack
Butterworth Kogan Riley

**Nays—None**

**INTRODUCTION**

At the request of the Chairman, Commissioner Barnett introduced her daughter Sarah Barnett, a junior at Oldfields School of Baltimore, Maryland, who was serving as page for the day.

**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 read.

Commissioner Ford-Coates moved **Proposal 127** which failed. The vote was:

**Yeas—10**

Anthony Evans Riley Smith
Argiz Evans-Jones Rundle West
Butterworth Ford-Coates

**Nays—17**

Alfonso Crenshaw Marshall Scott
Barkdull Freidin Thompson
Barnett Henderson Mills
Brochin Kogan Morsani
Connor Lowndes Planas

Vote after roll call:

**Nay—Nabors**

**Committee Substitute for Proposal 116**—A proposal to revise ARTICLE IX, Fla. Const.; revising s. 6 to provide funding for an educational scholarship fund; adding s. 7 to authorize the creation of an educational scholarship fund.

—was read.

On motion by Commissioner Barnett, consideration of **Committee Substitute for Proposal 116** was deferred.

**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 read.

On motion by Commissioner Henderson, consideration of **Proposal 135** was deferred.

Consideration of **Proposal 119** was deferred.

**Committee Substitute for 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 read.

On motion by Commissioner Scott, **Committee Substitute for Proposal 133** was adopted and committed to the Style and Drafting Committee. The vote was:

**Yeas—28**

Alfonso Connor Lowndes Riley
Anthony Crenshaw Marshall Rundle
Argiz Evans Mathis Scott
Barkdull Evans-Jones Mills Smith
Barnett Ford-Coates Morsani Thompson
Brochin Freidin Nabors West
Butterworth Kogan Planas Zack

**Nays—None**

**Proposal 168**—A proposal to revise 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.

—was read.

On motion by Commissioner Nabors, consideration of **Proposal 168** was deferred.

**Proposal 97**—A proposal to revise 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.

—was read.

Commissioner Evans moved **Proposal 97** which failed. The vote was:

**Yeas—12**

Brochin Evans Mathis Thompson
Connor Evans-Jones Planas West
Crenshaw Marshall Scott

**Nays—16**

Anthony Butterworth Lowndes Riley
Argiz Ford-Coates Morsani
Barkdull Freidin Mills Rundle
Barnett Henderson Morsani

**RECESS**

The Chairman declared the Commission in informal recess at 4:19 p.m.

**CALL TO ORDER**

The Commission was called to order by the Chairman at 4:32 p.m. A quorum was present.
MOTION

On motion by Commissioner Rundle, the rules were waived and the motion to reconsider Proposal 1 was placed on the calendar for consideration January 14.

SPECIAL ORDER, continued

Consideration of Proposal 107 was deferred.

Committee Substitute for Proposal 157—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; defining the term “adequate provision” as applicable to the system of public education.

—was read.

Commissioner Brochin moved the following amendment which was adopted:

Amendment 1—On page 1, line 23, after the period, delete the remaining language

COMMISSIONER THOMPSON PRESIDING

On motion by Commissioner Mills, consideration of Committee Substitute for Proposal 157 as amended was deferred.

Proposal 63—A proposal to revise ARTICLE II, s. 8, Fla. Const.; strengthening the powers of the Florida Commission on Ethics.

—was read.

Commissioner Connor moved Proposal 63 which failed. The vote was:

Yeas—7
Connor Henderson Mathis Zack
Evans Marshall Morsani
Nays—17
Mr. Chairman Brochin Kogan Planas
Anthony Crenshaw Marshall Riley
Argiz Evans-Jones Mathis Smith
Barkdull Ford-Coates Mills West
Barnett Freidin Morsani Zack
Brochin Henderson Nabors

MOTION

On motion by Commissioner Barkdull, the rules were waived and the Finance and Taxation Committee was granted an extension of time until Thursday, January 29 for consideration of pending proposals.

Commissioner Barkdull announced that the Rules and Administration Committee would meet upon adjournment.

MOTIONS

On motions by Commissioner Evans-Jones, by unanimous consent Proposal 101 and Proposal 113 were withdrawn from further consideration.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 12 was corrected and approved.

The Journal of November 14 was corrected and approved as follows:

Page 100, column 2, line 5 delete “Finance and Tax” and insert: Bonding and Investments

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 6:12 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 8:30 a.m., Wednesday, January 14, 1998.
CONSTITUTION REVISION COMMISSION

Daily Indices for
January 13, 1998

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