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CALL TO ORDER

The Commission was called to order by the Chairman at 8:39 a.m. A quorum was present—29:

Mr. Chairman Crenshaw Lowndes Scott
Anthony Evans Marshall Smith
Argiz Evans-Jones Mathis Thompson
Barkdull Ford-Coates Mills West
Barnett Freidin Morsani Zack
Brochin Henderson Nabors
Connor Kogan Planas
Corr Langley Riley

Alternates:
Barton Logan

Excused: Commissioners Alfonso, Sullivan, Sundberg and Wetherington; Commissioner Jennings until 11:21 a.m.; Alternate Leesfield

PLEDGE

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

RECEIVING COMMUNICATIONS

January 12, 1998

The Honorable Toni Jennings
President, The Florida Senate

Dear Toni:

It is with regret that I must resign from the Florida Constitution Revision Commission. The commitments that must be met with my business and family outweigh the ability to successfully attend the scheduled meetings for the Commission.

Toni, I have enjoyed the experience. The opportunity you afforded me has given me greater insight in our process of government. I am grateful to you for this.

I know the proposal(s) that go to the public will be well thought out and more than likely successful. I regret not being able to follow through on this process. Please let me know if I can be of any assistance as the public begins debate.

Continued success to you and thank you again for this experience.

My highest regards,
Chris Sullivan

On motion by Commissioner Jennings, the Commission accepted the resignation of Commissioner Sullivan.

MATTERS ON RECONSIDERATION

On motion by Commissioner Barkdull, consideration of Proposal 1 and Proposal 123 was deferred until the call of the Chairman.

SPECIAL ORDER

Proposal 91—A proposal to revise 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.

—was read.

Proposal 91 failed. The vote was:

Yeas—1
Langley

Nays—22
Anthony
Argiz
Barnett
Brochin
Connor
Corr

Evans
Evans-Jones
Ford-Coates
Freidin
Henderson
Lowndes

Mathis
Morsani
Nabors
Planas
Riley
Scott

Smith
Thompson
West
Zack

Vote after roll call:

Nay—Barkdull, Crenshaw
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.

Commissioner Corr moved Committee Substitute for Proposal 116 which failed. The vote was:

Yeas—10
Argiz
Crenshaw
Connor
Evans
Crenshaw
Evans-Jones
Corr
Langley

Nays—15
Anthony
Ford-Coates
Barkdull
Freidin
Barnett
Henderson
Bro chin
Kogan

Vote after roll call:
Yea—Evans-Jones
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, Proposal 135 was removed from the Special Order.

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

—was read.

Commissioner Corr moved Proposal 119 which failed. The vote was:

Yeas—14
Argiz
Crenshaw
Bro chin
Evans-Jones
Connor
Evans
Crenshaw
Ford-Coates
Corr
Langley

Nays—14
Mr. Chairman
Evans
Anthony
Freidin
Barkdull
Henderson
Barnett
Kogan

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 read.

COMMISSIONER THOMPSON PRESIDING

Chairman Douglass Presiding

Commissioner Connor moved Proposal 107 which failed. The vote was:

Yeas—12
Argiz
Crenshaw
Bro chin
Evans-Jones
Connor
Evans
Crenshaw
Ford-Coates
Crenshaw
Hawkes

Nays—18
Anthony
Butterworth
Argiz
Ford-Coates
Barkdull
Freidin
Barnett
Henderson
Bro chin
Kogan

MOTIONS

On motion by Commissioner Rundle, by unanimous consent Proposal 23 was withdrawn from further consideration.

On motion by Commissioner Anthony, by unanimous consent Proposal 50 was withdrawn from further consideration.

SPECIAL ORDER, continued

Consideration of Committee Substitute for Proposal 69, Proposal 72 and Proposal 118 was deferred.

Proposal 161—A proposal to revise ARTICLE III, s. 4, Fla. Const.; deleting the authority of each house of the Legislature to be the sole judge for the interpretation, implementation, and enforcement of section 4 of Article III of the constitution.

—was read.

Commissioner Bro chin moved Proposal 161 which failed. The vote was:

Yeas—8
Barnett
Butterworth
Brochin
Evans
Ford-Coates
Freidin
Nays—16
Anthony
Evans-Jones
Marshall
Barkdull
Hawkes
Morsani
Barnett
Kogan
Nabors
Corr
Lowndes
Kogan

MOTION

On motion by Commissioner Barkdull, by unanimous consent Proposal 169 was removed from the Special Order Calendar and recommitted to the Judicial Committee to be reported not later than the February 9 meeting.

Consideration of Committee Substitute for Proposal 64 was deferred.

OATH OF OFFICE ADMINISTERED

January 13, 1998
The Honorable Pat Barton

Dear Pat:

In June 1997, pursuant to Article XI, Section 2 of The Florida Constitution, I appointed you as an alternate to the 1997-1998 Constitution Revision Commission based upon your extensive qualifications and keen interest in good government. Due to the recent and unfortunate resignation by Commissioner Chris Sullivan, I am pleased to appoint you as a permanent “voting” member of the Constitution Revision Commission effective immediately.

Thank you for your continued commitment to the state of Florida and I look forward to working with you on the Commission.

Very truly yours,
Toni Jennings

Commissioner Jennings appointed Alternate Commissioner Barton to replace him pursuant to Article XI, s. 2 of the Constitution.
The Chairman appointed Commissioners Jennings, Marshall, Ford-Coates and Evans-Jones to escort Commissioner Barton to the rostrum where the oath of office was administered by the Honorable Chief Justice Kogan.

RECONSIDERATION

On motion by Commissioner Barnett, the rules were waived and the Commission reconsidered the vote by which—

Proposal 91—A proposal to revise 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.

—failed this day.

On motion by Commissioner Hawkes, Proposal 91 was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—16
Argiz Ford-Coates Langley Morsani
Corr Hawkes Lowndes Scott
Crenshaw Henderson Marshall Smith
Evans Jennings Mills West

Nays—11
Anthony Barton Mathis Thompson
Barkdull Butterworth Nabors Zuck
Barnett Freidin Riley

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 12:01 p.m. to reconvene at 12:45 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 12:53 p.m. A quorum present—32:

Mr. Chairman Corr Jennings Nabors
Anthony Crenshaw Kogan Nabors
Argiz Evans Kogan Randle
Barkdull Evans-Jones Lowndes Scott
Barnett Ford-Coates Marshall Smith
Barton Freidin Mathis Thompson
Butterworth Hawkes Mills West
Connor Henderson Morsani Zuck

MOTIONS

On motions by Commissioner Mathis, by unanimous consent Proposal 42, Proposal 139 and Proposal 140 were withdrawn from further consideration.

On motion by Commissioner Scott, the rules were waived and the Commission reverted to:

MATTERS ON RECONSIDERATION

The motion by Commissioner Scott to reconsider the vote by which—

Proposal 123—A proposal to revise ARTICLE XI, Fla. Const.; deleting certain requirements with respect to votes by the members of the commission to amend this constitution.

—as amended was adopted January 12 was taken up and adopted.

On motion by Commissioner Barkdull, further consideration of Proposal 123 was deferred.

SPECIAL ORDER, continued

Committee Substitute for Proposal 51—A proposal to revise ARTICLE VII, s. 4, Fla. Const.; requiring the assessment of improvements to real property which occur between assessment dates.

—was read.

Commissioner Anthony moved Committee Substitute for Proposal 51 which failed. The vote was:

Yeas—13
Anthony Henderson Mills Scott
Butterworth Kogan Nabors Smith
Crenshaw Mathis Rundle Zack
Freidin

Nays—15
Mr. Chairman Connor Ford-Coates Randle
Barkdull Corr Hawkes Thompson
Barnett Evans Langley West
Barton Evans-Jones Marshall

Consideration of Committee Substitute for Proposal 170 and Proposal 174 was deferred.

Committee Substitute for Proposals 112 and 124—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing for an exemption from ad valorem taxation for certain tangible personal property.

—was read.

On motion by Commissioner Ford-Coates, Committee Substitute for Proposals 112 and 124 was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—26
Anthony Evans Kogan Scott
Argiz Evans-Jones Marshall Smith
Barkdull Ford-Coates Mathis Thompson
Barnett Freidin Mills West
Barton Hawkes Nabors Zuck
Butterworth Henderson Riley
Corr Jennings Randle

Nays—None

On motion by Commissioner Barkdull, the rules were waived and the Commission concluded the Special Order and proceeded to consideration of:

MOTIONS

On motion by Commissioner Rundle, the rules were waived and the motion to reconsider Proposal 1 was placed on the calendar for consideration January 15.

COMMITTEE MEETING CHANGE

Commissioner Mills announced that the Select Committee on Article V Costs would meet upon adjournment of session Thursday, January 15.

Commissioner Barkdull announced that the Declaration of Rights Committee would consider Proposal 187 at the meeting January 15.

Commissioner Barkdull announced that the Rules and Administration Committee meeting scheduled for 5:00 p.m. this day was cancelled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 13 was corrected and approved.
On motion by Commissioner Barkdoll, the Commission recessed at 1:47 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 8:30 a.m., Thursday, January 15, 1998.