The Commission was called to order by the Chairman at 1:05 p.m. A quorum was present—30:

Mr. Chairman, Connor Jennings Scott
Alfonso Crenshaw Lowndes Smith
Anthony Evans Marshall Thompson
Barkdull Evans-Jones Mathis West
Barnett Ford-Coates Mills Wetherington
Barton Freidin Nabors Zack
Brochin Hawkes Riley
Butterworth Henderson Rundle

Alternates:
Logan

Excused: Commissioners Corr, Kogan, Planas and Sundberg

PRAYER
Let's pray together. Our Father, we are grateful to thee for thy goodness to us and this good day you share with us. We thank you Lord, for your death, your burial, your resurrection. Thank you for the privilege to be here today with those friends who represent our community, our governments. We are admonished in your Word to pray for those who are over us in governmental authority. And Father, we do on a regular basis. We pray your blessings upon the session today, bless each one represented, give wisdom, give direction. We thank thee again for what thou dost mean to us. In Jesu's name. Amen.

PLEDGE
Allison and Jonathan Freidin, daughter and son of Commissioner Freidin led the Commission in the pledge of allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES
January 26, 1998

The Rules and Administration Committee submits the following proposals to be placed on the Special Order for Tuesday, January 27, 1998: Proposal 105, Committee Substitute for Proposal 170, Proposal 2, Proposal 135, Proposal 33, Committee Substitute for Proposal 184, Committee Substitute for Proposal 36 and Proposal 38, Committee Substitute for Proposal 83, Committee Substitute for Proposal 64, Proposal 187, Proposal 183, Proposal 126, Proposal 125, Proposal 17, Proposal 18, Proposal 134, Proposal 90, Proposal 13, Proposal 144, Proposal 91, Proposal 105, Proposal 90, Proposal 179, Committee Substitute for Proposal 170, Proposal 2, Proposal 186, Proposal 135, Proposal 33, Committee Substitute for Proposal 184, Committee Substitute for Proposals 159, 163 and 182, Committee Substitute for Proposal 166, Committee Substitute for Proposal 69, Committee Substitute for Proposals 36 and 38, Committee Substitute for Proposal 102, Committee Substitute for Proposal 83, Proposal 123, Committee Substitute for Proposal 64, Proposal 187, Proposal 183, Proposal 126, Proposal 125, Proposal 17, Proposal 40, Committee Substitute for Proposals 138 and 89, Proposal 118, Proposal 143, Proposal 54 and Committee Substitute for Proposal 6 were established as the Special Order this day.

MATTERS ON RECONSIDERATION
The motion by Commissioner Mills to reconsider 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.

Proposal 91 was adopted January 14, was taken up and adopted.

On motion by Commissioner Thompson, further consideration of Proposal 91 was deferred.

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

Proposal 134 was adopted January 14, was taken up and adopted.

On motion by Commissioner Marshall, by unanimous consent Proposal 134 was withdrawn from further consideration.

Proposal 90—A proposal to revise ARTICLE III, s. 4, Fla. Const.; providing members of the Legislature with immunity with respect to any speech or debate in either house of the Legislature.
Consideration of Proposal 105 was deferred.

Proposal 179—A proposal to revise ARTICLE III, ss. 8, 19, Fla. Const.; providing guidelines for legislative consideration of veto messages; revising calculation of the 72-hour public review period for general appropriation bills.

—was read. Commissioners Jennings and Scott offered the following amendment which was moved by Commissioner Jennings and adopted:

Amendment 1—On page 2, lines 4-7, delete those lines and insert: special session, whichever occurs first, and they shall be entered on its journal. If the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session.

On motion by Commissioner Thompson, Proposal 179 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—21
Mr. Chairman Crenshaw Mathis Smith
Anthony Ford-Coates Mills Thompson
Barkdull Freidin Nabors Zack
Barnett Henderson Riley
Brochin Lowndes Scott

Nays—9
Alfonso Evans Hawkes West
Barton Evans-Jones Marshall Wetherington
Connor

Consideration of Proposal 135 and Proposal 33 was deferred.

Committee Substitute for Proposal 184—A proposal to revise ARTICLE VI, s. 1, Fla. Const.; providing that the legislature shall prohibit certain conduct in connection with elections.

—was read. Commissioners Mills and Freidin offered the following amendment which was moved by Commissioner Mills:

Amendment 1—On page 1, lines 13-24, delete those lines and insert:

SECTION 1. Regulation of elections.—

(a) All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may be, regulated by law.

(b) Undue influence in connection with an election by the commission of bribery, fraud, deceit, or such other similar conduct as provided by law or as established by a judgment of slander or libel, shall, in addition to any penalties prescribed by law, constitute grounds for suspension and removal from the office won through such election.

And the title is amended as follows:

On page 1, lines 3 and 4, delete those lines and insert: undue influence in connection with an election constitutes grounds for suspension and removal from office.

Chairman Douglass Presiding

On motion by Commissioner Mills, consideration of Committee Substitute for Proposal 184 with pending Amendment 1 was deferred.
Committee Substitute for Proposals 159, 163 and 182—A proposal to revise ARTICLE IV, ss. 3(b), 4, and 8, and ARTICLE XII, s. 9(c), Fla. Const. and create s. 22, ARTICLE XII, Fla. Const.; providing for membership of the Florida Cabinet.

—was read.

Commissioner Thompson moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 7, on page 3, line 1, on page 3, line 9, on page 3, line 16, and on page 8, line 1 delete “treasurer” and insert: “chief financial officer”

Commissioners Butterworth and Thompson offered the following amendment which was moved by Commissioner Butterworth and adopted:

**Amendment 2**—On page 3, between lines 19 and 20, insert:

(f) The governor as chair, the chief financial officer, and the attorney general shall constitute the agency head of the Department of Law Enforcement.

Commissioner Alfonso moved the following amendment:

**Amendment 3**—On page 4, line 18, insert:

Section 4. Section 2 of Article IX of the Florida Constitution is revised by amending that section to read:

**ARTICLE IX**

**EDUCATION**

Section 2. State board of education.—The governor and the members of the cabinet shall constitute a state board of education, which shall be a body corporate and have such supervision of the system of public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

(Renumber subsequent section 5)

Commissioner Henderson moved the following amendment to **Amendment 3** which failed:

**Amendment 3A**—On page 4, lines 13 and 14, delete:

“The state board of education shall appoint the commissioner of education.”

The vote was:

Yeas—8

Barnett Evans-Jones Henderson Scott

Barton Ford-Coates Jennings West

Nays—19

Alfonso Connor Marshall Smith

Anthony Crenshaw Mathis Thompson

Barkdull Evans Mills Wetherington

Brochin Freidin Nabors Zack

Butterworth Lowndes Riley

The question recurred on **Amendment 3** which was adopted.

On motion by Commissioner Alfonso, **Committee Substitute for Proposals 159, 163 and 182** as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—20

Mr. Chairman Butterworth Lowndes Rundle

Alfonso Connor Marshall Smith

Anthony Crenshaw Mathis Thompson

Barkdull Evans Mills Wetherington

Brochin Freidin Riley Zack

Nays—3

Evans Hawkes West

**MOTION TO RECONSIDER**

Commissioner Barkdull moved that the Commission reconsider the vote by which **Proposal 168** was adopted January 15. The motion was placed on the calendar.

**RECESS**

On motion by Chairman Douglass, the Commission stood in informal recess at 4:34 p.m. to reconvene at 4:45 p.m.

**CALL TO ORDER**

The Commission was called to order by the Chairman at 4:53 p.m. A quorum was present.

**SPECIAL ORDER, continued**

**Committee Substitute for Proposal 166**—A proposal to revise 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 read.

On motion by Commissioner Riley, **Committee Substitute for Proposal 166** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—14

Alfonso Freidin Mills Smith

Anthony Henderson Nabors Wetherington

Barnett Lowndes Riley

Connor Marshall Scott

Nays—12

Barkdull Butterworth Ford-Coates Mathis

Barton Evans Hawkes Rundle

Brochin Evans-Jones Jennings West

Consideration of **Committee Substitute for Proposal 69** and **Committee Substitute for Proposals 36 and 38** was deferred.

**Committee Substitute for 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 read.

On motion by Commissioner Henderson, **Committee Substitute for Proposal 102** was adopted and committed to the Style and Drafting Committee. The vote was:

Yeas—23

Alfonso Butterworth Jennings Rundle

Anthony Crenshaw Lowndes Smith

Barkdull Evans-Jones Marshall Wetherington

Barnett Ford-Coates Mathis

Barton Freidin Mills Zack

Brochin Henderson Nabors

Nays—3

Evans Hawkes West
Consideration of Committee Substitute for Proposal 83, Proposal 123, Committee Substitute for Proposal 64 and Proposal 187 was deferred.

**MOTION**

On motion by Commissioner Brochin, by unanimous consent Proposal 183 was withdrawn from further consideration.

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 read.

On motion by Commissioner Mathis, consideration of Proposal 126 was deferred.

Consideration of Proposal 125 was deferred.

Proposal 17—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that no person shall be deprived of any right because of gender or sexual orientation.

—was read.

Commissioner Riley moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, delete “gender,”

On motion by Commissioner Freidin, consideration of Proposal 17 as amended was deferred.

**MOTION**

On motion by Commissioner Barkdull, time of recess was extended until completion of Proposal 123 and announcements.

The Commission resumed consideration of—

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.

—which was reconsidered as amended January 14.

Commissioner Scott moved the following amendment to Proposal 123 as engrossed which was adopted:

Amendment 1—On page 1, delete everything after the proposing clause and insert:

Section 1. Section 6 of Article XI of the Florida Constitution is repealed.

And the title is amended as follows:

On page 1, delete everything before the proposing clause and insert: A proposal to revise ARTICLE XI, Fla. Const.; repealing s. 6, relating to the Taxation and Budget Reform Commission.

The vote was:

**MOTION**

On motion by Commissioner Marshall, by unanimous consent Proposal 129 was withdrawn from further consideration.

**COMMITTEE MEETING CHANGE**

Commissioner Barkdull announced that the Select Committee on Sovereign Immunity would meet Wednesday, January 28 at 12:00 noon.

Commissioner Barkdull announced that the Style and Drafting Committee would meet Wednesday, January 28 at 8:00 a.m.

**SELECT COMMITTEE APPOINTED**

The Chairman announced the appointment of Commissioner Connor, Chairman; Commissioners Hawkes, Morsani, Lowndes and Zack to the Select Committee on Sovereign Immunity.

**COMMITTEE MEMBERSHIP CHANGE**

The Chairman announced that Commissioner Ford-Coates was appointed to the Style and Drafting Committee.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of January 15 was corrected and approved.

**RECESS**

On motion by Commissioner Barkdull, the Commission recessed at 6:09 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Tuesday, January 27, 1998.

**PAGES**

January 26

Under the direction of their advisor, Joy Burke, the following students from Belle Vue Middle School in Tallahassee served as pages: Marisha Ash, Kailah Berigan, Farrah Cannon, Rachel Glenn, Lauren Hayman, Tara Merck and Stanford Thomas.