The Commission was called to order by the Chairman at 9:02 a.m. A quorum was present—33:

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

Excused: Commissioners Kogan and Planas

PRAYER

The following prayer was offered by Rev. Candace McKibben, Singles' Minister, East Hill Baptist Church, Tallahassee:

Dear God, our creator, our parent - ruler of the universe, remind us that there is a power beyond our own power on which we may rely when called upon to make critical judgments that affect many lives not only today, but in the years and decades ahead.

Grant wisdom, discernment, compassion and a sense of justice to these who review the constitution of this great state. Grant each a clarity of thought and expression so that communication is open and purposeful.

May the revisions made, O God, uphold goodness and truth and the welfare of all who call themselves Floridians. Amen.

PLEDGE

Students from Nims Middle School, Tallahassee, serving as pages today led the Commission in the pledge of allegiance to the flag of the United States of America.

IN MEMORIUM

Chairman Douglass offered condolences on behalf of the Commission to Commissioner Alan Sundberg, whose son Alan Carl Sundberg, Jr. died January 23, 1998.
SPECIAL ORDER, continued

Consideration of Proposal 2 and Proposal 135 was deferred.

Proposal 33—A proposal to revise ARTICLE VII, s. 5, Fla. Const.; eliminating the prohibition against levying a state income tax.

—was read.

Commissioner Barnett moved the following amendment which was adopted:

Amendment 1—On page 1, line 18, insert: No tax upon the income of natural persons shall be levied unless authorized by a two-thirds (2/3) vote of the membership of each house of the legislature. There shall be exempt from any such tax not less than $45,000 which amount shall be adjusted each year to reflect inflation.

The vote was:

Yeas—15
Anthony Evans-Jones Marshall Thompson
Barnett Ford-Coates Mills Wetherington
Barton Freidin Nabors Zack
Butterworth Henderson Riley
Nays—14
Mr. Chairman Corr Lowndes Scott
Alfonso Crenshaw Mathis West
Barkdull Evans Morsani
Brochin Hawkes Rundle

Commissioner Barnett moved Proposal 33 as amended which failed.

The vote was:

Yeas—9
Barnett Freidin Henderson Sundberg
Brochin Hawkes Riley Wetherington

Nays—23
Alfonso Corr Marshall Scott
Anthony Crenshaw Mathis Smith
Barkdull Evans Mills Thompson
Butterworth Evans-Jones Morsani West
Connor Lowndes Nabors Zack

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 read.

Commissioner Thompson moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, through page 2, line 2, delete those lines and insert:

SECTION 7. Natural resources and scenic beauty.—
(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty for the health and welfare of its citizens and future generations. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the protection of natural resources for future generations.

(b) Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area or the Everglades Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution. For the purposes of this subsection, the terms “Everglades Protection Area” and “Everglades Agricultural Area” shall have the meanings as defined in statutes in effect on January 1, 1996.

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: ARTICLE II, s. 7, Fla. Const.; providing that it is the policy of the state to conserve natural resources and scenic beauty for the health and welfare of its citizens and future generations; providing for provision to be made by law to protect future generations.

Commissioner Barkdull moved the following amendment to Amendment 1:

Amendment 1A—On page 1, lines 18 and 19, delete “for the health and welfare of its citizens and future generations”.

On motion by Commissioner Scott, further consideration of Committee Substitute for Proposal 184 was deferred.

Committee Substitute for Proposals 36 and 38—A proposal to revise ARTICLE II, s. 7, Fla. Const.; providing a right to clean and healthful air and water and providing for the abatement of pollution and noise.

—was read.

Commissioners Mills and Henderson offered the following amendment which was moved by Commissioner Mills:

Amendment 1—On page 1, line 14, through page 2, line 2, delete those lines and insert:

SECTION 7. Natural resources and scenic beauty.—
(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty for the health and welfare of its citizens and future generations. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the protection of natural resources for future generations.

(b) Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area or the Everglades Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution. For the purposes of this subsection, the terms “Everglades Protection Area” and “Everglades Agricultural Area” shall have the meanings as defined in statutes in effect on January 1, 1996.

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: ARTICLE II, s. 7, Fla. Const.; providing that it is the policy of the state to conserve natural resources and scenic beauty for the health and welfare of its citizens and future generations; providing for provision to be made by law to protect future generations.

Commissioner Barkdull moved the following amendment to Amendment 1:

Amendment 1A—On page 1, lines 18 and 19, delete “for the health and welfare of its citizens and future generations”.

On motion by Commissioner Scott, further consideration of Committee Substitute for Proposals 36 and 38 with pending Amendment 1A was deferred.

Committee Substitute for Proposal 83—A proposal to revise ARTICLE X, s. 6, Fla. Const.; providing conditions under which private property is assumed to be taken for a public purpose.

—was read.

Further consideration of Committee Substitute for Proposal 83 was deferred.
On motion by Commissioner Barkdull, the Commission recessed at 11:41 a.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:00 p.m. A quorum present—30:

Mr. Chairman Corr  Marshall  Smith
Alfonso Crenshaw  Mathis  Sundberg
Anthony Evans  Mills  Thompson
Barkdull Ford-Coates  Morsani  Thompson
Barnett Freidin  Nabors  Wetherington
Barton Henderson  Riley  Zack
Brochin Jennings  Rundle
Connor Lowndes  Scott

Alternates:
Logan

SPECIAL ORDER, continued

The Commission resumed consideration of—

Committee Substitute for Proposal 83—A proposal to revise ARTICLE X, s. 6, Fla. Const.; providing conditions under which private property is assumed to be taken for a public purpose.

—which was previously considered this day.

Commissioner Corr moved Committee Substitute for Proposal 83 which failed. The vote was:

Yeas—9
Alfonso Evans Lowndes Smith
Crenshaw

Nays—17
Anthony Barkdull Barton Brochin Connor
Ford-Coates Freidin Henderson Mathis Mills
Morsani Nabors Rundle Sundberg

Further consideration of Committee Substitute for Proposal 83 was deferred.

Proposal 187—A proposal to revise ARTICLE I, s. 3, Fla. Const.; limiting conditions for restrictions on the free exercise of religion.

—which was previously considered this day.

Commissioner Connor moved the following amendment which was adopted:

Amendment 1—On page 1, lines 21-27, delete those lines and insert:

furthering that compelling interest.

Religious

Pending Amendment 1A by Commissioner Barkdull was adopted.

Amendment 1 as amended was adopted.

On motion by Commissioner Mills, Committee Substitute for Proposals 36 and 38 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—23
Alfonso Crenshaw Marshall Smith
Anthony Barkdull Barton Brochin Connor
Evans Mathis Mills Nabors
Mathis Morsani Nabors
Sundberg Thompson Wetherington

Nays—3
Anthony Barton Corr
Barnett Freidin

Vote after roll call:

Yea—Thompson

The Chairman directed the consideration of Proposal 126 and Proposal 125 be taken in reverse order and the Commission proceeded to consider:

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.

—which was previously considered this day.

Commissioner Mathis moved Proposal 125 which failed. The vote was:

Yeas—9
Alfonso Crenshaw Evans Smith
Barkdull Connor Corr
Freidin Evans Marshall
Evans Morsani Thompson
Sundberg

Nays—18
Barkdull Barton Brochin
Freidin Ford-Coates Nabors
Mathis Mills Nabors
Lowndes Norsany Wetherington

The Chairman directed the consideration of Proposal 126 which failed. The vote was:

Yeas—9
Alfonso Crenshaw Evans Smith
Barkdull Connor Corr
Freidin Evans Marshall
Evans Morsani Thompson
Sundberg

Nays—18
Barkdull Barton Brochin
Freidin Ford-Coates Nabors
Mathis Mills Nabors
Lowndes Norsany Wetherington

The Chairman directed the consideration of Proposal 126 and Proposal 125 be taken in reverse order and the Commission proceeded to consider:

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.

—which was previously considered this day.

Commissioner Mathis moved Proposal 125 which failed. The vote was:

Yeas—9
Alfonso Crenshaw Evans Smith
Barkdull Connor Corr
Freidin Evans Marshall
Evans Morsani Thompson
Sundberg

Nays—18
Barkdull Barton Brochin
Freidin Ford-Coates Nabors
Mathis Mills Nabors
Lowndes Norsany Wetherington
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.

Commissioner Mathis moved Proposal 126 which failed. The vote was:

Yeas—11
Alfonso Corr Hawkes Mathis
Barton Crenshaw Jennings West
Connor Evans Marshall

Nays—18
Barkdull Henderson Riley Thompson
Barnett Lowndes Rundle Wetherington
Brochin Mills Scott Zack
Ford-Coates Morsani Smith
Freidin Nabors Sundberg

The Commission resumed consideration of—

Proposal 17—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing for citizens to enjoy equal opportunity to employment, housing, public accommodations, public education, and other benefits and authorizing governmental agencies to take actions to remedy the effects of past discrimination in certain areas.

—was read.

Commissioner Sundberg moved the following amendment which was adopted:

Amendment 1—On page 1, lines 25-28, delete the words “All citizens shall enjoy equal opportunity to employment, housing, public accommodations, public education, and other benefits of citizenship.”

And the title is amended as follows:

On page 1, lines 2-8, delete those lines and insert: ARTICLE I, s. 2, Fla. Const.; authorizing governmental agencies to take actions to remedy the effects of past discrimination in the areas of employment, housing, public accommodations, and public education.

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

On motion by Commissioner Connor, the rules were waived by unanimous consent to allow for a motion to reconsider Proposal 107.

MOTION TO RECONSIDER

Commissioner Connor moved that the Commission reconsider the vote by which Proposal 107 failed January 14. The motion was placed on the calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 26 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 4:50 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Wednesday, January 28, 1998.

PAGES

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The following students from Nims Middle School in Tallahassee served as pages: Cherrye Bess, Amber Gordon, Jamikal James, Shalonda Johnson, Rebekah Lambright, Gracie Mosley, Matt Rogers, Alfred Scruggs, Chiara Wesley and Kassy Willis.