CALL TO ORDER

The Commission was called to order by the Chairman at 9:07 a.m. A quorum was present—27:

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

Excused: Commissioners Butterworth, Kogan and Planas; Commissioner Marshall until 1:15 p.m.; Commissioner Evans at 9:45 a.m.; Commissioner Jennings at 1:15 p.m. and Commissioner Zack at 1:15 p.m.

PRAYER

The following prayer was offered by Rev. Lawrence W. Kilbourn, John Wesley United Methodist Church, Tallahassee:

Holy God, we thank you for waking us up this morning to another day of life. “This is the day which the Lord has made; we will rejoice and be glad in it.” Thank you Father, that we live in a country where freedom is embraced, and we pray for those who still live in places where oppression and fear prevail. We pray this morning for all of those in authority over us: for our President and Vice President, for our other elected officials in Washington, D.C. Give them wisdom and patience to govern rightly.

We also pray today for those in state government here in Florida - our Governor and Cabinet, our state legislators and, especially for those represented here on the State Constitution Revision Commission. Watch over their deliberations today, guard against a spirit of protectionism or partisanship. Allow their discussions to flow freely so that in the end, your will will be done in regard to this most precious document—our State Constitution.

Then we'll be careful to give you the glory and honor, because, O God, you are so worthy and so deserving of our praise. In your Holy Name. Amen.

PLEDGE

Students from Deerlake Middle School, Tallahassee, led the Commission in the pledge of allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

The Finance and Taxation Committee recommends the following not pass: Proposal 180

The proposal was placed on the calendar.

The Finance and Taxation Committee recommends committee substitutes for Proposal 109; Proposal 49, Proposal 103 and Proposal 185; and recommends that they pass.

The proposals with committee substitutes attached were placed on the calendar.

The Finance and Taxation Committee recommends a committee substitute for Proposal 106 and Proposal 137; and recommends it not pass.

The proposals with committee substitute attached were placed on the calendar.

MATTERS ON RECONSIDERATION

On motion by Commissioner Connor, the rules were waived and the motion to reconsider Proposal 107 was placed on the calendar for consideration February 9.

MOTIONS

On motion by Commissioner Scott, the rules were waived and Proposal 121, Proposal 26, Proposal 99 and Proposal 41 were withdrawn from the Finance and Tax Committee.

On motion by Commissioner Freidin, by unanimous consent Proposal 121 was withdrawn from further consideration.

SPECIAL ORDER

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.

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

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

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

ARTICLE VII
FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for
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.

—which was previously considered January 26.

Further consideration of Committee Substitute for Proposal 184 with pending Amendment 1 was deferred until a time certain of 1:30 p.m. this day.

The Commission resumed consideration of—

Committee Substitute for Proposal 64—A proposal to revise ARTICLE VII, s. 11, Fla. Const.; providing for state bonds pledging all or part of a dedicated state tax revenue or the full faith and credit of the state for certain uses as provided by general law.

—which was previously considered January 27.

Pending Amendment 1 by Commissioner Henderson was adopted.

Commissioner Crenshaw moved the following amendment which was adopted:

Amendment 2—On page 2, line 8, delete “soley” and insert solely

On motion by Commissioner Nabors, Committee Substitute for Proposal 64 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yea—26

Mr. Chairman Connors, Lowndes

Mr. Chairman L. Crenshaw

Mr. Chairman Evans

Mr. Chairman Smith

Mr. Chairman M. S. Smith

Mr. Chairman Smith

Mr. Chairman M. S. Smith

Mr. Chairman M. S. Smith

Mr. Chairman M. S. Smith

Mr. Chairman M. S. Smith

Mr. Chairman M. C. Rundle

Nays—None

Committee Substitute for Proposals 138 and 89—A proposal to revise ARTICLE X, s. 15, Fla. Const.; limiting the use of state lottery net proceeds to financing certain educational facilities or funding early childhood care and education programs.

—was read.

Commissioner Crenshaw moved the following amendment which failed:

Amendment 1—On page 1, lines 27 through 30, and page 2, lines 1 through 16, delete those lines and insert: The net proceeds derived from the lotteries shall be used to support improvements in public education.

The vote was:

Yea—9

Mr. Chairman Crenshaw, Jennings, Lowndes

Mr. Chairman Henderson

Mr. Chairman M. S. Smith

Mr. Chairman M. C. Rundle

Nays—16

Mr. Chairman Connors

Mr. Chairman Evans

Mr. Chairman Evans

Mr. Chairman M. C. Rundle

Mr. Chairman M. C. Rundle

Mr. Chairman M. C. Rundle

Mr. Chairman M. C. Rundle

Mr. Chairman M. C. Rundle

Mr. Chairman M. C. Rundle

Mr. Chairman M. C. Rundle

Mr. Chairman M. C. Rundle

Mr. Chairman M. C. Rundle

Commissioner Connors moved the following amendment which failed:
Amendment 2—On page 2, lines 1-4, delete those lines and insert:

(1) For distribution directly to school advisory councils, by the legislature and as prescribed by general law, for the sole purpose of enhancing school programs; or

The vote was:

Yea—3

Alfonso Corr Mathis

Nay—20

Mr. Chairman Brochin Jennings Scott

Anthony Connor Lowndes Smith

Barkdull Crenshaw Mills Sundberg

Barnett Ford-Coates Nabors Thompson

Barton Freidin Riley Zack

Commissioner Nabors moved the following amendment:

Amendment 3—On page 1, line 27 through page 2, line 16, delete those lines and insert:

(d) The appropriation of net lottery proceeds to enhance education programs shall be guaranteed by a dedication of lottery proceeds solely for the following uses:

(1) To finance or refinance, as provided by general law, bonds or certificates of indebtedness issued by the state or school districts to construct, improve, or renovate public schools;

(2) Provision of pre-kindergarten programs;

(3) Appropriations for early childhood care and education programs established by general law which are not provided on the effective date of this amendment; or

(4) Enhanced appropriations for existing programs of early childhood care and education at appropriation levels in excess of the state appropriation provided during state fiscal year 1998-1999 from state revenues.

Commissioner Corr moved the following amendment to Amendment 3 which failed:

Amendment 3A—On page 1, line 30, insert:

(5) For distribution directly to school advisory councils, by the legislature and as prescribed by general law, for the sole purpose of enhancing school programs.

The vote was:

Yea—12

Alfonso Corr Mathis Smith

Barnett Freidin Morsani Sundberg

Connor Hawkes Riley Zack

Nay—12

Mr. Chairman Barton Jennings Nabor

Anthony Brochin Lowndes Scott

Barkdull Ford-Coates Mills Thompson

Barnett Freidin Morsani Sundberg

Barton Henderson Nabors Thompson

Brochin Lowndes Riley Zack

On motion by Commissioner Nabor, Committee Substitute for Proposals 138 and 89 as amended was adopted this day. The motion was placed on the calendar.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:55 a.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:19 p.m. A quorum present—23:

Mr. Chairman Connor Marshall Rundle

Alfonso Corr Mathis Scott

Barkdull Ford-Coates Mills Smith

Barnett Freidin Morsani Sundberg

Barton Henderson Nabors Thompson

Brochin Lowndes Riley Zack

MOTION TO RECONSIDER

Commissioner Alfonso moved that the Commission reconsider the vote by which Committee Substitute for Proposals 138 and 89 as amended was adopted this day. The motion was placed on the calendar.

SPECIAL ORDER, continued

On motion by Commissioner Corr, by unanimous consent Proposal 118 was withdrawn from further consideration.

On motion by Commissioner Sundberg, by unanimous consent Proposal 143 was withdrawn from further consideration.

On motion by Commissioner Rundle, consideration of Committee Substitute for Proposal 13 was deferred.

Proposal 169—A proposal to revise ARTICLE V, ss. 1 and 4, Fla. Const., establishing courts of criminal appeals; providing for a court of appeals to be located in each of three regional divisions; providing for justices of the courts of criminal appeals to be appointed by the Governor and subject to confirmation by the Senate; providing for compensation of the justices; providing for terms of office; providing for the courts to have final appellate jurisdiction of criminal appeals, appeals of capital cases, and appeals based on habeas corpus or other postconviction claims; providing for the courts to convene an en banc panel to hear capital cases and to resolve conflicting rulings; authorizing the courts to issue specified writs; providing for the appointment of clerks for the courts; providing applicability of rules.

—was read.

On motion by Commissioner Barnett, further consideration of Proposal 169 was deferred.

On motion by Commissioner Rundle, consideration of Committee Substitute for Proposal 13 was deferred.

Proposal 144—A proposal to revise ARTICLE I, s. 17, Fla. Const., relating to punishment for crime.

—was read.

On motion by Commissioner Barnett, Proposal 144 was adopted and committed to the Style and Drafting Committee. The vote was:

Yea—18

Alfonso Brochin Ford-Coates Lowndes

Barnett Connor Freidin Mathis

Barton Corr Henderson Mills
Proposal 40—A proposal to revise ARTICLE IX, s. 4, Fla. Const., authorizing certain counties to be divided into more than one school district.

—was read.

Commissioner Riley moved the following amendment which was adopted:

Amendment 1—On page 1, line 26, delete the number “45,000” and insert: 75,000

Commissioner Butterworth offered the following amendment which was moved by Commissioner Marshall:

Amendment 2—On page 1, line 14, through page 2, line 4, delete those lines and insert:

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon the vote of the electors of each county pursuant to law, may be combined into one school district; and provided further that a county with more than 45,000 students in the district schools within the county may be divided into two or more school districts, each school district to have no fewer than 15,000 students, as provided by law and subject to approval by the vote of the electors of the county. In order to divide a county school district under this provision, and notwithstanding other provisions of this constitution, a commission made up of residents of the county shall be created by special law to draw district boundary lines, allocate assets, and provide for the contractual obligations, debts, and bonded indebtedness of the school district, all of which shall be subject to review and approval by the circuit court for compliance with state and federal law. Funding for operation and capital outlay in school districts divided pursuant to this section shall be determined on a countywide basis and distributed to the districts per student per capita as provided by law. Local school taxes in counties divided pursuant to this section, including voted millage for bonded indebtedness, shall be levied on a countywide basis as provided by law.

Commissioner Riley moved the following amendment which was adopted:

Amendment 2A—On page 1, line 19, delete the number “45,000” and insert: 75,000

Amendment 2 as amended was adopted.

Further consideration of Proposal 40 as amended was deferred.

MOTION

On motion by Commissioner Connor, by unanimous consent Proposal 178 was withdrawn from further consideration.

COMMITTEE MEMBERSHIP CHANGE

The Chairman announced that Commissioner Scott was appointed to the Style and Drafting Committee.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 27 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 3:14 p.m. to reconvene at 1:00 p.m., Monday, February 9, 1998.

PAGES

January 28

Under the direction of their advisors, Carla Cramer and Shane Syfrett, the following students from Deerlake Middle School in Tallahassee served as pages: Christian Baker, Brandon Goeke, Lindsey Hartsfield, Lindsey Johnson, Caitlin Kurtz, James Martinez, Holly Monroe, Eric Nash, Molly Scheiner and Bryce Young.