CALL TO ORDER

The Commission was called to order by the Chairman at 1:04 p.m. A quorum was present—33:

Mr. Chairman Crenshaw Langley Rundle
Alfonso Evans Lowndes Scott
Anthony Evans-Jones Marshall Sundberg
Barkdull Ford-Coates Mathis Thompson
Barnett Freidin Mills West
Barton Hawkes Morsani Zack
Brochin Henderson Nabors Planas
Butterworth Jennis Planas
Connor Kogan Riley

Excused: Commissioner Corr; Alternate Logan; Commissioner Smith until 4:21 p.m.

PRAYER

The following prayer was offered by Rev. John F. Green, Bethel A.M.E. Church, Tallahassee:

Eternal God who committest to us the swift and solemn trust of life; since we know not what a day may bring forth, but only that the hour for serving thee is always present. May we approach the afternoon of this day with a zeal to do thy holy will. Increase in us, O God, a true knowledge of thy holy will, that we may devote ourselves to thy service in word and deed; and that doing thy will with cheerfulness and diligence, and bearing all our trials with patience, we may go on, through thy mercy into the joy of everlasting life. Amen.

PLEDGE

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

MATTERS ON RECONSIDERATION

The motion by Commissioner Connor to reconsider the vote by which

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.

—failed January 14 was taken up and the motion failed. The vote was:

Yeas—1
Anthony Barkdull Barnett Butterworth

Nays—14
Anthony Barkdull Barnett Butterworth
Lowndes Morsani Mills Sundberg Thompson
West Zack

The motion by Commissioner Alfonso to reconsider the vote by which

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.

—as amended was adopted January 28 was taken up and adopted.

On motion by Commissioner Nabors, consideration of Committee Substitute for Proposals 138 and 89 as amended was deferred.

SPECIAL ORDER

The Commission resumed consideration of—

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

—which was previously considered and amended January 28.

Commissioner Mills moved the following amendment which was adopted:

Amendment 3—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 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 75,000 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 a 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 and to ensure racial and ethnic balance. 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.

On motion by Commissioner Marshall, Proposal 40 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—22
Alfonso Barnett Brochin Connor
Barkdull Barton Butterworth Crenshaw

162
Evans-Jones  Marshall  Planas  Thompson  West
Hawkes  Mills  Riley  Rundle  Scott
Jennings  Morsani  Rundle  Scott
Langley  Nabors  Sundberg  Thompson
Nays—10
Anthony  Freidin  Lowndes  Sundberg
Evans  Henderson  Mathis  Zack
Ford-Coates  Kogan
The Commission resumed consideration of—

Proposal 2—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.

—which was previously considered and amended January 27.

Commissioner Smith offered the following amendment which was moved by Commissioner Sundberg:

Amendment 2—On page 1, line 25, through page 2, line 4, delete those lines and insert: because of race, religion or physical handicap. The state, its agencies, political subdivisions, municipalities, counties, public colleges and universities, community colleges, school districts, special districts, authorities, and other government instrumentalities, may take actions, not including financial reparations, necessary to remedy the present effects of past discrimination in the areas of public housing, public employment, public accommodations, public education, and the public procurement of goods and services, and the expenditure of public funds.

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 public housing, public employment, public accommodations, public education, and the public procurement of goods and services.

Commissioner Connor moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 1, line 21, delete the words “public housing,” and insert: publicly owned housing.

Amendment 2 as amended was adopted.

COMMISSIONER THOMPSON PRESIDING

CHAIRMAN DOUGLASS PRESIDING

On motion by Commissioner Sundberg, Proposal 2 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—23
Alfonso  Connor  Mathis  Scott
Anthony  Crenshaw  Mills  Sundberg
Barkdull  Ford-Coates  Nabor  Thompson
Barnett  Freidin  Planas  West
Barton  Jennings  Riley  Zack
Butterworth  Kogan  Rundle
Nays—8
Brochin  Evans-Jones  Langley  Marshall
Evans  Hawkes  Lowndes  Morsani

Consideration of Proposal 148 and Proposal 155 was deferred.

Committee Substitute for Proposal 6—A proposal to create ARTICLE VII, s. 19, Fla. Const.; providing limits on the adoption of exemptions and exclusions from the general state sales tax; reducing the rate of the general sales tax to 5 percent.

—was read.

Commissioner Nabors moved the following amendment:

Amendment 1—On page 1, line 15, through page 3, line 6, delete those lines and insert:

SECTION 19. Tax fairness initiative exemptions and exclusions from general state sales tax—

(a) TAX FAIRNESS INITIATIVE.—Each exemption to and exclusion from the general state sales tax shall satisfy or advance the state public purposes of encouraging economic development and competitiveness, supporting educational, governmental, religious, or charitable initiatives or institutions or securing tax fairness by the reduction or elimination of regressive tax burdens. To implement this tax reform, the legislature shall reduce the rate of the general state sales tax to a rate not greater than five percent for state fiscal year 2000-2001 and maintain revenue neutrality by taxing all exempted goods and excluded services if the exemption or exclusion serves a special interest by failing to satisfy or advance a state public policy. Provided, however, the existing general state sales tax exemptions for food, prescription and nonprescription drugs, medical services, residential household rent, electricity, and heating fuel shall not be repealed in the implementation of this tax fairness initiative.

_—was read._
Amendment 1B—On page 2, line 28, after the word “proceeds” insert: “unless the legislature determines that the needs of the state may be met with less than an amount of revenue that would ensure revenue neutrality.”

The vote was:

Yeas—17
Alfonso Hawkes Mathis West
Barkdull Jennings Nabors Zack
Barnett Kogan Planas
Barton Langley Scott
Connor Marshall Thompson
Nays—9
Brochin Henderson Mills Smith
Ford-Coates Lowndes Riley Sundberg
Freidin

Amendment 1 as amended was adopted.

Commissioner Barkdull moved the following amendment to the proposal as amended which failed:

Amendment 2—On page 1, line 26, delete 2000-2001 and insert: 2001-2002

The vote was:

Yeas—13
Barkdull Jennings Morsani Scott
Butterworth Kogan Planas West
Crenshaw Marshall Rundle Zack
Hawkes
Nays—15
Anthony Evans Lowndes Riley
Barnett Ford-Coates Mathis Smith
Barton Freidin Mills Sundberg
Brochin Henderson Nabors

On motion by Commissioner Nabors, Committee Substitute for Proposal 6 as amended was adopted, ordered engrossed and then committed to the Style and Drafting Committee. The vote was:

Yeas—20
Anthony Evans-Jones Kogan Nabors
Barkdull Ford-Coates Lowndes Rile
Barton Freidin Marshall Rundle
Brochin Hawkes Mills Smith
Butterworth Henderson Morsani Sundberg
Nays—12
Alfonso Crenshaw Mathis Thompson
Barnett Evans Planas West
Connor Jennings Scott Zack

MOTION TO RECONSIDER

Commissioner Mills moved that the Commission reconsider the vote by which Proposal 144 was adopted) January 28. The motion was placed on the calendar.

MOTION

On motion by Commissioner Barkdull, Proposal 148 was withdrawn from further consideration.

COMMITTEE MEETING CHANGE

Commissioner Mills announced that the Select Committee on Article V Cost would meet Tuesday, February 10 from 12:00 noon until 1:00 p.m.
CORRECTION AND APPROVAL OF JOURNAL

The Journal of January 19 was corrected and approved.

The Journal of January 15 was corrected and approved follows:

Page 147, column 1, delete lines 1-21 and insert:

STATEMENT OF INTENT

Mr. Chairman, we ask that the following remarks be placed in the Journal of the Constitution Revision Commission to help clarify the intent of Proposal 11 as it was finally adopted by the Commission. The intent of Proposal 11, as adopted, was to affirm explicitly that all natural persons, female and male alike, are equal before the law. The proposal as adopted is not intended, and should not be construed, to confer any right to same-sex marriages in this state. Many in the body were concerned that the proposal as it was originally proposed, if adopted by the people, would have opened the door to same-sex marriages in Florida. That was not an acceptable result to many members of this Commission.

Consequently, the purpose of amending the original proposal and adopting it in its amended form was to assure that the proposal would not be deemed in any way to countenance same-sex marriages.

s/ Pat Barton
s/ Chris Corr
s/ Paul Hawkes
s/ Frank Morsani
s/ J. Stanley Marshall
s/ Judith Byrne Riley
s/ Barbara Williams Ford-Coates
s/ Clarence Anthony
s/ Jon Mills
s/ Carlos Planas

s/ Kenneth L. Connor
s/ Marilyn Evans-Jones
s/ Jacinta M. Mathis
s/ James Harold Thompson
s/ HT Smith
s/ Clay Henderson
s/ Ander Crenshaw
s/ Toni Jennings
s/ John F. Lowndes

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 5:47 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Tuesday, February 10, 1998.