Journal of the 1997-1998 Constitution Revision Commission

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CALL TO ORDER

The Commission was called to order by the Chairman at 9:09 a.m. A quorum was present—32:

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

Excused: Commissioners Anthony and West

PRAYER

The following prayer was offered by Rev. Dr. Brant Copeland, First Presbyterian Church, Tallahassee:

Let us pray. Almighty God, you sit in judgment to declare what is just and right and have compassion on all people. Bless this nation and its leaders and especially the members of this Commission. Give them the spirit of wisdom and understanding, clear heads and a plenitude of patience that they may shift through opposing views and listen with respect. Help them to make decisions that reflect your justice and your desire that all may live in freedom and safety. We pray in the name of the one who will be our judge and for his love’s sake. Amen.

PLEDGE

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

SPECIAL ORDER

On motion by Commissioner Barkdull, Proposal 46 was withdrawn from further consideration.

REPORTS OF COMMITTEES

On motion by Commissioner Mills, by two-thirds vote debate on proposals reported by the Style and Drafting Committee was limited to five minutes per side and two minutes for closing, for a total of 12 minutes.

Motion of Committee Substitute for Proposals 172 and 162 was deferred.

The Commission resumed consideration of—

Proposal 152—A proposal to revise ARTICLE XI, s. 2, Fla. Const.; amending the deadline by which the Constitution Revision Commission must file any proposed revision with the Secretary of State.

—which was previously considered February 24.

Pending Amendment 1 by Commissioner Ford-Coates was withdrawn.

Commissioner Ford-Coates moved the following amendments which were adopted:

Amendment 2—On page 1, lines 15 and 16, delete all of said lines and insert:

(a) Within thirty days before the convening of the 2017 after the adjournment of the 1997 regular session of the legislature, and each twentieth Amendment 3—On page 2, line 4, delete “ninety one hundred eighty” and insert: “one hundred eighty

Commissioner Ford-Coates moved the following amendment which failed:

Amendment 4—On page 2, line 8, insert:

Section 2. Subsection (d) of Section 5 of Article XI of the Florida Constitution is created to read:

(d) Notwithstanding the provisions of subsection (a), only constitution revision commission proposed amendments or revisions may appear on the general election ballot in those years in which commission proposals may be submitted, except that upon a finding of emergency, and pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature, the legislature may submit a proposed amendment or revision in such a year.

On motion by Commissioner Barkdull, Proposal 152 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yea—29
Mr. Chairman Connor Kogan Scott
Alfonso Corr Kogan Lowndes Smith
Argiz Crenshaw Langley Thompson
Barkdull Evans Mathis Wetherington
Barnett Evans-Jones Sundberg
Barton Ford-Coates Mills
Brochin Freidin Morsani
Butterworth Jennings Nabors Zack

Nay—None

Proposal 37—A proposal to revise the Florida Constitution by adopting language that is not gender-specific.
On motion by Commissioner Barkdull, further consideration of Proposal 37 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 amendments to the proposal as engrossed which were adopted:

Amendment 1—On page 1, line 26, delete “may”

The vote was:

Yeas—17
Alfonso Evans Lowndes Sundberg
Barkdull Ford-Coates Mills Wetherington
Barton Freidin Nabors
Brochin Henderson Rundle
Butterworth Kogan Smith

Nays—12
Argiz Crenshaw Mathis Scott
Barnett Evans-Jones Morsani Thompson
Corr Langley Riley Zack

Amendment 2—On page 2, line 14, through page 3, line 6, delete those lines and insert:

(c) REVENUE NEUTRALITY GUARANTEE.—The general state sales tax revenues estimated by the legislature in general appropriations bills for state fiscal year 2000-2001 shall not be less than the general state sales tax revenues collected during the prior fiscal year, as adjusted by average historical growth during the last five years. Any excess general state sales tax revenues for state fiscal years 2001-2002, 2002-2003, or 2003-2004 in excess of this revenue neutrality guarantee shall be appropriated to reduce the ad valorem millage fee for school purposes under the established public school formula.

The vote was:

Yeas—16
Barkdull Butterworth Henderson Rundle
Barnett Evans-Jones Lowndes Sundberg
Barton Ford-Coates Nabors Wetherington
Brochin Freidin Rundle
Butterworth Kogan Smith

Nays—14
Alfonso Crenshaw Langley Thompson
Argiz Evans Mathis Smith
Conor Jennings Morsani
Corr Kogan Scott

Commissioner Evans moved the following amendment to the proposal as engrossed which was adopted:

Amendment 3—On page 1, line 6, delete “percent.” and insert: “percent for the state fiscal year 2000-2001.”

MOTION

On motion by Commissioner Mills, by two-thirds vote debate on Committee Substitute for Proposal 6 was extended two-and-a-half minutes per side, for a total of five minutes.

Commissioner Nabors moved Committee Substitute for Proposal 6 as amended which failed. The vote was:

Yeas—15
Barkdull Evans-Jones Lowndes Smith
Barton Ford-Coates Mills Sundberg
Brochin Henderson Nabors Wetherington
Butterworth Kogan Rundle

Nays—16
Alfonso Corr Jennings Riley
Argiz Crenshaw Langley Scott
Barnett Evans Mathis Thompson
Connor Freidin Morsani Zack

Committee Substitute for Proposals 49, 103 and 185—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; revising the requirements for exempting municipally owned property; allowing the Legislature to exempt from taxation property owned by a municipality or special district and used for airport, seaport, or public purposes, as defined by law, and uses that are incidental thereto.

—was read.

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

Amendment 1—On page 1, lines 23-24, delete all of said lines and insert: purposes, as defined by general law, and uses that are incidental thereto, may be exempted from taxation as provided by general law. A municipality.

On motion by Commissioner Mills, Committee Substitute for Proposals 49, 103 and 185 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—28
Alfonso Crenshaw Langley Rundle
Argiz Evans Lowndes Smith
Barkdull Ford-Coates Mathis Smith
Barton Freidin Mills Sundberg
Butterworth Henderson Morsani Thompson
Connor Jennings Nabors Wetherington
Corr Kogan Riley Zack

Nays—2
Brochin Evans-Jones

COMMISSIONER LANGLEY PRESIDING

Proposal 120—A proposal to revise ARTICLE VII, s. 9, Fla. Const.; providing a statewide millage cap for water management purposes.

—was read.

On motion by Commissioner Mills, further consideration of Proposal 120 was deferred.

Committee Substitute for Proposals 31 and 55—A proposal to revise ARTICLE V, s. 14, Fla. Const.; providing for salaries, costs, and expenses of the judiciary, state attorneys, public defenders, and clerks of the circuit court, and their respective staffs, to be funded from state revenues appropriated by general law; providing for counties to fund the cost of construction, maintenance, utilities, and security of facilities for the judiciary, public defenders, state attorneys, and clerks of the circuit court, and their respective staffs.

—was read.

Commissioner Sundberg moved the following amendment to the proposal as engrossed which was adopted:

Amendment 1—On page 2, lines 21-29, delete those lines and insert: Counties shall be required to fund the cost of communications
services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries and costs and expenses of the state courts system to meet local requirements as

On motion by Commissioner Sundberg, Committee Substitute for Proposals 31 and 55 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—30

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

Nays—None

The Commission resumed consideration of—

Proposal 120—A proposal to revise ARTICLE VII, s. 9, Fla. Const.; providing a statewide millage cap for water management purposes.

—which was previously considered this day.

Commissioner Henderson moved Proposal 120 which failed. The vote was:

Yeas—13

Barkdull  Freidin  Lowndes  Nabors
Barnett  Hender  Mathis  Riley
Brochin  Kogan  Morsani  Sundberg
Ford-Coates

Nays—15

Mr. Chairman  Connor  Evans-Jones  Thompson
Alfonso  Corr  Jennings  Wetherington
Argiz  Crenshaw  Mills  Zack
Barton  Evans  Scott

CHAIRMAN DOUGLASS PRESIDING

Proposal 96—A proposal to revise ARTICLE I, s. 5, Fla. Const.; prescribing types of communication that are within the purview of the people's right to instruct their representatives.

—was read.

The Style and Drafting Committee recommended the following amendment which was moved by Commissioner Barnett and adopted:

Amendment 1—On page 1, lines 10-25, delete all of said lines and insert:

Section 1. Section 7 of Article VIII of the Florida Constitution is created to read:

ARTICLE I
DECLARATION OF RIGHTS

SECTION 7. Ex parte communications.—The people shall have the right to address local government public officials without regard to ex parte communications considerations, in a manner consistent with ethics laws.

On motion by Commissioner Nabors, Proposal 96 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—22

Alfonso  Crenshaw  Langley  Nabors
Argiz  Evans  Lowndes  Riley
Barkdull  Evans-Jones  Mathis  Rundle
Barnett  Ford-Coates  Mills  Scott
Barton  Freidin  Henderson  Morsani
Brochin  Kogan  Sundberg  Zack
Freidin  Smith  Wetherington
Connor

Nays—7

Brochin  Crenshaw  Langley  Nabors
Argiz  Evans-Jones  Mathis  Scott
Barkdull  Evans  Lowndes  Rundle
Barnett  Ford-Coates  Mills  Thompson
Barton  Freidin  Henderson  Morsani
Brochin  Kogan  Sundberg  Wetherington
Connor  Jennings  Rundle

Vote after roll call:

Yea—Thompson

Proposal 99—A proposal to revise ARTICLE VII, s. 18, Fla. Const.; providing that a county or municipality is not bound by any agency action or administrative rule that requires the expenditure of funds, reduces revenue raising authority, or reduces the percentage of shared state taxes.

—was read.

Commissioner Langley moved Proposal 99 which failed. The vote was:

Yeas—9

Alfonso  Evans-Jones  Lowndes  Smith
Corr  Ford-Coates  Jennings  Scott
Crenshaw

Nays—21

Argiz  Evans-Jones  Morsani  Thompson
Barkdull  Freidin  Nabors  Wetherington
Barnett  Henderson  Riley  Zack
Barton  Kogan  Rundle
Brochin  Mathis  Smith
Butterworth  Mills  Sundberg

Committee Substitute for Proposals 172 and 162—A proposal to repeal ARTICLE III, s. 16, Fla. Const., relating to legislative apportionment and create ARTICLE II, s. 10, Fla. Const.; providing for a commission to establish legislative and congressional districts; providing for the appointment of members to the commission; requiring that the chief justice of the supreme court fill certain vacancies on the commission; requiring meetings and records of the commission to be open to the public; providing for the supreme court to establish the districts under specified circumstances; providing for the assignment of senatorial terms that are shortened as a result of apportionment; deleting requirements that the Legislature apportion the state into legislative districts.

—was read.

On motion by Commissioner Evans-Jones, Committee Substitute for Proposals 172 and 162 was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—19

Mr. Chairman  Butterworth  Kogan  Sundberg
Barkdull  Evans-Jones  Mills  Thompson
Barnett  Ford-Coates  Nabors  Wetherington
Barton  Freidin  Riley  Zack
Brochin  Henderson  Smith
Nays—11

Alfonso  Crenshaw  Langley  Morsani
Argiz  Evans  Lowndes  Scott
Corr  Jennings  Mathis
The Commission resumed consideration of—

Proposal 37—A proposal to revise the Florida Constitution by adopting language that is not gender-specific.

—which was previously considered this day.

The Style and Drafting Committee recommended the following amendment which was moved by Commissioner Freidin and adopted:

Amendment 1—On page 1, lines 8-12, delete all of said lines and insert:

Section 1. Article I, Sections 4, 16(a) and 23; Article II, Section 5(b); Article III, Sections 3(f), 8(a) and (b), and 17(b) and (c); Article IV, Sections 1(a) and (c), 2, 3(b), 4(e), and 7(a); Article V, Sections 2(b), 3(a), 8, 10(a), 11(c), 17, 18, and 20(c), (d) and (e), Article VII, Section 6(b); Article X, Section 5; Article X, Sections 3 and 4(a); Article XI, Sections 2(b) and (c) and 6(c) of the Florida Constitution are amended to read:

ARTICLE I
DECLARATION OF RIGHTS

SECTION 4. Freedom of speech and press.—Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

SECTION 16. Rights of accused and of victims.—

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation against him, and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront adverse witnesses, to be heard in person, by counsel or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient, but before pleading the accused may elect in which of those counties the trial will take place. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

SECTION 23. Right of privacy.—Every natural person has the right to be let alone and free from governmental intrusion into his private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

ARTICLE II
GENERAL PROVISIONS

SECTION 5. Public officers.—

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; that I will well and faithfully perform the duties of [position], on which I am now about to enter. So help me God."

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

ARTICLE III
LEGISLATURE

SECTION 3. Sessions of the legislature.—

(f) ADJOURNMENT BY GOVERNOR. If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, he shall, while neither house is in recess, give each house shall be given formal written notice of the governor's intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

SECTION 8. Executive approval and veto.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if the governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to all of the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed, the governor shall transmit his objections thereto to the house in which the bill originated if in session. If that house is not in session, the governor shall file them with the secretary of state, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.

SECTION 17. Impeachment.—

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and, unless the governor is impeached, the governor may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or another justice designated by the chief justice, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the officer from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

ARTICLE IV
EXECUTIVE

SECTION 1. Governor.—

(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and executive or administrative state, county or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.

(c) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of the request, unless in their judgment the delay would cause public injury.

SECTION 2. Lieutenant governor.—There shall be a lieutenant governor, who shall perform such duties pertaining to the office of governor as shall be assigned to him by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.

SECTION 3. Succession to office of governor; acting governor.—
(b) Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or four cabinet members. Incapacity to serve as governor may also be established by certificate filed with the secretary of state by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 4. Cabinet.—

(e) The treasurer shall keep all state funds and securities and he shall disburse state funds only upon the order of the comptroller. Such order may be in any form and may require the disbursement of state funds by electronic means or by means of a magnetic tape or any other transfer medium.

SECTION 7. Suspensions; filling office during suspensions.—

(a) By executive order stating the grounds and filed with the secretary of state, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

ARTICLE V
JUDICIARY

SECTION 2. Administration; practice and procedure.—

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court; he shall be the chief administrative officer of the judicial system; and he shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief justice of a judicial circuit the power to assign judges for duty in that circuit's respective circuit.

SECTION 3. Supreme court.—

(a) ORGANIZATION.—The supreme court shall consist of seven justices. Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of the original appointment or election. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

SECTION 8. Eligibility.—No person shall be eligible for office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court. A justice or judge shall serve after attaining the age of seventy years except upon docketing or written suggestion by the governor, the legislature or four cabinet members. No person is eligible for the office of circuit court judge unless the person has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, no person is eligible for the office of county court judge unless the person has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a person shall be eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if the person is a member in good standing of the bar of Florida.

SECTION 10. Retention; election and terms.—

(a) Any justice of the supreme court or any judge of a district court of appeal may qualify for retention by a vote of the electors in the general election next preceding the expiration of the justice's or judge's term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, there shall be such a vote in that office upon the expiration of the term being served by the justice or judge. When a justice of the supreme court or a judge of a district court of appeal so qualifies, the ballot shall read substantially as follows: "Shall J justice (or (J judge) remain in such office?"

SECTION 11. Vacancies.—

(c) The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to him.

SECTION 17. State attorneys.—In each judicial circuit a state attorney shall be elected for a term of four years. Except as otherwise provided in this constitution, the state attorney shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; provided, however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit. He shall be and have been a member of the bar of Florida for the preceding five years. He shall devote full time to the duties of the office and he shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law.

SECTION 18. Public defenders.—In each judicial circuit a public defender shall be elected for a term of four years, who shall perform duties prescribed by general law. A public defender shall be an elector of the state and reside in the territorial jurisdiction of the circuit and he shall be and have been a member of the Bar of Florida for the preceding five years. Public defenders shall appoint such assistant public defenders as may be authorized by law.

SECTION 20. Schedule to Article V.—

(c) After this article becomes effective, and until changed by general law consistent with sections 1 through 19 of this article:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, and it shall determine all proceedings pending before it on the effective date of this article.

(2) The appellate districts shall be those in existence on the date of adoption of this article. There shall be a district court of appeal in each district. The district courts of appeal shall have the jurisdiction immediately theretofore exercised by the district courts of appeal and shall determine all proceedings pending before them on the effective date of this article.

(3) Circuit courts shall have jurisdiction of appeals from county courts and municipal courts, except those appeals which may be taken directly to the supreme court; and they shall have exclusive original jurisdiction in all actions at law not cognizable by the county courts; of proceedings relating to the settlement of the estate of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate; in all cases in equity including all cases relating to juveniles; of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged; in all proceedings involving legal title in land; in the action of ejectment; and in all actions involving the titles or boundaries or right of possession of real property. The circuit court may issue injunctions. There shall be judicial circuits which shall be the judicial circuits in existence on the date of adoption of this article. The chief judge of a circuit may authorize a county court judge to order emergency hospitalization pursuant to Chapter 71-131, Laws of Florida, in the absence from the county of the circuit judge and the county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.
County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit courts, of all violations of municipal and county ordinances, and of all actions at law in which the matter in controversy does not exceed the sum of two thousand five hundred dollars ($2,500.00) exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit courts. Judges of county courts shall be committing magistrates. The county courts shall have jurisdiction now exercised by the county judge's courts other than that vested in the circuit court by subsection (c)(3) hereof, the jurisdiction now exercised by the county courts, the claims court, the small claims courts, the small claims magistrates courts, the counties and courts of chartered counties, including but not limited to the counties referred to in Article VIII, sections 9, 10, 11 and 24 of the Constitution of 1885.

Each judicial nominating commission shall be composed of the following:

a. Three members appointed by the Board of Governors of the Florida Bar from among the Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit;

b. Three electors who reside in the territorial jurisdiction of the court or circuit appointed by the governor; and

c. Three electors who reside in the territorial jurisdiction of the court or circuit and who are not members of the bar of Florida, selected and appointed by a majority vote of the other six members of the commission.

No justice or judge shall be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. No member shall be eligible for appointment to state judicial office so long as that person has been a member of a judicial nominating commission and for a period of two years thereafter. All acts of a judicial nominating commission shall be made with a concurrence of a majority of its members.

The members of a judicial nominating commission shall serve for a term of four years except the terms of the initial members of the judicial nominating commissions shall expire as follows:

a. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1974;

b. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1975;

c. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1976;

All fines and forfeitures arising from offenses tried in the county court shall be collected, and accounted for by the clerk of the court, and deposited in a special trust account. All fines and forfeitures received from violations of ordinances or misdemeanors committed within a county or municipal ordinances committed within a municipality within the territorial jurisdiction of the county court shall be paid monthly to the county or municipality respectively. Any court costs assessed and collected in connection with offenses tried in county court, all court costs shall be paid into the general revenue fund of the state of Florida and such other funds as prescribed by general law.

Any municipality or county may apply to the chief judge of the circuit in which that municipality or county is situated for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police officers and upon such application said chief judge shall direct the court to sit in the location unless the chief judge shall determine the request is not justified. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the supreme court for an order directting the county court to sit in the location. Any municipality or county which so applies shall be required to provide the appropriate physical facilities in which the county court may hold court.

All courts except the supreme court may sit in divisions as may be established by local rule approved by the supreme court.

A county court judge in any county having a population of 40,000 or less according to the last decennial census, shall not be required to be a member of the bar of Florida.

Municipal prosecutors may prosecute violations of municipal ordinances.

Justice shall mean a justice elected or appointed to the supreme court and shall not include any judge assigned from any court.

(When this article becomes effective:

a. All courts not herein authorized, except as provided by subsection (d)(4) of this section shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior orders and judgments shall vest in the court that would have jurisdiction of the cause if thereafter instituted. All records of and property held by courts abolished hereby shall be transferred to the proper office of the appropriate court under this article.

b. Judges of the following courts, if their terms do not expire in 1973 and if they are eligible under subsection (d)(8) hereof, shall become additional judges of the circuit court for each of the counties of their respective circuits, and shall serve as such circuit judges for the remainder of the terms to which they were elected and shall be eligible for election as circuit judges thereafter. These courts are: circuit court of record of Dade county, all criminal courts of record, the felony courts of record of Alachua, Leon and Volusia Counties, the courts of record of Broward, Brevard, Escambia, Hillsborough, Lee, Manatee and Sarasota Counties, the civil and criminal court of record of Pinellas County, and county judge's courts and separate juvenile courts in counties having a population in excess of 100,000 according to the 1970 federal census. On the effective date of this article, there shall be an additional number of positions of circuit judges equal to the number of existing circuit judges and the number of judges of the above named courts whose term expires in 1973. Elections to such offices shall take place at the same time and manner as elections to other state judicial offices in 1972 and the terms of such offices shall be for a term of six years. Unless changed pursuant to section nine of this article, the number of circuit judges presently existing and created by this subsection shall not be changed.

c. In all counties having a population of less than 100,000 according to the 1970 federal census and having more than one county judge on the date of the adoption of this article, there shall be the same number of judges of the county court as there are county judges existing on that date unless changed pursuant to section 9 of this article.

(4) Municipal courts shall continue with their same jurisdiction until amended or terminated in a manner prescribed by special or general law or ordinances, or until January 3, 1977, whichever occurs first. On that date all municipal courts not previously abolished shall cease to exist.

(5) Judges of municipal courts shall remain in office and be subject to reappointment or reelection in the manner prescribed by law until said courts are terminated pursuant to the provisions of this subsection. Upon municipal courts being terminated or abolished in accordance with the provisions of this subsection, the judges thereof who are not members of the bar of Florida, shall be eligible to seek election as judges of county courts of their respective counties.

Judges, holding elective office in all other courts abolished by this article, whose terms do not expire in 1973 including judges established pursuant to Article VIII, sections 9 and 11 of the Constitution of 1885 shall serve as judges of the county court for the remainder of the term to which they were elected. Unless created pursuant to section 9 of this Article such judicial office shall not continue to exist thereafter.

(6) By March 21, 1972, the supreme court shall certify the need for additional circuit and county judges. The legislature in the 1972 regular session may by general law create additional offices of judge, the terms of which shall begin on the effective date of this article. Elections to such offices shall take place at the same time and manner as election to other state judicial offices in 1972.

(7) County judges of existing county judge's courts and justices of the peace and magistrates' court who are not members of the bar of Florida shall be eligible to seek election as county court judges of their respective counties.

(8) No judge of a court abolished by this article shall become or be eligible to become a judge of the circuit court unless the judge has been a member of the bar of Florida for the preceding five years.
(9) The office of judges of all other courts abolished by this article shall be abolished as of the effective date of this article.

(10) The offices of county solicitor and prosecuting attorney shall stand abolished, and all county solicitors and prosecuting attorneys holding such offices upon the effective date of this article shall retain their offices for the remainder of their respective terms. All members of the judicial qualifications commission in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. Each state attorney in office on the effective date of this article shall retain his office for the remainder of his term.

(2) No justice or judge holding office immediately after this article becomes effective who held judicial office on July 1, 1957, shall be subject to retirement from judicial office because of age pursuant to section 8 of this article.

ARTICLE VII
FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—
(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

ARTICLE IX 
EDUCATION

SECTION 5. Superintendent of schools.—In each school district there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent in any school district shall be employed by the district school board as provided by general law. The resolution or special law may be rescinded or repealed by either procedure after four years.

ARTICLE X 
MISCELLANEOUS

SECTION 3. Vacancy in office.—Vacancy in office shall occur upon the creation of an office, upon the death, of the incumbent or his removal from office, or resignation of the incumbent or the incumbent's succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

SECTION 4. Homestead; exemptions.—
(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person:

(1) a homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or the owner's family; or

(2) personal property to the value of one thousand dollars.

ARTICLE XI 
AMENDMENTS

SECTION 2. Revision commission.—
(b) The governor shall designate one member of the commission as its chairperson. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairperson, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

SECTION 6. Taxation and budget reform commission.—
(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chairperson and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chairperson and the concurrence of a majority of the members appointed by the governor pursuant to paragraph (a)(1), a concurrence of a majority of the members appointed by the speaker of the house of representatives pursuant to paragraph (a)(2), and a concurrence of a majority of the members appointed by the president of the senate pursuant to paragraph (a)(2) shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.

On motion by Commissioner Freidin, Proposal 37 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—25
Mr. Chairman Crenshaw Mathis Sundberg
Barkdull Ford-Coates Mills Thompson
Barnett Freidin Morsani Wetherington
Barton Henderson Nabors Zack
Brochin Jennings Riley
Butterworth Kogan Scott
Corr Lowndes Smith
Nays—2
Evans Langley

COMMITTEE MEETING CHANGE

Commissioner Mills announced that the Style and Drafting Committee would meet upon adjournment.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 11:51 a.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:22 p.m. A quorum present—31:

Mr. Chairman Corr Kogan Rundle
Alfonso Crenshaw Langley Scott
Argiz Evans Lowndes Smith
Barkdull Freidin Morsani Sundberg
Bartlett Ford-Coates Mills Thompson
Brochin Kogan Nabors Zack
Butterworth Jennings Riley

REPORTS OF COMMITTEES, continued

MOTION

On motion by Commissioner Barkdull, the rules were waived and Proposal 166 was placed after Proposal 181 for consideration this day.
On motion by Commissioner Sundberg, consideration of Proposal 2 was deferred.

Proposal 5—A proposal to revise ARTICLE I, s. 2, Fla. Const.; prohibiting discrimination based on national origin.
—was read.

On motion by Commissioner Zack, on behalf of Commissioner Planas, Proposal 5 was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—28

Nays—None

Proposal 11—A proposal to revise ARTICLE I, s. 2, Fla. Const.; providing that persons may not be deprived of their rights because of gender.
—was read.

MOTION
On motion by Commissioner Mills, by two-thirds vote, debate on Proposal 11 was extended two-and-a-half minutes per side, for a total of five minutes.

On motion by Commissioner Freidin, Proposal 11 was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—20
Mr. Chairman Ford-Coates Lowndes Scott Argiz Friedin Mills Smith Barnett Henderson Morsani Sundberg Butterworth Jennings Riley Wetherington Crenshaw Kogan Rundle Zack

Nays—11
Alfonso Brochin Evans-Jones Nabors Crenshaw Langley Scott Barton Friedin Mathis Sundberg Bartdull Evans-Jones Morsani Thompson Butterworth Henderson Nabors Wetherington Corr Jennings Kogan Rundle

The vote was:

Yeas—21
Alfonso Crenshaw Langley Scott Barkdull Evans Lowndes Thompson Barnett Friedin Mills Mathis Sundberg Butterworth Ford-Coates Morsani Thompson Connin Henderson Nabors Butterworth Jennings Rundle Corr Kogan Rundle Wetherington

Nays—10
Argiz Brochin Evans-Jones Nabors Crenshaw Langley Scott Barton Friedin Mathis Sundberg Bartdull Evans-Jones Morsani Thompson Butterworth Henderson Nabors Wetherington Corr Jennings Kogan Rundle

MOTION
On motion by Commissioner Mills, the debate time for proponents of Proposal 2 was extended to equal the debate time allowed opponents of the proposal.

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

Yeas—21
Mr. Chairman Ford-Coates Mills Thompson Argiz Friedin Nabors Wetherington Barnett Henderson Riley Zack Butterworth Jennings Rundle Connin Kogan Smith Evens-Jones Morsani Sundberg

Nays—10

Proposal 58—A proposal to revise ARTICLE I, s. 21, Fla. Const.; providing that the right to recover in an action for personal injury or death may not be denied because of age.
—was read.

Commissioner Zack moved Proposal 58 which failed. The vote was:

Yeas—11
Argiz Friedin Mathis Sundberg Connor Kogan Rundle Zack Evans Langley Smith

202 CONSTITUTION REVISION COMMISSION February 25, 1998
MOTION TO RECONSIDER

Commissioner Connor moved that the Commission reconsider the vote by which Proposal 59 as amended failed February 24. The motion was placed on the calendar.

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

—was read.

COMMISSIONER THOMPSON PRESIDING

On motion by Commissioner Connor, Proposal 187 was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—18
Alfonso  Corr  Langley  Smith
Argiz  Evans  Lowndes  Sundberg
Barton  Ford-Coates  Mathis  Zack
Butterworth  Jennings  Mills
Connor  Jennings  Scott
Nays—7
Barkdull  Buttermworth  Kogan  Riley
Barnett  Freidin  Nabors

CHAIRMAN DOUGLASS PRESIDING

Proposal 24—A proposal to revise ARTICLE IV, s. 8, Fla. Const.; requiring that a state prisoner serve at least 85 percent of his or her term of imprisonment, unless granted pardon or clemency; prohibiting the reduction of a prisoner’s sentence by more than 15 percent; requiring that a state prisoner sentenced to life imprisonment be incarcerated for the remainder of his or her natural life, unless granted pardon or clemency.

—was read.

On motion by Commissioner Rundle, Proposal 24 was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—17
Alfonso  Crenshaw  Mathis  Thompson
Argiz  Evans  Mills  Zack
Barton  Evans-J ones  Riley
Butterworth  Ford-Coates  Rundle
Corr  Jennings  Scott
Nays—14
Barkdull  Freidin  Lowndes  Sundberg
Barnett  Henderson  Morsani  Wetherington
Brochin  Kogan  Nabors
Connor  Langley  Smith

MATTERS ON RECONSIDERATION

Commissioner Connor moved to waive the rules to allow consideration of the pending motion to reconsider Proposal 59 as amended. The motion was adopted.

The motion by Commissioner Connor to reconsider the vote by which Proposal 59 as amended failed February 24 was taken up and adopted. The vote was:

Yeas—21
Alfonso  Corr  Kogan  Sundberg
Argiz  Evans  Langley  Wetherington
Barnett  Evans-J ones  Lowndes  Wetherington
Barton  Freidin  Morsani  Zack
Brochin  Henderson  Riley
Connor  Jennings  Smith
Nays—9
Barkdull  Ford-Coates  Nabors  Scott
Butterworth  Mathis  Rundle  Thompson
Crenshaw

RECESS

The Chairman declared the Commission in informal recess at 4:09 p.m. to reconvene at 4:20 p.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 4:21 p.m. A quorum was present.
MOTION

Commissioner Langley moved that the time of recess be extended until completion of proposals on the calendar. The motion failed. The vote was:

Yeas—12
Butterworth  Henderson  Langley  Rundle
Connor  Jennings  Mathis  Scott
Crenshaw  Kogan  Nabors  Thompson

Nays—15
Mr. Chairman  Barton  Freidin  Riley
Alfonso  Corr  Lowndes  Sundberg
Barkdull  Evans  Mills  Zack
Barnett  Ford-Coates  Morsani

REPORTS OF COMMITTEES, continued

Proposal 167—A proposal to revise ARTICLE VIII, s. 5, Fla. Const.; authorizing each county to require a background check and waiting period in connection with the sale of any firearm; defining the term “sale.”

—was read.

Commissioner Alfonso moved the following amendment to the proposal as engrossed which was adopted:

Amendment 1—On page 1, line 30, after “firearm” insert: when any part of the transaction is conducted on property to which the public has the right of access

COMMISSIONER JENNINGS PRESIDING

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

Amendment 2—On page 1, lines 27 and 30, and on page 2, line 2, delete “firearms” and insert: handgun

And the title is amended as follows:

Amendment 1—On page 1, line 5, delete “firearm” and insert: handgun

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Rules and Administration Committee would meet upon adjournment.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 24 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 5:06 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Thursday, February 26, 1998.

PAGES

February 25

Under the direction of their advisor, Donna Summers, the following students from Bristol Middle School in Liberty County served as pages: Ashley Hill, Ricky Mayo, Leann Nobles, Jennifer Proctor, Erica Spivey and Charles Steward.